

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 441.055 is amended to read as follows:

4 (1) The Department of Corrections shall for those counties which elect to house state  
5 prisoners in their jail:

6 (a) Adopt the recommendations of the Jail Standards Commission created  
7 pursuant to Executive Order Number 81-1026 and promulgate regulations  
8 pursuant to KRS Chapter 13A establishing minimum standards for jails.  
9 These standards shall include, but not be limited to, rules governing the  
10 following areas:

- 11 1. Health and safety conditions;
- 12 2. Fire safety;
- 13 3. Jail operations, recordkeeping, and administration;
- 14 4. Curriculum of basic and continuing annual training for jailers and jail  
15 personnel;
- 16 5. Custody, care, and treatment of prisoners;
- 17 6. Medical care; and
- 18 7. Jail equipment, renovation, and construction;

19 (b) Develop a jail standards review process, which shall include the participation  
20 of persons knowledgeable of jail operations to review and amend the  
21 standards as necessary. The jail standards shall be reviewed no later than  
22 December 31, 1992, and at least every two (2) years thereafter. Fifty percent  
23 (50%) of the participants in the review process shall be appointed from  
24 persons representing county interests and fifty percent (50%) shall be  
25 appointed from persons representing state interests; and

26 (c) Provide technical assistance and consultation to local governments in order to  
27 facilitate compliance with standards.

1 (2) The department shall, for those counties that elect not to hold state prisoners in their  
 2 jails, adopt the recommendations of the Jail Standards Commission and promulgate  
 3 administrative regulations pursuant to KRS Chapter 13A to establish minimum  
 4 standards for those jails. These standards shall be limited to health and life safety.

5 (3) All minimum standards promulgated by the department applying to jails shall  
 6 include requirements for adequate nutrition for pregnant prisoners, an adequate  
 7 number of hygiene products for female prisoners, and an appropriate number of  
 8 undergarments for female prisoners.

9 (4) The department may establish classifications of jails based on the maximum  
 10 permissible period of incarceration or other criteria and promulgate standards for  
 11 each class of jail.

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO  
 13 READ AS FOLLOWS:

14 (1) Except as provided in subsection (2) of this section, an inmate housed in a jail,  
 15 penitentiary, or local or state correctional or detention facility, residential center,  
 16 or reentry center who is known to be pregnant shall be restrained solely with  
 17 handcuffs in front of her body unless further restraint is required to protect  
 18 herself or others.

19 (2) (a) Except in an extraordinary circumstance, no inmate who is known to be  
 20 pregnant shall be restrained during labor, during transport to a medical  
 21 facility or birthing center for delivery, or during postpartum recovery.

22 (b) As used in this subsection, "extraordinary circumstance" means that  
 23 reasonable grounds exist to believe the inmate presents an immediate and  
 24 credible:

25 1. Serious threat of hurting herself, staff, or others; or

26 2. Risk of escape that cannot be reasonably minimized through any  
 27 method other than restraints.

1           ➔Section 3. KRS 197.020 is amended to read as follows:

2       (1) The Department of Corrections shall:

3           (a) Promulgate administrative regulations for the government and discipline of  
4           the penitentiary, for the government and official conduct of all officials  
5           connected with the penitentiary, and for the government of the prisoners in  
6           their department and conduct;

7           (b) Promulgate administrative regulations for the character of food and diet of the  
8           prisoners; the preservation of the health of the prisoners; the daily cleansing of  
9           the penitentiary; the cleanliness of the persons of the prisoners; the general  
10          sanitary government of the penitentiary and prisoners; the character of the  
11          labor; the quantity of food and clothing; and the length of time during which  
12          the prisoners shall be employed daily;

13          (c) Promulgate administrative regulations, as the department deems necessary, for  
14          the disposition of abandoned, lost, or confiscated property of prisoners;

15          (d) Promulgate administrative regulations for the administration of a validated  
16          risk and needs assessment to assess the criminal risk factors and correctional  
17          needs of all inmates upon commitment to the department;

18          (e) Promulgate administrative regulations to create a certification process for  
19          county jails that may house female state inmates. The administrative  
20          regulations shall include a requirement of a physical barrier between male  
21          and female inmates; and

22          ~~(f)(e)~~ Cause the administrative regulations promulgated by the department,  
23          together with the law allowing commutation of time to prisoners for good  
24          conduct, to be printed and posted in conspicuous places in the cell houses and  
25          workshops.

26       (2) The department may impose a reasonable fee for the use of medical facilities by a  
27       prisoner who has the ability to pay for the medical and dental care. These funds may

1 be deducted from the prisoner's inmate account. A prisoner shall not be denied  
2 medical or dental treatment because he has insufficient funds in his inmate account.

3 (3) The department may promulgate administrative regulations in accordance with KRS  
4 Chapter 13A to implement a program that provides for reimbursement of telehealth  
5 consultations.

6 (4) Fees for the use of medical facilities by a state prisoner who is confined in a county  
7 jail pursuant to KRS 532.100 or other statute shall be governed by KRS 441.045.

8 ➔Section 4. KRS 532.100 is amended to read as follows:

9 (1) When an indeterminate term of imprisonment is imposed, the court shall commit  
10 the defendant to the custody of the Department of Corrections for the term of his  
11 sentence and until released in accordance with the law.

12 (2) When a definite term of imprisonment is imposed, the court shall commit the  
13 defendant to the county or city correctional institution or to a regional correctional  
14 institution for the term of his sentence and until released in accordance with the law.

15 (3) When a sentence of death is imposed, the court shall commit the defendant to the  
16 custody of the Department of Corrections with directions that the sentence be  
17 carried out according to law.

18 (4) (a) The provisions of KRS 500.080(5) notwithstanding, if a Class D felon is  
19 sentenced to an indeterminate term of imprisonment of five (5) years or less,  
20 he shall serve that term in a county jail in a county in which the fiscal court  
21 has agreed to house state prisoners; except that, when an indeterminate  
22 sentence of two (2) years or more is imposed on a Class D felon convicted of  
23 a sexual offense enumerated in KRS 197.410(1), or a crime under KRS  
24 17.510(11) or (12), the sentence shall be served in a state institution. Counties  
25 choosing not to comply with the provisions of this paragraph shall be granted  
26 a waiver by the commissioner of the Department of Corrections.

27 (b) The provisions of KRS 500.080(5) notwithstanding, a Class D felon who

1 received a sentence of more than five (5) years for nonviolent, nonsexual  
2 offenses, but who currently has less than five (5) years remaining to be served,  
3 may serve the remainder of his or her term in a county jail in a county in  
4 which the fiscal court has agreed to house state prisoners.

5 (c) 1. The provisions of KRS 500.080(5) notwithstanding, and except as  
6 provided in subparagraph 2. of this paragraph, a Class C or D felon with  
7 a sentence of more than five (5) years who is classified by the  
8 Department of Corrections as community custody shall serve that term  
9 in a county jail in a county in which the fiscal court has agreed to house  
10 state prisoners if:

- 11 a. Beds are available in the county jail;
- 12 b. State facilities are at capacity; and
- 13 c. Halfway house beds are being utilized at the contract level as of  
14 July 15, 2000.

15 2. When an indeterminate sentence of two (2) years or more is imposed on  
16 a felon convicted of a sex crime, as defined in KRS 17.500, or any  
17 similar offense in another jurisdiction, the sentence shall be served in a  
18 state institution.

19 3. Counties choosing not to comply with the provisions of this paragraph  
20 shall be granted a waiver by the commissioner of the Department of  
21 Corrections.

22 (d) Any jail that houses state inmates under this subsection shall offer programs  
23 as recommended by the Jail Standards Commission. The Department of  
24 Corrections shall adopt the recommendations of the Jail Standards  
25 Commission and promulgate administrative regulations establishing required  
26 programs for a jail that houses state inmates under this subsection.

27 **(e) Before housing any female state inmate, a county jail shall be certified**

1                   *pursuant to Section 3 of this Act.*

2       (5)   The jailer of a county in which a Class D felon or a Class C felon is incarcerated  
3            may request the commissioner of the Department of Corrections to incarcerate the  
4            felon in a state corrections institution if the jailer has reasons to believe that the  
5            felon is an escape risk, a danger to himself or other inmates, an extreme security  
6            risk, or needs protective custody beyond that which can be provided in a county jail.  
7            The commissioner of the Department of Corrections shall evaluate the request and  
8            transfer the inmate if he deems it necessary. If the commissioner refuses to accept  
9            the felon inmate, and the Circuit Judge of the county that has jurisdiction of the  
10           offense charged is of the opinion that the felon cannot be safely kept in a county  
11           jail, the Circuit Judge, with the consent of the Governor, may order the felon  
12           transferred to the custody of the Department of Corrections.

13       (6)   Class D felons and Class C felons serving their time in a local jail shall be  
14            considered state prisoners, and the Department of Corrections shall pay the jail in  
15            which the prisoner is incarcerated a per diem amount determined according to KRS  
16            431.215(2). For other state prisoners and parole violator prisoners, the per diem  
17            payments shall also begin on the date prescribed in KRS 431.215(2).

18       (7)   State prisoners, excluding the Class D felons and Class C felons qualifying to serve  
19            time in county jails, shall be transferred to the state institution within forty-five (45)  
20            days of final sentencing.

21       (8)   (a)   Class D felons eligible for placement in a local jail may be permitted by the  
22            warden or jailer to participate in any approved community work program or  
23            other form of work release with the approval of the commissioner of the  
24            Department of Corrections.

25           (b)   The authority to release an inmate to work under this subsection may be  
26            exercised at any time during the inmate's sentence, including the period when  
27            the court has concurrent authority to permit work release pursuant to KRS

1 439.265.

2 (c) The warden or jailer may require an inmate participating in the program to pay  
3 a fee to reimburse the warden or jailer for the cost of operating the community  
4 work program or any other work release program. The fee shall not exceed the  
5 lesser of fifty-five dollars (\$55) per week or twenty percent (20%) of the  
6 prisoner's weekly net pay earned from the community work program or work  
7 release participation. In addition, the inmate may be required to pay for any  
8 drug testing performed on the inmate as a requirement of the community work  
9 program or work release participation.

10 (d) This subsection shall not apply to an inmate who:

- 11 1. Is not eligible for work release pursuant to KRS 197.140;
- 12 2. Has a maximum or close security classification as defined by  
13 administrative regulations promulgated by the Department of  
14 Corrections;
- 15 3. Is subject to the provisions of KRS 532.043; or
- 16 4. Is in a reentry center as defined in KRS 441.005.

17 ➔Section 5. Section 4 of this Act takes effect January 1, 2019.

18 ➔Section 6. KRS 403.725 is amended to read as follows:

19 (1) A petition for an order of protection may be filed by:

- 20 (a) A victim of domestic violence and abuse; or
- 21 (b) An adult on behalf of a victim who is a minor otherwise qualifying for relief  
22 under this subsection.

23 (2) The petition may be filed in the victim's county of residence or a county where the  
24 victim has fled to escape domestic violence and abuse.

25 (3) The petition shall be verified and contain:

- 26 (a) The name, age, address, occupation, residence, and school or postsecondary  
27 institution of the petitioner;

- 1 (b) The name, age, address, occupation, residence, and school or postsecondary  
2 institution of the person or persons who have engaged in the alleged act or  
3 acts complained of in the petition;
- 4 (c) The facts and circumstances which constitute the basis for the petition;
- 5 (d) The date and place of the marriage of the parties, if applicable; and
- 6 (e) The names, ages, and addresses of the petitioner's minor children, if  
7 applicable.
- 8 (4) The petition shall be filed on forms prescribed by the Administrative Office of the  
9 Courts and provided to the person seeking relief by the circuit clerk or by another  
10 individual authorized by the court to provide and verify petitions in emergency  
11 situations, such as law enforcement officers, ~~and~~ Commonwealth's or county  
12 attorneys, and regional rape crisis centers or domestic violence shelters.
- 13 (5) All petitions requested, completed, and signed by persons seeking protection under  
14 this chapter shall be accepted and filed with the court.
- 15 (6) (a) Jurisdiction over petitions filed under this chapter shall be concurrent between  
16 the District Court and Circuit Court and a petition may be filed by a petitioner  
17 in either court, except that a petition shall be filed in a family court if one has  
18 been established in the county where the petition is filed.
- 19 (b) The Court of Justice shall provide a protocol for twenty-four (24) hour access  
20 to orders of protection in each county with any protocol, whether statewide or  
21 local, being subject to Supreme Court review and approval of the initial  
22 protocol and any subsequent amendments. This protocol may allow for  
23 petitions to be filed in or transferred to a court other than those specified in  
24 paragraph (a) of this subsection.
- 25 (c) The Court of Justice may authorize by rule that petitions in a specific county  
26 be filed in accordance with a supplemental jurisdictional protocol adopted for  
27 that county. This protocol may provide for petitions to be filed in or



1 transferred to a court other than those specified in paragraph (a) of this  
2 subsection.

3 **(d) 1. In addition to the protocols for twenty-four (24) hour access**  
4 **established under paragraphs (b) and (c) of this subsection, before**  
5 **January 1, 2019, the Court of Justice shall provide protocols for filing,**  
6 **including electronic filing, of petitions for orders of protection at those**  
7 **regional rape crisis centers designated under KRS 211.600, or**  
8 **regional domestic violence shelters designated under KRS 209A.045,**  
9 **that elect to participate in any county's twenty-four (24) hour access**  
10 **protocol.**

11 **2. These protocols shall be subject to Supreme Court review for approval**  
12 **of the initial protocol and any subsequent amendments.**

13 (7) Any judge to whom a petition is referred under subsection (6) of this section shall  
14 have full authority to review and hear a petition and subsequently grant and enforce  
15 an order of protection.

16 (8) If the judge of a court in which there is a pending request for modification or  
17 enforcement of an existing order of protection is unavailable or unable to act within  
18 a reasonable time, the proceedings may be conducted by any judge of the county in  
19 accordance with court rules.

20 ➔Section 7. KRS 456.030 is amended to read as follows:

21 (1) A petition for an interpersonal protective order may be filed by:

22 (a) A victim of dating violence and abuse;

23 (b) A victim of stalking;

24 (c) A victim of sexual assault; or

25 (d) An adult on behalf of a victim who is a minor otherwise qualifying for relief  
26 under this subsection.

27 (2) The petition may be filed in the victim's county of residence or a county where the

- 1 victim has fled to escape dating violence and abuse, stalking, or sexual assault.
- 2 (3) The petition shall be verified and contain:
- 3 (a) The name, age, address, occupation, residence, and school or postsecondary  
4 institution of the petitioner;
- 5 (b) The name, age, address, occupation, residence, and school or postsecondary  
6 institution of the person or persons who have engaged in the alleged act or  
7 acts complained of in the petition;
- 8 (c) The facts and circumstances which constitute the basis for the petition; and
- 9 (d) The names, ages, and addresses of the petitioner's minor children, if  
10 applicable.
- 11 (4) The petition shall be filed on forms prescribed by the Administrative Office of the  
12 Courts and provided to the person seeking relief by the circuit clerk or by another  
13 individual authorized by the court to provide and verify petitions in emergency  
14 situations, such as law enforcement officers, ~~and~~ Commonwealth's or county  
15 attorneys, **and regional rape crisis centers or domestic violence shelters.**
- 16 (5) All petitions requested, completed, and signed by persons seeking protection under  
17 this chapter shall be accepted and filed with the court.
- 18 (6) (a) Jurisdiction over petitions filed under this chapter shall be concurrent between  
19 the District Court and Circuit Court.
- 20 (b) The Court of Justice shall provide a protocol for twenty-four (24) hour access  
21 to interpersonal protective orders in each county with any protocol, whether  
22 statewide or local, being subject to Supreme Court review and approval of the  
23 initial protocol and any subsequent amendments. This protocol may allow for  
24 petitions to be filed in or transferred to a court other than those specified in  
25 paragraph (a) of this subsection.
- 26 (c) The Court of Justice may authorize by rule that petitions in a specific county  
27 be filed in accordance with a supplemental jurisdictional protocol adopted for

1 that county. This protocol may provide for petitions to be filed in or  
 2 transferred to a court other than those specified in paragraph (a) of this  
 3 subsection.

4 **(d) 1. In addition to the protocols for twenty-four (24) hour access**  
 5 **established under paragraphs (b) and (c) of this subsection, before**  
 6 **January 1, 2019, the Court of Justice shall provide protocols for filing,**  
 7 **including electronic filing, of petitions for orders of protection at those**  
 8 **regional rape crisis centers designated under KRS 211.600, or**  
 9 **regional domestic violence shelters designated under KRS 209A.045,**  
 10 **that elect to participate in any county's twenty-four (24) hour access**  
 11 **protocol.**

12 **2. These protocols shall be subject to Supreme Court review for approval**  
 13 **of the initial protocol and any subsequent amendments.**

14 (7) Any judge to whom a petition is referred under subsection (6) of this section shall  
 15 have full authority to review and hear a petition and subsequently grant and enforce  
 16 an interpersonal protective order.

17 (8) If the judge of a court in which there is a pending request for modification or  
 18 enforcement of an existing order of protection is unavailable or unable to act within  
 19 a reasonable time, the proceedings may be conducted by any judge of the county in  
 20 accordance with court rules.

21 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 439 IS CREATED TO  
 22 READ AS FOLLOWS:

23 **(1) As used in this section:**

24 **(a) "Eligible person" means a person who is:**

25 **1. A pregnant woman;**

26 **2. Reasonably believed by a court or the department to have a substance**  
 27 **use disorder;**

1           3. Not charged or convicted of an offense that would qualify the person  
 2           as a violent offender under KRS 439.3401; and

3           4. Not charged or convicted of an offense under KRS Chapter 510, KRS  
 4           529.100 involving commercial sexual activity, KRS 530.020,  
 5           530.064(1)(a), 531.310, or 531.320; and

6           (b) "Pregnancy release conditions" means conditions of release set by a court  
 7           or the department for eligible persons which shall include:

8           1. Completing inpatient residential treatment for substance use  
 9           disorders;

10          2. Not being charged with a new local, state, or federal misdemeanor or  
 11          felony offense;

12          3. If not yet sentenced, appearing for all required court appearances;  
 13          and

14          4. If not yet sentenced, avoiding all contact with any alleged victim and  
 15          any potential witness who may testify concerning the charge, unless or  
 16          until the court removes this condition.

17          (2) Notwithstanding any other statute to the contrary, when an eligible person is  
 18          charged or convicted of any violation of KRS Chapter 218A, the person shall be  
 19          released from custody upon her own recognizance so long as the person  
 20          successfully meets the pregnancy release conditions. If the pregnancy release  
 21          conditions are violated, the eligible person shall be returned to custody to await  
 22          sentencing or to serve the sentence for the original conviction under KRS  
 23          Chapter 218A as well as the sentence for any subsequent charges or convictions,  
 24          if any.

25          ➔Section 9. KRS 431.517 is amended to read as follows:

26          (1) Except as provided in this section, home incarceration may be ordered as a form of  
 27          pretrial release, subject to the conditions imposed by the provisions of KRS 532.200

1 to 532.250.

2 (2) **No defendant charged with an offense under KRS Chapter 507 may be released**  
 3 **on home incarceration unless the court makes a finding that the defendant would**  
 4 **not pose a threat to society.**

5 (3) A court ordering home incarceration as a form of pretrial release pursuant to this  
 6 section may order the defendant to participate in a global positioning monitoring  
 7 system program during all or part of the time of pretrial release through the use of a  
 8 county-operated program pursuant to KRS 67.372 and 67.374 and not a program  
 9 operated by the Department of Corrections pursuant to KRS 532.210 to 532.250.

10 ~~(4)~~~~(3)~~ A court ordering global positioning monitoring system program participation  
 11 for a defendant pursuant to this section shall:

12 (a) Require the defendant to pay all or the part of the monitoring costs based on  
 13 the sliding scale adopted by the Supreme Court of Kentucky as specified in  
 14 KRS 403.761 and administrative costs for participating in the system;

15 (b) Provide the monitoring system with a written or electronic copy of the  
 16 conditions of release; and

17 (c) Provide the monitoring system with a contact at the office of the circuit clerk,  
 18 Commonwealth's attorney, or county attorney, as appropriate, or pretrial  
 19 release services for reporting violations of the monitoring order.

20 ~~(5)~~~~(4)~~ A person, county, or other organization may voluntarily agree to pay all or a  
 21 portion of a defendant's monitoring costs specified in KRS 403.761.

22 ➔Section 10. KRS 434.650 is amended to read as follows:

23 (1) **(a)** A person who, with intent to defraud the issuer, a participating party, a person,  
 24 or organization providing money, goods, services, or anything else of value, or  
 25 any other person:

26 ~~1.~~~~(a)~~ Uses for the purpose of obtaining money, goods, services, or  
 27 anything else of value a credit or debit card obtained or retained in

1 violation of KRS 434.570 to 434.650, or any of such sections, or a credit  
2 or debit card which he knows is forged, expired, or revoked; or

3 ~~2.[(b)]~~ Obtains money, goods, services, or anything else of value by  
4 representing without consent of the cardholder that he is the holder of a  
5 specified card or by representing that he is the holder of a card and such  
6 card has not in fact been issued; or

7 ~~3.[(c)]~~ Uses a credit or debit card obtained or retained in violation of KRS  
8 434.570 to 434.650, or any of such sections, or a credit or debit card  
9 which he knows is forged, expired, or revoked, as authority or  
10 identification to cash or attempts to cash or otherwise negotiate or  
11 transfer a check or other order for payment of money, whether or not  
12 negotiable, if said negotiation or transfer or attempt to negotiate or  
13 transfer would constitute a crime under KRS 514.040 or 516.030; or

14 ~~4.[(d)]~~ Deposits into his account or any account, via an automated  
15 banking device, a false, fictitious, forged, altered, or counterfeit check,  
16 draft, money order, or any other such document not his lawful or legal  
17 property,

18 is guilty **of fraudulent use under this section.**

19 **(b) Fraudulent use under this section**~~[of a Class A misdemeanor, if the value]~~ of  
20 all money, goods, services, or other things of value obtained in violation of  
21 this section over a six (6) month period is:

22 **1. A Class A misdemeanor if the value is less than one thousand** ~~[five~~  
23 ~~hundred]~~ dollars **(\$1,000)**~~[\$500]~~, **unless the person has been**  
24 **convicted two (2) or more times in the previous two (2) years of**  
25 **fraudulent use under this section, in which case the value is less than**  
26 **five hundred dollars (\$500);**

27 **2.** A Class D felony if ~~the~~~~[such]~~ value is **one thousand**~~[five hundred]~~

1           dollars ~~(\$1,000)~~~~[((\$500)]~~ or more but is less than ten thousand dollars  
 2           (\$10,000), **unless the person has been convicted two (2) or more times**  
 3           **in the previous two (2) years of fraudulent use under this section, in**  
 4           **which case the value is five hundred dollars (\$500) or more but is less**  
 5           **than ten thousand dollars (\$10,000); or**

6           **3.** A Class C felony if ~~the~~~~[such]~~ value is ten thousand dollars (\$10,000) or  
 7           more.

8       (2) A person who receives money, goods, services, or anything else of value as a result  
 9       of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any  
 10       other such document having been deposited into an account via an automated  
 11       banking device, knowing at the time of receipt of the money, goods, services, or  
 12       item of value that the document so deposited was false, fictitious, forged, altered, or  
 13       counterfeit or that the above described deposited item was not his lawful or legal  
 14       property, violates this subsection and is subject to the penalties set forth in  
 15       subsection (1) of this section.

16       (3) Knowledge of revocation shall be presumed to have been received by a cardholder  
 17       four (4) days after it has been mailed to him at the address set forth on the credit or  
 18       debit card or at his last known address by registered or certified mail, return receipt  
 19       requested, and, if the address is more than five hundred (500) miles from the place  
 20       of mailing, by air mail. If the address is located outside the United States, Puerto  
 21       Rico, the Virgin Islands, the Canal Zone, and Canada, notice shall be presumed to  
 22       have been received ten (10) days after mailing by registered or certified mail.

23       ➔Section 11. KRS 434.655 is amended to read as follows:

24       (1) **(a)** A cardholder who fraudulently uses a credit or debit card to obtain money,  
 25       goods, services, or anything else of value after said cardholder has reported to  
 26       the issuer said credit or debit card lost, as stolen, or not received is deemed to  
 27       have used said credit or debit card in order to defraud the issuer; and said

1 cardholder shall be guilty of fraudulent use of a credit or debit card.

2 (b) Fraudulent use of a credit or debit card~~[a Class A misdemeanor if the value]~~  
3 of all money, goods, services, or other things of value furnished in violation of  
4 this subsection~~[section]~~ over a six (6) month period is:

5 1. A Class A misdemeanor if the value is less than one thousand~~[five~~  
6 ~~hundred]~~ dollars (\$1,000)~~[(500)]~~, unless the person has been  
7 convicted two (2) or more times in the previous two (2) years of  
8 fraudulent use of a credit or debit card, in which case the value is less  
9 than five hundred dollars (\$500);

10 2. A Class D felony if the~~[such]~~ value is one thousand~~[five hundred]~~  
11 dollars (\$1,000)~~[(500)]~~ or more but is less than ten thousand dollars  
12 (\$10,000), unless the person has been convicted two (2) or more times  
13 in the previous two (2) years of fraudulent use of a credit or debit card,  
14 in which case the value is five hundred dollars (\$500) or more but is  
15 less than ten thousand dollars (\$10,000); or

16 3. A Class C felony if such value is ten thousand dollars (\$10,000) or  
17 more.

18 (2) (a) A cardholder who, after using a credit or debit card, fraudulently reports to the  
19 issuer that such usage or transaction was not made by said cardholder, or that  
20 said credit or debit card was lost, stolen, or not received at the time of such  
21 usage or transaction, in order to defraud the issuer, the cardholder, or any  
22 other person in connection with said usage, shall be guilty of fraudulent  
23 report of a credit or debit card.

24 (b) Fraudulent report of a credit or debit card~~[a Class A misdemeanor if the~~  
25 ~~value]~~ of all money, goods, services, or other things of value furnished in  
26 violation of this subsection~~[section]~~ over a six (6) month period is:

27 1. A Class A misdemeanor if the value is less than one thousand~~[five~~



1           ~~hundred~~ dollars ~~(\$1,000)~~~~[((\$500)]~~, *unless the person has been*  
 2           *convicted two (2) or more times in the previous two (2) years of*  
 3           *fraudulent report of a credit or debit card, in which case the value is*  
 4           *less than five hundred dollars (\$500);*

5           2. A Class D felony if such value is *one thousand*~~[(five hundred)]~~ dollars  
 6           ~~(\$1,000)~~~~[((\$500)]~~ or more but is less than ten thousand dollars (\$10,000),  
 7           *unless the person has been convicted two (2) or more times in the*  
 8           *previous two (2) years of fraudulent report of a credit or debit card, in*  
 9           *which case the value is five hundred dollars (\$500) or more but is less*  
 10           *than ten thousand dollars (\$10,000);* or

11           3. A Class C felony if such value is ten thousand dollars (\$10,000) or  
 12           more.

13           ➔Section 12. KRS 434.660 is amended to read as follows:

14           (1) A person, business organization, or financial institution who is authorized by an  
 15           issuer to furnish money, goods, services, or anything else of value upon presentation  
 16           of a credit or debit card by a cardholder, or any agent or employee of such person,  
 17           business organization, or financial institution, who, with intent to defraud the issuer,  
 18           a participating party, the cardholder, or any other person, furnishes money, goods,  
 19           or services or anything else of value upon presentation of a credit or debit card  
 20           obtained or retained in violation of KRS 434.570 to 434.650, or any of such  
 21           sections, or a credit or debit card which he knows is forged, expired, or revoked is  
 22           guilty of *fraud by authorized persons.*

23           (2) *Fraud by authorized persons*~~[a Class A misdemeanor, if the value]~~ of all money,  
 24           goods, services, or other things of value furnished in violation of this section over a  
 25           six (6) month period is:

26           (a) *A Class A misdemeanor if the value is* less than *one thousand*~~[(five hundred)]~~  
 27           dollars ~~(\$1,000)~~~~[((\$500)]~~, *unless the person has been convicted two (2) or*

1 more times in the previous two (2) years of fraud by authorized persons, in  
 2 which case the value is less than five hundred dollars (\$500);

3 (b) A Class D felony if such value is one thousand~~[five hundred]~~ dollars  
 4 ~~(\$1,000)~~~~(\$500)~~ or more but is less than ten thousand dollars (\$10,000),  
 5 unless the person has been convicted two (2) or more times in the previous  
 6 two (2) years of fraud by authorized persons, in which case the value is five  
 7 hundred dollars (\$500) or more but is less than ten thousand dollars  
 8 (\$10,000); or

9 (c) A Class C felony if such value is ten thousand dollars (\$10,000) or more.

10 ➔Section 13. KRS 434.670 is amended to read as follows:

11 (1) A person, business organization, or financial institution who is authorized by an  
 12 issuer to furnish money, goods, services, or anything else of value upon presentation  
 13 of a credit or debit card by a cardholder, or any agent or employee of such person,  
 14 business organization, or financial institution, who, with intent to defraud the issuer,  
 15 a participating party, the cardholder, or any other person, fails to furnish money,  
 16 goods, services, or anything else of value which he represents in writing to the  
 17 issuer that he has furnished over a six (6) month period is guilty of fraudulent  
 18 failure to furnish items of value.

19 (2) Fraudulent failure to furnish items of value,~~[ a Class A misdemeanor]~~ if the  
 20 difference between the value of all money, goods, services, or anything else of value  
 21 actually furnished and the value represented to the issuer to have been furnished, is:

22 (a) A Class A misdemeanor if less than one thousand~~[five hundred]~~ dollars  
 23 ~~(\$1,000)~~~~(\$500)~~, unless the person has been convicted two (2) or more  
 24 times in the previous two (2) years of fraudulent failure to furnish items of  
 25 value, in which case less than five hundred dollars (\$500);

26 (b) A Class D felony if such value is one thousand~~[five hundred]~~ dollars  
 27 ~~(\$1,000)~~~~(\$500)~~ or more but is less than ten thousand dollars (\$10,000),

1           unless the person has been convicted two (2) or more times in the previous  
 2           two (2) years of fraudulent failure to furnish items of value, in which case  
 3           the value is five hundred dollars (\$500) or more but is less than ten  
 4           thousand dollars (\$10,000); or

5           (c) A Class C felony if such value is ten thousand dollars (\$10,000) or more.

6           ➔Section 14. KRS 434.690 is amended to read as follows:

7           (1) (a) A person who receives money, goods, services, or anything else of value  
 8           obtained in violation of KRS 434.650, knowing or believing that it was so  
 9           obtained is guilty of receiving items of value in violation of Section 10 of this  
 10           Act.

11           (b) Receiving items of value in violation of Section 10 of this Act~~[a Class A~~  
 12           ~~misdemeanor, if the value]~~ of all money, goods, services, and other things of  
 13           value received in violation of this subsection~~[section]~~ over a six (6) month  
 14           period is:

15           1. A Class A misdemeanor if the value is less than one thousand~~[five~~  
 16           ~~hundred]~~ dollars (\$1,000)~~[(500)]~~, unless the person has been  
 17           convicted two (2) or more times in the previous two (2) years of  
 18           receiving items of value in violation of Section 10 of this Act, in which  
 19           case less than five hundred dollars (\$500);

20           2. A Class D felony if such value is one thousand~~[five hundred]~~ dollars  
 21           (\$1,000)~~[(500)]~~ or more but is less than ten thousand dollars (\$10,000),  
 22           unless the person has been convicted two (2) or more times in the  
 23           previous two (2) years of receiving items of value in violation of  
 24           Section 10 of this Act, in which case the value is five hundred dollars  
 25           (\$500) or more but is less than ten thousand dollars (\$10,000); or

26           3. A Class C felony if such value is ten thousand dollars (\$10,000) or  
 27           more.

1 (2) A person who possesses three (3) or more tickets for airline, railroad, steamship, or  
2 other transportation service, which tickets were obtained by the use of a stolen or  
3 forged credit or debit card is presumed to know that such tickets were so obtained.

4 ➔Section 15. KRS 514.030 is amended to read as follows:

5 (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by  
6 unlawful taking or disposition when he unlawfully:

7 (a) Takes or exercises control over movable property of another with intent to  
8 deprive him thereof; or

9 (b) Obtains immovable property of another or any interest therein with intent to  
10 benefit himself or another not entitled thereto.

11 (2) Theft by unlawful taking or disposition is a Class A misdemeanor unless:

12 (a) The property is a firearm (regardless of the value of the firearm), in which  
13 case it is a Class D felony;

14 (b) The property is anhydrous ammonia (regardless of the value of the ammonia),  
15 in which case it is a Class D felony unless it is proven that the person violated  
16 this section with the intent to manufacture methamphetamine in violation of  
17 KRS 218A.1432, in which case it is a Class B felony for the first offense and a  
18 Class A felony for each subsequent offense;

19 (c) The property is one (1) or more controlled substances valued collectively at  
20 less than ten thousand dollars (\$10,000), in which case it is a Class D felony;

21 (d) The value of the property is one thousand~~five hundred~~ dollars  
22 (\$1,000)~~(\$500)~~ or more but less than ten thousand dollars (\$10,000), in  
23 which case it is a Class D felony, **unless the person has been convicted two**  
24 **(2) or more times in the previous two (2) years of theft by unlawful taking or**  
25 **disposition, in which case the value is five hundred dollars (\$500) or more**  
26 **but is less than ten thousand dollars (\$10,000);**

27 (e) The value of the property is ten thousand dollars (\$10,000) or more but less

1 than one million dollars (\$1,000,000), in which case it is a Class C felony;

2 (f) The value of the property is one million dollars (\$1,000,000) or more but less  
3 than ten million dollars (\$10,000,000), in which case it is a Class B felony; or

4 (g) The value of the property is ten million dollars (\$10,000,000) or more, in  
5 which case it is a Class B felony.

6 (3) Any person convicted under subsection (2)(g) of this section shall not be released  
7 on probation or parole until he or she has served at least fifty percent (50%) of the  
8 sentence imposed, any statute to the contrary notwithstanding.

9 ➔Section 16. KRS 514.040 is amended to read as follows:

10 (1) A person is guilty of theft by deception when the person obtains property or services  
11 of another by deception with intent to deprive the person thereof. A person deceives  
12 when the person intentionally:

13 (a) Creates or reinforces a false impression, including false impressions as to law,  
14 value, intention, or other state of mind;

15 (b) Prevents another from acquiring information which would affect judgment of  
16 a transaction;

17 (c) Fails to correct a false impression which the deceiver previously created or  
18 reinforced or which the deceiver knows to be influencing another to whom the  
19 person stands in a fiduciary or confidential relationship;

20 (d) Fails to disclose a known lien, adverse claim, or other legal impediment to the  
21 enjoyment of property which the person transfers or encumbers in  
22 consideration for the property obtained, whether the impediment is or is not  
23 valid or is or is not a matter of official record; or

24 (e) Issues or passes a check or similar sight order for the payment of money,  
25 knowing that it will not be honored by the drawee.

26 (2) The term "deceive" does not, however, include falsity as to matters having no  
27 pecuniary significance or puffing by statements unlikely to deceive ordinary persons

1 in the group addressed.

2 (3) Deception as to a person's intention to perform a promise shall not be inferred from  
3 the fact alone that he did not subsequently perform the promise.

4 (4) For purposes of subsection (1) of this section, a maker of a check or similar sight  
5 order for the payment of money is presumed to know that the check or order, other  
6 than a postdated check or order, would not be paid, if:

7 (a) The maker had no account with the drawee at the time the check or order was  
8 issued; or

9 (b) Payment was refused by the drawee for lack of funds, upon presentation  
10 within thirty (30) days after issue, and the maker failed to make good within  
11 ten (10) days after receiving notice of that refusal. Notice of the refusal may  
12 include a citation to this section and a description of this section's criminal  
13 penalties and shall be deemed properly addressed when mailed to the address  
14 printed or written on the check or sight order or provided by the drawer or  
15 maker upon issuance of the check or sight order. The notice, if mailed, shall  
16 be deemed received by the addressee seven (7) days after it is placed in the  
17 United States mail. The notice may be sent by first-class mail if supported by  
18 an affidavit of service setting out the contents of the notice, the address to  
19 which the notice was mailed, that correct postage was applied, and the date  
20 the notice was placed in the United States mail. A maker makes good on a  
21 check or similar sight order for the payment of money by paying to the holder  
22 the face amount of the instrument, together with any merchant's posted bad  
23 check handling fee not to exceed fifty dollars (\$50) and any fee imposed  
24 pursuant to subsection (5) of this section.

25 (5) If a county attorney issues notice to a maker that a drawee has refused to honor an  
26 instrument due to a lack of funds as described in subsection (4)(b) of this section,  
27 the county attorney may charge a fee to the maker of fifty dollars (\$50), if the

1 instrument is paid. Money paid to the county attorney pursuant to this section shall  
 2 be used only for payment of county attorney office operating expenses. Excess fees  
 3 held by the county attorney on June 30 of each year shall be turned over to the  
 4 county treasurer before the end of the next fiscal year for use by the fiscal court of  
 5 the county.

6 (6) A person is guilty of theft by deception when the person issues a check or similar  
 7 sight order in payment of all or any part of any tax payable to the Commonwealth  
 8 knowing that it will not be honored by the drawee.

9 (7) A person is guilty of theft by deception when the person issues a check or similar  
 10 sight order in payment of all or any part of a child support obligation knowing that it  
 11 will not be honored by the drawee.

12 (8) Theft by deception is a Class A misdemeanor unless the value of the property,  
 13 service, or the amount of the check or sight order referred to in subsection (6) or (7)  
 14 of this section is:

15 (a) **One thousand**~~Five hundred~~ dollars **(\$1,000)**~~(\$500)~~ or more but less than  
 16 ten thousand dollars (\$10,000), in which case it is a Class D felony, **unless the**  
 17 **person has been convicted two (2) or more times in the previous two (2)**  
 18 **years of theft by deception, in which case the value is five hundred dollars**  
 19 **(\$500) or more but is less than ten thousand dollars (\$10,000);** or

20 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

21 ➔Section 17. KRS 514.050 is amended to read as follows:

22 (1) Except as provided in KRS 365.710, a person is guilty of theft of property lost,  
 23 mislaid, or delivered by mistake when:

24 (a) He comes into control of the property of another that he knows to have been  
 25 lost, mislaid, or delivered under a mistake as to the nature or amount of the  
 26 property or the identity of the recipient; and

27 (b) With intent to deprive the owner thereof, he fails to take reasonable measures

1 to restore the property to a person entitled to have it.

2 (2) Theft of property lost, mislaid, or delivered by mistake is a Class A misdemeanor  
3 unless the value of the property is:

4 (a) **One thousand**~~Five hundred~~ dollars **(\$1,000)**~~(\$500)~~ or more but less than  
5 ten thousand dollars (\$10,000), in which case it is a Class D felony, **unless the**  
6 **person has been convicted two (2) or more times in the previous two (2)**  
7 **years of theft of property lost, mislaid, or delivered by mistake, in which**  
8 **case the value is five hundred dollars (\$500) or more but is less than ten**  
9 **thousand dollars (\$10,000)**; or

10 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

11 ➔Section 18. KRS 514.060 is amended to read as follows:

12 (1) A person is guilty of theft of services when:

13 (a) The person intentionally obtains services by deception or threat or by false  
14 token or other means to avoid payment for the services which he knows are  
15 available only for compensation;

16 (b) The person intentionally obtains wireless communications services or access  
17 to services by any of the following means:

18 1. Unauthorized interception of any electronic serial number, mobile  
19 identification number, personal identification number, or like identifying  
20 number;

21 2. Unauthorized interception of any cellular service or personal  
22 communications service as terms may be defined in 47 C.F.R. parts 22  
23 and 24 respectively;

24 3. Unauthorized interception of any similar telephone service; or

25 4. Use of deception, threat, or other means to avoid payment for the  
26 services which the person knows are available only for charge or  
27 compensation; or



- 1 (c) Having control over or unauthorized access to the use of the services of others  
2 to which the person is not entitled, the person intentionally diverts the services  
3 to the person's own benefit or the benefit of another not entitled thereto.
- 4 (2) Where compensation for services is ordinarily paid immediately upon the rendering  
5 of the services, as in the case of hotels and restaurants, refusal to pay or absconding  
6 without payment or offer to pay shall be prima facie evidence that the services were  
7 obtained by deception as to intention to pay.
- 8 (3) In any prosecution for theft of gas, water, electricity, or other public service, where  
9 the utility supplying the service had installed a meter or other device to record the  
10 amount of service supplied, proof that:
- 11 (a) The meter or other device has been altered, tampered with, or bypassed in a  
12 manner so as to prevent or reduce the recording thereof; or
- 13 (b) Service has been, after having been disconnected by the utility supplying  
14 service, reconnected without authorization of the utility  
15 shall be prima facie evidence of the intent to commit theft of service by the person  
16 or persons obligated to pay for service supplied through the meter or other device.
- 17 (4) Theft of services is a Class A misdemeanor unless the value of the service is:
- 18 (a) **One thousand**~~Five hundred~~ dollars **(\$1,000)**~~(\$500)~~ or more but less than  
19 ten thousand dollars (\$10,000), in which case it is a Class D felony, **unless the**  
20 **person has been convicted two (2) or more times in the previous two (2)**  
21 **years of theft of services, in which case the value is five hundred dollars**  
22 **(\$500) or more but is less than ten thousand dollars (\$10,000)**; or
- 23 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- 24 ➔Section 19. KRS 514.070 is amended to read as follows:
- 25 (1) A person is guilty of theft by failure to make required disposition of property  
26 received when:
- 27 (a) He obtains property upon agreement or subject to a known legal obligation to

1           make specified payment or other disposition whether from such property or its  
2           proceeds or from his own property to be reserved in equivalent amount; and

3           (b) He intentionally deals with the property as his own and fails to make the  
4           required payment or disposition.

5           (2) The provisions of subsection (1) apply notwithstanding that it may be impossible to  
6           identify particular property as belonging to the victim at the time of the actor's  
7           failure to make the required payment or disposition.

8           (3) An officer or employee of the government or of a financial institution is presumed:

9           (a) To know any legal obligation relevant to his criminal liability under this  
10           section; and

11           (b) To have dealt with the property as his own when:

12                   1. He fails to account or pay upon lawful demand; or

13                   2. An audit reveals a shortage or falsification of accounts.

14           (4) Theft by failure to make required disposition of property received is a Class A  
15           misdemeanor unless the value of the property is:

16           (a) **One thousand**~~Five hundred~~ dollars **(\$1,000)**~~(\$500)~~ or more but less than  
17           ten thousand dollars (\$10,000), in which case it is a Class D felony, **unless the**  
18           **person has been convicted two (2) or more times in the previous two (2)**  
19           **years of theft by failure to make required disposition of property received, in**  
20           **which case the value is five hundred dollars (\$500) or more but is less than**  
21           **ten thousand dollars (\$10,000)**; or

22           (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

23           (5) No person shall be convicted of theft by failure to make required disposition of  
24           property received when he or she has also been convicted of a violation of KRS  
25           522.050 arising out of the same incident.

26           ➔Section 20. KRS 514.080 is amended to read as follows:

27           (1) A person is guilty of theft by extortion when he intentionally obtains property of

- 1 another by threatening to:
- 2 (a) Inflict bodily injury on anyone or commit any other criminal offense; or
- 3 (b) Accuse anyone of a criminal offense; or
- 4 (c) Expose any secret tending to subject any person to hatred, contempt, or
- 5 ridicule, or to impair his credit or business repute; or
- 6 (d) Use wrongfully his position as a public officer or servant or employee by
- 7 performing some act within or related to his official duties, either expressed or
- 8 implied, or by refusing or omitting to perform an official duty, either
- 9 expressed or implied, in a manner affecting some person adversely; or
- 10 (e) Bring about or continue a strike, boycott, or other collective unofficial action,
- 11 if the property is not demanded or received for the benefit of the group in
- 12 whose interest the actor purports to act; or
- 13 (f) Testify or provide information or withhold testimony or information with
- 14 respect to another's legal claim or defense.
- 15 (2) It is a defense to prosecution based on subsection (1)(b), (c), or (d) that the property
- 16 obtained by threat of accusation, exposure, lawsuit, or other invocation of official
- 17 action was claimed as restitution or indemnification for harm done in the
- 18 circumstances to which accusation, exposure, lawsuit, or other official action
- 19 relates, or as compensation for property or lawful services.
- 20 (3) Theft by extortion is a Class A misdemeanor unless the value of the property
- 21 obtained is:
- 22 (a) **One thousand**~~Five hundred~~ dollars **(\$1,000)**~~(\$500)~~ or more but less than
- 23 ten thousand dollars (\$10,000), in which case it is a Class D felony, **unless the**
- 24 **person has been convicted two (2) or more times in the previous two (2)**
- 25 **years of theft by extortion, in which case the value is five hundred dollars**
- 26 **(\$500) or more but is less than ten thousand dollars (\$10,000)**; or
- 27 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

1       ➔Section 21. KRS 514.090 is amended to read as follows:

- 2       (1) A person is guilty of theft of labor already rendered when, in payment of labor  
3       already rendered by another, he intentionally issues or passes a check or similar  
4       sight order for the payment of money, knowing that it will not be honored by the  
5       drawee.
- 6       (2) For purposes of subsection (1) of this section, an issuer of a check or similar sight  
7       order for the payment of money is presumed to know that the check or order, other  
8       than a postdated check or order, would not be paid, if:
- 9       (a) The issuer had no account with the drawee at the time the check or order was  
10      issued; or
- 11      (b) Payment was refused by the drawee for lack of funds, upon presentation  
12      within thirty days (30) after issue, and the issuer failed to make good within  
13      ten (10) days after receiving notice of that refusal.
- 14      (3) Theft of labor already rendered is a Class A misdemeanor unless the value of the  
15      labor rendered is:
- 16      (a) One thousand~~Five hundred~~ dollars (\$1,000)~~(\$500)~~ or more but less than  
17      ten thousand dollars (\$10,000), in which case it is a Class D felony, unless the  
18      person has been convicted two (2) or more times in the previous two (2)  
19      years of theft of labor already rendered, in which case the value is five  
20      hundred dollars (\$500) or more but is less than ten thousand dollars  
21      (\$10,000); or
- 22      (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

23       ➔Section 22. KRS 514.110 is amended to read as follows:

- 24      (1) A person is guilty of receiving stolen property when he receives, retains, or disposes  
25      of movable property of another knowing that it has been stolen, or having reason to  
26      believe that it has been stolen, unless the property is received, retained, or disposed  
27      of with intent to restore it to the owner.

- 1 (2) The possession by any person of any recently stolen movable property shall be  
2 prima facie evidence that such person knew such property was stolen.
- 3 (3) Receiving stolen property is a Class A misdemeanor unless:
- 4 (a) The value of the property is one thousand~~[five hundred]~~ dollars  
5 (\$1,000)~~(\$500)~~ or more but less than ten thousand dollars (\$10,000), in  
6 which case it is a Class D felony, unless the person has been convicted two  
7 (2) or more times in the previous two (2) years of receiving stolen property,  
8 in which case the value is five hundred dollars (\$500) or more but is less  
9 than ten thousand dollars (\$10,000);
- 10 (b) The value of the property is ten thousand dollars (\$10,000) or more, in which  
11 case it is a Class C felony;
- 12 (c) The property is a firearm, regardless of the value of the firearm, in which case  
13 it is a Class D felony; or
- 14 (d) The property is anhydrous ammonia, regardless of the value of the ammonia,  
15 in which case it is a Class D felony unless it is proven that the person violated  
16 this section with the intent to manufacture methamphetamine in violation of  
17 KRS 218A.1432, in which case it is a Class B felony for the first offense and a  
18 Class A felony for each subsequent offense.

19 ➔Section 23. KRS 514.120 is amended to read as follows:

- 20 (1) A person is guilty of obscuring the identity of a machine or other property when he  
21 or she:
- 22 (a) Removes, defaces, covers, alters, destroys, or otherwise obscures the  
23 manufacturer's serial number or any other distinguishing identification number  
24 or mark, including property marked with a Social Security number or motor  
25 vehicle operator's license number for identification purposes, upon any  
26 automobile or other propelled vehicle, machine, or electrical or mechanical  
27 device, or other property, including any part thereof, with intent to render it or

1 other property unidentifiable; or

2 (b) Possesses any automobile or other propelled vehicle, machine, or electrical or  
3 mechanical device, or other property, including any part thereof, knowing that  
4 the serial number or other identification number or mark, including property  
5 marked with a Social Security number for identification purposes, has been  
6 removed, defaced, covered, altered, destroyed, or otherwise obscured.

7 (2) Possession of any automobile or other propelled vehicle, machine, or electrical or  
8 mechanical device, or other property, including any part thereof, on which the serial  
9 number or any other distinguishing identification number or mark, including  
10 property marked with a Social Security number or motor vehicle operator's license  
11 number for identification purposes, has been removed, defaced, covered, altered,  
12 destroyed, or otherwise obscured is prima facie evidence of knowledge of that fact.

13 (3) A person in possession of any property which is otherwise in violation of this  
14 section may apply in writing to the Department of Kentucky State Police, through  
15 any law enforcement agency in the county of his or her residence, for assignment of  
16 a number for the property providing he or she can show that he or she is the lawful  
17 owner of the property pursuant to the provisions of this section and KRS 16.200 and  
18 500.090. If a number is issued in conformity with the provisions of this section and  
19 KRS 16.200 and 500.090, then the person to whom it was issued and any person to  
20 whom the property is lawfully disposed of shall not be in violation of these sections.  
21 A person lawfully holding a certification issued pursuant to KRS 500.090 shall also  
22 be deemed in compliance with this section. This section shall apply only when the  
23 application has been filed by the defendant prior to arrest or authorization of a  
24 warrant of arrest for the defendant by a court.

25 (4) Obscuring the identity of a machine or other property is a Class A misdemeanor  
26 unless the value of the property is:

27 (a) One thousand~~Five hundred~~ dollars (\$1,000)~~(\$500)~~ or more but less than

1 ten thousand dollars (\$10,000), in which case it is a Class D felony, *unless the*  
 2 *person has been convicted two (2) or more times in the previous two (2)*  
 3 *years of obscuring the identity of a machine or other property, in which*  
 4 *case the value is five hundred dollars (\$500) or more but is less than ten*  
 5 *thousand dollars (\$10,000)*; or

6 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

7 ➔Section 24. KRS 517.060 is amended to read as follows:

8 (1) A person is guilty of defrauding secured creditors when he destroys, damages,  
 9 removes, conceals, encumbers, transfers, or otherwise deals with property subject to  
 10 a security interest with intent either to lower the value of the secured interest or  
 11 unlawfully to hinder enforcement of that interest.

12 (2) Defrauding secured creditors is a Class A misdemeanor unless the value of the  
 13 property subject to the security interest is:

14 (a) *One thousand*~~Five hundred~~ dollars *(\$1,000)*~~(\$500)~~ or more up to ten  
 15 thousand dollars (\$10,000), in which case it is a Class D felony, *unless the*  
 16 *person has been convicted two (2) or more times in the previous two (2)*  
 17 *years of defrauding secured creditors, in which case the value is five*  
 18 *hundred dollars (\$500) or more but is less than ten thousand dollars*  
 19 *(\$10,000)*; or

20 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

21 ➔Section 25. KRS 439.3401 is amended to read as follows:

22 (1) As used in this section, "violent offender" means any person who has been  
 23 convicted of or pled guilty to the commission of:

24 (a) A capital offense;

25 (b) A Class A felony;

26 (c) A Class B felony involving the death of the victim or serious physical injury  
 27 to a victim;

- 1 (d) An offense described in KRS 507.040 or 507.050 where the offense involves  
 2 the killing of a peace officer or firefighter while the officer or firefighter was  
 3 acting in the line of duty;
- 4 (e) ***A Class B felony involving criminal attempt to commit murder under KRS***  
 5 ***506.010 if the victim of the offense is a clearly identifiable peace officer or***  
 6 ***firefighter acting in the line of duty, regardless of whether an injury results;***
- 7 (f) The commission or attempted commission of a felony sexual offense  
 8 described in KRS Chapter 510;
- 9 (g)~~(f)~~ Use of a minor in a sexual performance as described in KRS 531.310;
- 10 (h)~~(g)~~ Promoting a sexual performance by a minor as described in KRS  
 11 531.320;
- 12 (i)~~(h)~~ Unlawful transaction with a minor in the first degree as described in  
 13 KRS 530.064(1)(a);
- 14 (j)~~(i)~~ Human trafficking under KRS 529.100 involving commercial sexual  
 15 activity where the victim is a minor;
- 16 (k)~~(j)~~ Criminal abuse in the first degree as described in KRS 508.100;
- 17 (l)~~(k)~~ Burglary in the first degree accompanied by the commission or  
 18 attempted commission of an assault described in KRS 508.010, 508.020,  
 19 508.032, or 508.060;
- 20 (m)~~(l)~~ Burglary in the first degree accompanied by commission or attempted  
 21 commission of kidnapping as prohibited by KRS 509.040; or
- 22 (n)~~(m)~~ Robbery in the first degree.
- 23 The court shall designate in its judgment if the victim suffered death or serious  
 24 physical injury.
- 25 (2) A violent offender who has been convicted of a capital offense and who has  
 26 received a life sentence (and has not been sentenced to twenty-five (25) years  
 27 without parole or imprisonment for life without benefit of probation or parole), or a



1 Class A felony and receives a life sentence, or to death and his or her sentence is  
2 commuted to a life sentence shall not be released on probation or parole until he or  
3 she has served at least twenty (20) years in the penitentiary. Violent offenders may  
4 have a greater minimum parole eligibility date than other offenders who receive  
5 longer sentences, including a sentence of life imprisonment.

6 (3) (a) A violent offender who has been convicted of a capital offense or Class A  
7 felony with a sentence of a term of years or Class B felony shall not be  
8 released on probation or parole until he has served at least eighty-five percent  
9 (85%) of the sentence imposed.

10 (b) A violent offender who has been convicted of a violation of KRS 507.040  
11 where the victim of the offense was clearly identifiable as a peace officer or a  
12 firefighter and the victim was acting in the line of duty shall not be released on  
13 probation or parole until he or she has served at least eighty-five percent  
14 (85%) of the sentence imposed.

15 (c) A violent offender who has been convicted of a violation of KRS 507.040 or  
16 507.050 where the victim of the offense was a peace officer or a firefighter  
17 and the victim was acting in the line of duty shall not be released on probation  
18 or parole until he or she has served at least fifty percent (50%) of the sentence  
19 imposed.

20 (d) Any offender who has been convicted of a homicide or fetal homicide offense  
21 under KRS Chapter 507 or 507A in which the victim of the offense died as the  
22 result of an overdose of a Schedule I controlled substance and who is not  
23 otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be  
24 released on probation, shock probation, parole, conditional discharge, or other  
25 form of early release until he or she has served at least fifty percent (50%) of  
26 the sentence imposed.

27 (4) A violent offender shall not be awarded any credit on his sentence authorized by

1 KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his or  
 2 her sentence if the credit reduces the term of imprisonment to less than eighty-five  
 3 percent (85%) of the sentence.

4 (5) This section shall not apply to a person who has been determined by a court to have  
 5 been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard  
 6 to the offenses involving the death of the victim or serious physical injury to the  
 7 victim. The provisions of this subsection shall not extend to rape in the first degree  
 8 or sodomy in the first degree by the defendant.

9 (6) This section shall apply only to those persons who commit offenses after July 15,  
 10 1998.

11 (7) For offenses committed prior to July 15, 1998, the version of this statute in effect  
 12 immediately prior to that date shall continue to apply.

13 (8) The provisions of subsection (1) of this section extending the definition of "violent  
 14 offender" to persons convicted of or pleading guilty to robbery in the first degree  
 15 shall apply only to persons whose crime was committed after July 15, 2002.

16 ➔Section 26. KRS 431.066 is amended to read as follows:

17 (1) For purposes of this section:~~[,]~~

18 (a) "Administrative release" means the release of a defendant in accordance  
 19 with subsection (3) of this section that does not require judicial review;

20 (b) "Enhanced scrutiny offense" means a misdemeanor violation of KRS  
 21 17.545, 17.546, 17.549, 189A.010(5)(b) and (c), 209.990, 235.240, 403.7529,  
 22 403.763, 456.120, 456.180, KRS Chapter 508, KRS Chapter 509, KRS  
 23 Chapter 510, 511.085, Section 20 of this Act, 518.090, 520.080, 520.090,  
 24 525.120, 525.130, 525.135, 525.205, 527.020, 529.020, 529.040, 529.070,  
 25 529.080, 529.090, 530.060, or KRS Chapter 531;

26 (c) "Standard conditions" mean the following:

27 1. The defendant shall not be arrested on a new local, state, or federal

1                   offense;

2                   2. The defendant shall appear for all required court appearances; and

3                   3. The defendant shall not have contact with any alleged victim; and

4                   (d) "Verified and eligible defendant" means a defendant who pretrial services is  
5                   able to interview and assess, and whose identity pretrial services is able to  
6                   confirm through investigation.

7                   (2) Pretrial services shall use a validated pretrial risk assessment tool to determine  
8                   whether a verified and eligible defendant presents a low, moderate, or high risk.  
9                   The validated pretrial risk assessment tool shall consider whether a person poses  
10                   a risk of failing to appear for all required court appearances or a risk of  
11                   anticipated criminal conduct.

12                   (3) (a) Except as provided in paragraph (c) of this subsection, a defendant who is  
13                   arrested on one (1) or more offenses that is punishable by fine only shall be  
14                   administratively released by pretrial services on his or her own  
15                   recognizance subject to standard conditions.

16                   (b) Except as provided in paragraph (c) of this subsection, if a verified and  
17                   eligible defendant:

18                   1. Poses a low or moderate risk as determined under subsection (2) of  
19                   this section;

20                   2. Has not been charged with a felony offense;

21                   3. Has not been charged with an enhanced scrutiny offense;

22                   4. Has not allegedly violated a condition of release for the offense;

23                   5. Has not previously failed to appear for all required court appearances  
24                   on the offense; and

25                   6. Has not been charged with contempt of court, a violation of probation,  
26                   or a violation of conditional discharge;

27                   the defendant shall be administratively released by pretrial services on his

1 or her own recognizance subject to standard conditions. However, either  
 2 upon its own motion or upon motion by a party, the court may review and  
 3 impose additional conditions.

4 (c) If a verified and eligible defendant is charged with a violation of KRS  
 5 189A.010(1)(f) or (5)(a), 222.202, or 525.100 but would otherwise be eligible  
 6 to be administratively released pursuant to paragraph (b) of this subsection,  
 7 the defendant shall be released as outlined in Section 27 of this Act.  
 8 However, either upon its own motion or upon motion by a party, the court  
 9 may review and impose additional conditions.

10 (d) The Supreme Court may approve local rules that expand administrative  
 11 release to Class D felonies.

12 (4) (a) If a verified and eligible defendant is not administratively released pursuant  
 13 to subsection (3) of this section, then a court shall consider pretrial release  
 14 and bail for the defendant.

15 (b) When a court considers pretrial release and bail for an arrested defendant, the  
 16 court shall consider whether the defendant poses~~constitutes~~ a flight risk, a  
 17 risk of failing to appear for all required court appearances, a risk of  
 18 anticipated criminal conduct~~is unlikely to appear for trial~~, or is likely to be  
 19 a danger to the public if released. In making this determination, the court shall  
 20 consider the pretrial risk assessment for a verified and eligible defendant along  
 21 with the factors set forth in KRS 431.525.

22 ~~(c)(3)~~ If a verified and eligible defendant poses a low risk of flight, a low risk  
 23 of failing to appear for all required court appearances, a low risk of  
 24 anticipated criminal conduct~~is likely to appear for trial~~, and is not likely to  
 25 be a danger to others, the court shall order the defendant released on  
 26 unsecured bond or on the defendant's own recognizance subject to such other  
 27 conditions as the court may order.

1        ~~(d)(4)~~ If a verified and eligible defendant poses a moderate risk of flight, a  
2        moderate risk of failing to appear for all required court appearances, a  
3        moderate risk of anticipated criminal conduct~~[has a moderate risk of not~~  
4        ~~appearing for trial]~~, or poses a moderate risk of danger to others, the court  
5        shall release the defendant under the same conditions as in paragraph (c) of  
6        this subsection~~[subsection (3) of this section]~~ but shall consider ordering the  
7        defendant to participate in global positioning system monitoring, controlled  
8        substance testing, increased supervision, or such other conditions as the court  
9        may order.

10      (5) (a) Except as provided in paragraph (b) of this subsection, regardless of the  
11        amount of the bail set, the court shall permit the defendant a credit of one  
12        hundred dollars (\$100) per day as a payment toward the amount of the bail set  
13        for each day or portion of a day that the defendant remains in jail prior to trial.  
14        Upon the service of sufficient days in jail to have sufficient credit to satisfy  
15        the bail, the defendant shall be released from jail on the conditions specified  
16        in this section or in this chapter.

17      (b) The provisions of paragraph (a) of this subsection shall not apply to:

- 18        1. Any person convicted of, pleading guilty to, or entering an Alford plea  
19        to a felony offense under KRS Chapter 510, KRS 529.100 involving  
20        commercial sexual activity, KRS 530.020, 530.064(1)(a), 531.310, or  
21        531.320, or who is a violent offender as defined in KRS 439.3401; or
- 22        2. A defendant who is found by the court to present a flight risk or to be a  
23        danger to others.

24      (c) For purposes of this subsection, "a day or portion of a day" means any time  
25        spent in a detention facility following booking.

26      (d) A defendant shall not earn credit pursuant to paragraph (a) of this subsection  
27        while also earning credit pursuant to KRS 534.070.

1 (6) If a court determines that a defendant shall not be released pursuant to subsection  
 2 (5) of this section, the court shall document the reasons for denying the release in a  
 3 written order.

4 (7) The jailer shall be responsible for tracking the credit earned by a defendant pursuant  
 5 to subsection (5) of this section.

6 ➔Section 27. KRS 222.204 is amended to read as follows:

7 (1) A person who has been arrested and placed in jail prior to trial for violation of KRS  
 8 189A.010(1)(f) or (5)(a), 222.202, or 525.100 ~~and has not had two (2) prior~~  
 9 ~~convictions in the previous twelve (12) months for violation of KRS 222.202~~ shall  
 10 be released ~~as set forth by the Supreme Court Rule of Criminal Procedure uniform~~  
 11 ~~schedule of bail~~:

12 (a) To an adult who is willing to accept responsibility for the defendant through a  
 13 signature verification on a form determined by the Administrative Office of  
 14 the Courts;

15 (b)  ~~If he pays the requisite amount of bail on a bail schedule issued by the court;~~  
 16 ~~(c)~~ At such time as he is able to safely care for himself but in no event shall he  
 17 be detained for more than eight (8) hours following his arrest;

18 ~~(c)~~~~(d)~~ If he is ordered released by a court of competent jurisdiction; or

19 ~~(d)~~~~(e)~~ Unless such person's release is precluded by other provisions of law.

20 (2) The jail or facility authorized by county or city ordinance agreeing to care for the  
 21 person releasing the defendant shall be considered as acting in good faith and shall  
 22 not be liable for subsequent acts of the defendant upon release.

23 ➔Section 28. KRS 446.010 is amended to read as follows:

24 As used in the statute laws of this state, unless the context requires otherwise:

25 (1) "Action" includes all proceedings in any court of this state;

26 (2) "Animal" includes every warm-blooded living creature except a human being;

27 (3) "Attorney" means attorney-at-law;

- 1 (4) "Bequeath" and "devise" mean the same thing;
- 2 (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal  
3 estate, or both;
- 4 (6) "Business trust" includes, except when utilized in KRS Chapter 386, a "statutory  
5 trust" as organized under KRS Chapter 386A;
- 6 (7) "Case plan" means an individualized accountability and behavior change strategy  
7 for supervised individuals that:
- 8 (a) Targets and prioritizes the specific criminal risk factors of the individual  
9 based upon his or her assessment results;
- 10 (b) Matches the type and intensity of supervision and treatment conditions to the  
11 individual's level of risk, criminal risk factors, and individual characteristics,  
12 such as gender, culture, motivational stage, developmental stage, and learning  
13 style;
- 14 (c) Establishes a timetable for achieving specific behavioral goals, including a  
15 schedule for payment of victim restitution, child support, and other financial  
16 obligations; and
- 17 (d) Specifies positive and negative actions that will be taken in response to the  
18 supervised individual's behaviors;
- 19 (8) "Certified mail" means any method of governmental, commercial, or electronic  
20 delivery that allows a document or package to have proof of:
- 21 (a) Sending the document or package;
- 22 (b) The date the document or package was delivered or delivery was attempted;  
23 and
- 24 (c) The signature of the receipt of the document or package;
- 25 (9) "Company" may extend and be applied to any corporation, company, person,  
26 partnership, joint stock company, or association;
- 27 (10) "Corporation" may extend and be applied to any corporation, company, partnership,

- 1 joint stock company, or association;
- 2 (11) "Criminal risk factors" are characteristics and behaviors that, when addressed or  
3 changed, affect a person's risk for committing crimes. The characteristics may  
4 include but are not limited to the following risk and criminogenic need factors:  
5 antisocial behavior; antisocial personality; criminal thinking; criminal associates;  
6 dysfunctional family; low levels of employment or education; poor use of leisure  
7 and recreation; and substance abuse;
- 8 (12) "Cruelty" as applied to animals includes every act or omission whereby unjustifiable  
9 physical pain, suffering, or death is caused or permitted;
- 10 (13) "Directors," when applied to corporations, includes managers or trustees;
- 11 (14) "Domestic," when applied to a corporation, partnership, business trust, or limited  
12 liability company, means all those incorporated or formed by authority of this state;
- 13 (15) "Domestic animal" means any animal converted to domestic habitat;
- 14 (16) "Evidence-based practices" means policies, procedures, programs, and practices  
15 proven by scientific research to reliably produce reductions in recidivism when  
16 implemented competently;
- 17 (17) "Federal" refers to the United States;
- 18 (18) "Foreign," when applied to a corporation, partnership, limited partnership, business  
19 trust, statutory trust, or limited liability company, includes all those incorporated or  
20 formed by authority of any other state;
- 21 (19) "Generally accepted accounting principles" are those uniform minimum standards  
22 of and guidelines to financial accounting and reporting as adopted by the National  
23 Council on Governmental Accounting, under the auspices of the Municipal Finance  
24 Officers Association and by the Financial Accounting Standards Board, under the  
25 auspices of the American Institute of Certified Public Accountants;
- 26 (20) "Graduated sanction" means any of a wide range of accountability measures and  
27 programs for supervised individuals, including but not limited to electronic



1 monitoring; drug and alcohol testing or monitoring; day or evening reporting  
2 centers; restitution centers; reentry centers; disallowance of future earned  
3 compliance credits; rehabilitative interventions such as substance abuse or mental  
4 health treatment; reporting requirements to probation and parole officers;  
5 community service or work crews; secure or unsecure residential treatment facilities  
6 or halfway houses; and short-term or intermittent incarceration;

7 (21) "Humane society," "society," or "Society for the Prevention of Cruelty to Animals,"  
8 means any nonprofit corporation, organized under the laws of this state and having  
9 as its primary purpose the prevention of cruelty to animals;

10 (22) "Issue," as applied to the descent of real estate, includes all the lawful lineal  
11 descendants of the ancestors;

12 (23) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights  
13 thereto and interest therein, other than a chattel interest;

14 (24) "Legatee" and "devisee" convey the same idea;

15 (25) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or  
16 any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;

17 (26) "May" is permissive;

18 (27) "Month" means calendar month;

19 (28) "Oath" includes "affirmation" in all cases in which an affirmation may be  
20 substituted for an oath;

21 (29) "Owner" when applied to any animal, means any person having a property interest  
22 in such animal;

23 (30) "Partnership" includes both general and limited partnerships;

24 (31) "Peace officer" includes sheriffs, constables, coroners, jailers, metropolitan and  
25 urban-county government correctional officers, marshals, policemen, and other  
26 persons with similar authority to make arrests;

27 (32) "Penitentiary" includes all of the state penal institutions except the houses of

- 1 reform;
- 2 (33) "Person" may extend and be applied to bodies-politic and corporate, societies,  
3 communities, the public generally, individuals, partnerships, joint stock companies,  
4 and limited liability companies;
- 5 (34) "Personal estate" includes chattels, real and other estate that passes to the personal  
6 representative upon the owner dying intestate;
- 7 (35) "Pretrial risk assessment" means an objective, research-based, validated assessment  
8 tool that measures a defendant's risk of failing to appear for all required court  
9 appearances~~[flight]~~ and risk of anticipated criminal conduct while on pretrial  
10 release pending adjudication;
- 11 (36) "Registered mail" means any governmental, commercial, or electronic method of  
12 delivery that allows a document or package to have:
- 13 (a) Its chain of custody recorded in a register to enable its location to be tracked;  
14 (b) Insurance available to cover its loss; and  
15 (c) The signature of the recipient of the document or package available to the  
16 sender;
- 17 (37) "Regular election" means the election in even-numbered years at which members of  
18 Congress are elected and the election in odd-numbered years at which state officers  
19 are elected;
- 20 (38) "Risk and needs assessment" or "validated risk and needs assessment" means an  
21 actuarial tool scientifically proven to determine a person's risk to reoffend and  
22 criminal risk factors, that when properly addressed, can reduce that person's  
23 likelihood of committing future criminal behavior;
- 24 (39) "Shall" is mandatory;
- 25 (40) "State" when applied to a part of the United States, includes territories, outlying  
26 possessions, and the District of Columbia; "any other state" includes any state,  
27 territory, outlying possession, the District of Columbia, and any foreign government

1 or country;

2 (41) "State funds" or "public funds" means sums actually received in cash or negotiable  
3 instruments from all sources unless otherwise described by any state agency, state-  
4 owned corporation, university, department, cabinet, fiduciary for the benefit of any  
5 form of state organization, authority, board, bureau, interstate compact,  
6 commission, committee, conference, council, office, or any other form of  
7 organization whether or not the money has ever been paid into the Treasury and  
8 whether or not the money is still in the Treasury if the money is controlled by any  
9 form of state organization, except for those funds the management of which is to be  
10 reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605,  
11 and 42.615;

12 (42) "Supervised individual" means an individual placed on probation by a court or  
13 serving a period of parole or post-release supervision from prison or jail;

14 (43) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted  
15 for an oath;

16 (44) "Treatment" when used in a criminal justice context, means targeted interventions  
17 that focus on criminal risk factors in order to reduce the likelihood of criminal  
18 behavior. Treatment options may include but shall not be limited to community-  
19 based programs that are consistent with evidence-based practices; cognitive-  
20 behavioral programs; faith-based programs; inpatient and outpatient substance  
21 abuse or mental health programs; and other available prevention and intervention  
22 programs that have been scientifically proven to produce reductions in recidivism  
23 when implemented competently. "Treatment" does not include medical services;

24 (45) "United States" includes territories, outlying possessions, and the District of  
25 Columbia;

26 (46) "Vacancy in office," or any equivalent phrase, means such as exists when there is an  
27 unexpired part of a term of office without a lawful incumbent therein, or when the

1 person elected or appointed to an office fails to qualify according to law, or when  
2 there has been no election to fill the office at the time appointed by law; it applies  
3 whether the vacancy is occasioned by death, resignation, removal from the state,  
4 county or district, or otherwise;

5 (47) "Violate" includes failure to comply with;

6 (48) "Will" includes codicils; "last will" means last will and testament;

7 (49) "Year" means calendar year;

8 (50) "City" includes town;

9 (51) Appropriation-related terms are defined as follows:

10 (a) "Appropriation" means an authorization by the General Assembly to expend,  
11 from public funds, a sum of money not in excess of the sum specified, for the  
12 purposes specified in the authorization and under the procedure prescribed in  
13 KRS Chapter 48;

14 (b) "Appropriation provision" means a section of any enactment by the General  
15 Assembly which is not provided for by KRS Chapter 48 and which authorizes  
16 the expenditure of public funds other than by a general appropriation bill;

17 (c) "General appropriation bill" means an enactment by the General Assembly  
18 that authorizes the expenditure of public funds in a branch budget bill as  
19 provided for in KRS Chapter 48;

20 (52) "Mediation" means a nonadversarial process in which a neutral third party  
21 encourages and helps disputing parties reach a mutually acceptable agreement.  
22 Recommendations by mediators are not binding on the parties unless the parties  
23 enter into a settlement agreement incorporating the recommendations;

24 (53) "Biennium" means the two (2) year period commencing on July 1 in each even-  
25 numbered year and ending on June 30 in the ensuing even-numbered year;

26 (54) "Branch budget bill" or "branch budget" means an enactment by the General  
27 Assembly which provides appropriations and establishes fiscal policies and

1 conditions for the biennial financial plan for the judicial branch, the legislative  
2 branch, and the executive branch, which shall include a separate budget bill for the  
3 Transportation Cabinet;

4 (55) "AVIS" means the automated vehicle information system established and  
5 maintained by the Transportation Cabinet to collect titling and registration  
6 information on vehicles and boats and information on holders of motor vehicle  
7 operator's licenses and personal identification cards; and

8 (56) "Cooperative," except in KRS Chapter 272, includes a limited cooperative  
9 association.

10 ➔Section 29. The following KRS section is repealed:

11 431.540 Uniform schedule of amounts of bail in designated nonviolent Class D felonies,  
12 misdemeanors, and violations.

13 ➔Section 30. KRS 431.520 is amended to read as follows:

14 Any person charged with an offense shall be ordered released by a court of competent  
15 jurisdiction pending trial on his personal recognizance or upon the execution of an  
16 unsecured bail bond in an amount set by the court~~[or as fixed by the Supreme Court as~~  
17 ~~provided by KRS 431.540]~~, unless the court determines in the exercise of its discretion  
18 that such a release will not reasonably assure the appearance of the person as required, or  
19 the court determines the person is a flight risk or a danger to others. When such a  
20 determination is made, the court shall, either in lieu of or in addition to the above  
21 methods of release, impose any of the following conditions of release:

22 (1) Place the person in the custody of a designated person or organization agreeing to  
23 supervise him;

24 (2) Place restrictions on the travel, association, or place of abode of the person during  
25 the period of release;

26 (3) Require the execution of a bail bond:

27 (a) With sufficient personal surety or sureties acceptable to the court; in

- 1 determining the sufficiency of such surety or sureties, the court shall consider  
2 his character, his place of residence, his relationship with the defendant, and  
3 his financial and employment circumstances; or
- 4 (b) With the ten percent (10%) deposit as provided in KRS 431.530; provided  
5 that if the defendant is permitted to earn credit toward bail pursuant to KRS  
6 431.066, that credit shall be applied to the ten percent (10%) deposit; or
- 7 (c) With the deposit of cash equal to the amount of the bond or in lieu thereof  
8 acceptable security as provided in KRS 431.535;
- 9 (4) If the person's record indicates a history of controlled substance or alcohol abuse:
- 10 (a) Order the person to submit to periodic testing for use of controlled substances  
11 or alcohol and pay a reasonable fee, not to exceed the actual cost of the test  
12 and analysis, as determined by the court with the fee to be collected by the  
13 circuit clerk, held in an agency account, and disbursed, on court order, solely  
14 to the agency or agencies responsible for testing and analysis as compensation  
15 for the cost of the testing and analysis performed under this subsection. If the  
16 person is declared indigent, the testing fee may be waived by the court. The  
17 Administrative Office of the Courts shall establish pilot projects to implement  
18 the provisions of this subsection; or
- 19 (b) Order the person to use an alcohol monitoring device, as defined in KRS  
20 431.068. All costs associated with the device, including administrative and  
21 operating costs, shall be paid by the defendant. If the court determines that the  
22 defendant is indigent, and a person, county, or other organization has not  
23 agreed to pay the costs for the defendant in an attempt to reduce incarceration  
24 expenses and increase public safety, the court shall consider other conditions  
25 of release provided for in this section;
- 26 (5) (a) During all or part of a person's period of release pursuant to this section, order  
27 the person to participate in a global positioning monitoring system program

1           operated by a county pursuant to KRS 67.372 and 67.374 under the same  
2           terms and conditions provided under KRS 431.517.

3           (b) If the person is charged with a sex crime as defined in KRS 17.500, consider  
4           requiring that he or she be monitored electronically, and shall consider  
5           requiring the person be subject to home incarceration;

6           (6) Impose any other condition deemed reasonably necessary to assure appearance as  
7           required, including a condition requiring that the person return to custody after  
8           specified hours;

9           (7) A court authorizing the release of a person pursuant to this section shall cause the  
10          issuance of an appropriate order containing a statement of the conditions imposed,  
11          if any, shall cause such person to be informed of the penalties applicable to  
12          violations of the conditions of his release, and shall cause him to be informed that a  
13          warrant for his arrest will be issued immediately upon any such violation;

14          (8) A person for whom conditions of release are imposed and who after twenty-four  
15          (24) hours from the time of the imposition of said conditions continues to be  
16          detained as a result of his inability to meet the conditions of release shall, upon  
17          written application or upon the court's own motion, be entitled to have the  
18          conditions reviewed by the court which imposed them. A person who is ordered  
19          released on a condition which requires that he return to custody after specified hours  
20          shall, upon written application or upon the court's own motion, be entitled to a  
21          review by the court which imposed the condition; or

22          (9) If at any time following release of a defendant and before he is required to appear  
23          for trial, the court is advised of a material change in the defendant's circumstances  
24          or that he has not complied with all conditions imposed upon his release, the court  
25          having jurisdiction may:

26               (a) Order the arrest of the defendant;

27               (b) Enter an order requiring the defendant, his surety or sureties to appear and

1 show cause why the bail bond should not be forfeited or the conditions of his  
2 release be changed; or

3 (c) Both.

4 A copy of said order shall be served upon the defendant, his surety or sureties. If the  
5 defendant fails to appear before the court as ordered or if, after hearing, the court  
6 finds the conditions of release have not been complied with, the court may change  
7 the conditions imposed or forfeit the bail bond or any portion thereof and enter a  
8 judgment for the Commonwealth against the defendant and his surety or sureties for  
9 the amount of the bail bond or any portion thereof and cost of the proceedings.

10 ➔Section 31. KRS 441.127 is amended to read as follows:

11 (1) The jailer or correctional services department shall grant sentence credits to inmates  
12 confined in the county jail on conviction of misdemeanor charges.

13 (2) Credit, if granted, shall be uniform and shall be based on the following:

14 (a) For labor performed without the jail in a community service program or  
15 within the jail for the maintenance of the jail or for the operation of jail  
16 services such as food service:

17 1. For every eight (8) full hours of work, one (1) sentence credit shall be  
18 earned; and

19 2. For every five (5) of sentence credits earned, one (1) day of the sentence  
20 to be served by the inmate shall be deducted;

21 (b) For successfully receiving a general equivalency diploma or a high school  
22 diploma, a service credit of ninety (90)~~thirty (30)~~ days shall be earned;

23 **(c) For each day an inmate participates in a drug treatment program or other**  
24 **evidence-based program approved by the department, a service credit of one**  
25 **(1) day shall be earned;**

26 **(d) For performing exceptionally meritorious service, performing duties of**  
27 **outstanding importance in connection with the jail's operations and**



1           programs, or performing acts of exceptional service during times of  
2           emergency, an amount not to exceed seven (7) days per act shall be earned,  
3           to be determined by the jailer or chief executive of the jail for the conduct of  
4           the inmate; and

5           ~~(e)~~ For good behavior, an amount not to exceed ten (10)~~five (5)~~ days shall  
6           be earned for each month served, to be determined by the jailer or chief  
7           executive of the jail for the conduct of the inmate.

8           **(3)** Sentence credits shall be deducted from the maximum expiration date of the  
9           sentence.

10          ~~(4)~~~~(3)~~ If an inmate violates the rules of the jail or engages in other misconduct the  
11          jailer or correctional services department may withdraw sentence credits earned by  
12          the inmate. The jailer or correctional services department shall maintain a list of  
13          offenses and penalties for the ten (10) most common offenses and rule violations.

14          ➔Section 32. This Act shall be known as the Women's Dignity in the Justice  
15          System Act.