

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2017 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **HB 315/HCS 1**

On page 7, line 18, by deleting the words "charged with" and inserting in lieu thereof "convicted of"; and

On page 8, by deleting lines 13 through 27, and inserting in lieu thereof:

**"(2) The defendant shall not be released for a minimum of seventy-six (76) to ninety (90) days of the sentence imposed if the offense he or she is convicted of is classified as a Class B misdemeanor, or for a minimum of three hundred eleven (311) to three hundred sixty-five (365) days if the offense he or she is convicted of is classified as a Class A misdemeanor if the court finds beyond a reasonable doubt that the defendant was:**

**(a) A criminal gang member at the time of the commission of the offense; and**

**(b) Acting for the purpose of benefiting, promoting, or furthering the interest of a criminal gang or any individual member of a criminal gang at the time he or she committed the offense.**

**This subsection shall not apply to juveniles who have not been determined to be youthful offenders pursuant to the provisions of KRS 635.020 and 640.010.**"; and

On page 9, by deleting lines 3 through 14 and inserting in lieu thereof:

**"(1) Other provisions of law notwithstanding, any person who:**

**(a) Is convicted of an offense classified as a felony under any provision of the Kentucky Revised Statutes and for which the commission of the felony or felonies**

Amendment No. HFA 1

Rep. Rep. Robert Benvenuti III

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRC Drafter: Nardy, Dale

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXX

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- could or did place a member of the public at risk of physical injury, serious physical injury, or death; and
- (b) At the time of the commission of the offense or offenses was a member of a criminal gang and acting for the purpose of benefiting, promoting, or furthering the interests of a criminal gang or any individual member of a criminal gang;
- shall be penalized one (1) class more severely than provided in the penalty provision pertaining to that felony offense, unless the reclassification would move the offense to a capital offense, and shall not be released on parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.
- (2) This section shall not apply to juveniles who have not been determined to be youthful offenders pursuant to the provisions of KRS 635.020 and 640.010."