

AN ACT relating to day reporting programs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "County jail" means all detention and penal facilities of a county, charter county, urban-county government, unified local government, or consolidated local government for adult offenders, together with all its rehabilitative facilities for adult offenders, including facilities operated by private agencies under contract with the county, charter county, urban-county government, unified local government, or consolidated local government;

(b) "Day reporting program" or "program" means a community-based, structured sentencing program operated by a county jail that combines enhanced community supervision with resources and services tailored to meet identified offender needs; and

(c) "Eligible defendant" means an individual convicted of a misdemeanor or a felony who is eligible to serve all or part of his or her sentence in a county jail or who is found in contempt of court and who meets the intake criteria established by the day reporting program to which the person would be sentenced.

(2) A court may sentence an eligible defendant as part of an alternative sentencing plan or as a sentence for contempt to a local day reporting program for a period of time not longer than the defendant's maximum potential period of incarceration if:

(a) The program utilizes whenever practicable a validated screening tool based on criminogenic risk factors to identify an individual's likelihood of

reoffending and his or her treatment needs in determining program eligibility;

(b) The program has agreed to accept the defendant;

(c) The defendant agrees in writing to comply with the program's written terms and conditions; and

(d) The defendant, if additionally required by the court or the program to do so, agrees to be subject to the conditions of electronic monitoring pursuant to KRS 532.210 to 532.250.

(3) In sentencing a defendant to a day reporting program under this section, a court may authorize a temporary release from the program for any of the purposes allowed for the release of a jail prisoner under KRS 439.179.

(4) The day reporting program shall provide a weekly report of all violations of the program's terms and conditions for each program participant to the sentencing court, to the prosecutor, and to the defendant in the case. If specified in the program's written terms and conditions, the program may alter the terms and conditions of a person's participation in the program in response to that person's minor breach of the program's terms and conditions.

(5) A court may alter or revoke a defendant's participation in a day reporting program if written notice of the grounds for alteration or revocation is given to the defendant and a hearing is conducted at which the defendant is represented by counsel. Following the hearing, if the court finds that the defendant has without good cause failed to participate in the program or to comply with its terms and conditions, the court may impose any additional sentence or other sanction specified in the original sentencing order.

(6) The Administrative Office of the Courts shall prescribe forms to be utilized in the implementation of this section.

(7) A day reporting program may be referred to as a day reporting center or other

*appropriate nomenclature in its day-to-day operations.*