

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2017 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 120/HCS 1**

On page 178, after line 13, by inserting the following:

"➔Section 101. KRS 532.260 is amended to read as follows:

- (1) Any Class C or Class D felon who is serving a sentence in a state-operated prison, contract facility, or county jail shall, at the discretion of the commissioner, be eligible to serve the remainder of his or her sentence outside the walls of the detention facility under terms of home incarceration or conditional release to an appropriate housing alternative specified by KRS 532.262 using an approved monitoring device as defined in KRS 532.200, if the felon:
 - (a)
 - 1. Has not been convicted of, pled guilty to, or entered an Alford plea to a violent felony as defined by the Department of Corrections classification system; or
 - 2. Has not been convicted of, pled guilty to, or entered an Alford plea to a sex crime as defined in KRS 17.500;
 - (b) Has nine (9) months or less to serve on his or her sentence;
 - (c) Has voluntarily participated in a discharge planning process with the department to address his or her:
 - 1. Education;
 - 2. Employment, technical, and vocational skills;
 - 3. Housing, medical, and mental health needs; and

Amendment No. HFA 4

Rep. Rep. Ken Upchurch

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Nardy, Dale

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

Unofficial Document

4. Criminal risk factors; and
- (d) Has needs that may be adequately met in the community where he or she will reside upon release.
- (2) A person who is placed under terms of home incarceration pursuant to subsection (1) of this section shall remain in the custody of the Department of Corrections. Any unauthorized departure from the terms of home incarceration may be prosecuted as an escape pursuant to KRS Chapter 520 and shall result in the person being returned to prison.
- (3) The Department of Corrections shall, no later than January 1, 2018, promulgate administrative regulations that prescribe reasonable guidelines under which a home incarceration program may operate within the Commonwealth. The regulations shall set forth guidelines allowing any person or entity to provide home incarceration monitoring services if the person or entity wishes to provide home incarceration monitoring services in the Commonwealth and is determined to be a qualified provider of home incarceration monitoring services. These regulations shall be consistent with the provisions of Sections 19 and 95 of this Act[to implement the provisions of this section].
- (4) No person, firm, or monitoring service shall monitor any individual who is otherwise eligible for participation in a home incarceration program unless that person, firm, or service is approved by the Department of Corrections to offer monitoring services in the county where the participant is charged, convicted, or subject to contempt proceedings. Approval by the Department of Corrections shall not be required until the establishment of regulations and guidelines for the operation of home incarceration programs.".