

196.285 Intensive secured substance abuse recovery program.

- (1) The department shall develop an intensive secured substance abuse recovery program utilizing existing resources or by contract to house and care for persons suffering from substance abuse who have been charged with a felony offense.
- (2) The program shall accept persons referred to it under KRS 533.250 and 533.251.
- (3) Persons may agree to be ordered into the program for a period of not less than ninety (90) days and not more than three hundred sixty-five (365) days. No person shall be involuntarily ordered into the program, a commitment shall not occur before the court has considered an evaluation of the defendant's treatment needs and conducted a hearing where the defendant may appear with counsel with an opportunity to present evidence on his or her own behalf, and persons in the program may petition the court to review the program's determination as to the length of time the person is to remain in the program or to issue an order to leave the program, which the court shall grant upon request, at any time. However, that departure shall constitute a material breach of any agreement to hold the person's case in abeyance or of the person's pretrial diversion agreement. The court shall revoke a defendant's program commitment over the defendant's objection prior to the expiration of the commitment period only pursuant to an order of the committing court issued after the court has conducted a hearing on the matter where the defendant may appear with counsel and present evidence on his or her behalf.
- (4) The department shall locate the program in a secure facility with security standards comparable to those found in a minimum security correctional institution operated by the department.
- (5) The program shall be capable of concurrently housing no fewer than two hundred (200) persons. The department shall have regulatory authority, when the program is at or near capacity, to prioritize admissions to the program.
- (6) The program's recovery component shall be designed to serve the committed person's substance abuse condition, and to provide the person with the skills and training needed to prevent the person from engaging in substance abuse upon release from the program. The program shall provide each person leaving the program with an aftercare plan, which shall include a referral to a local substance abuse provider capable of providing a level of continuing substance abuse care appropriate to the released person's needs. In designing the program, the department shall consult with and may contract with the Division of Behavioral Health.

Effective: March 24, 2009

History: Created 2009 Ky. Acts ch. 96, sec. 1, effective March 24, 2009.

Legislative Research Commission Note (7/12/2012). 2012 Ky. Acts ch. 158, sec. 84, instructs the Reviser of Statutes to correct statutory references to agencies and officers affected by the reorganization of the Cabinet for Health and Family Services in that Act. Accordingly, in subsection (6) of this statute, "Division of Mental Health and Substance Abuse Services" has been changed to "Division of Behavioral Health."