

1 AN ACT relating to probation program credits.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 439.250 TO 439.560 IS CREATED  
4 TO READ AS FOLLOWS:

5 *(1) Any supervised individual on probation, probation with an alternative sentence,*  
6 *or conditional discharge shall receive credit on his or her sentence for:*

7 *(a) Successfully receiving a High School Equivalency Diploma or a high*  
8 *school diploma, a college degree, a completed vocational or technical*  
9 *education program, or a correspondence postsecondary education program*  
10 *which results in a diploma or degree, as defined and approved by the*  
11 *department in the amount of ninety (90) days per diploma, degree, or*  
12 *vocational or technical education program completed;*

13 *(b) Successfully completing a drug treatment program, evidence-based*  
14 *program, or any other promising practice or life skills program approved by*  
15 *the department, in the amount of not more than ninety (90) days for each*  
16 *program completed. The department shall determine criteria to establish*  
17 *whether a life skills or promising practice program is eligible for probation*  
18 *program credits. Programs shall demonstrate learning of skills necessary*  
19 *for reintegration into the community to minimize barriers to successful*  
20 *reentry. Approval of programs shall be subject to review by the department;*  
21 *and*

22 *(c) Work-for-time, calculated pursuant to KRS 197.047.*

23 *(2) The department may promulgate administrative regulations for the awarding of*  
24 *probation program credits.*

25 ➔Section 2. KRS 439.250 is amended to read as follows:

26 As used in KRS 439.250 to 439.560, unless the context requires otherwise:

27 (1) "Secretary" means the secretary of the Justice and Public Safety Cabinet;

- 1 (2) "Commissioner" means the commissioner of the Department of Corrections;
- 2 (3) "Department" means the Department of Corrections;
- 3 (4) "Deputy commissioner" means the deputy commissioner of the Office of Adult  
4 Institutions or the deputy commissioner of the Office of Community Services and  
5 Facilities of the Department of Corrections;
- 6 (5) "Board" means the Parole Board created by KRS 439.320;
- 7 (6) "Community supervision" means:
- 8 (a) The placement of a defendant under supervision with conditions imposed by a  
9 court for a specified period during which:
- 10 1. Criminal proceedings are deferred without an adjudication of guilt; or  
11 2. A sentence of imprisonment or confinement, imprisonment and fine, or  
12 confinement and fine, is probated and the imposition of sentence is  
13 suspended in whole or in part; or
- 14 (b) The placement of an individual under supervision after release from prison or  
15 jail, with conditions imposed by the board for a specified period;
- 16 (7) "Parole compliance credit" means a credit on a paroled individual's sentence for  
17 program credit, work-for-time credit, educational accomplishment, or meritorious  
18 service and shall be calculated pursuant to the applicable provisions in KRS  
19 197.045 and 197.047;
- 20 (8) **"Probation program credit" means a credit on the sentence of a supervised**  
21 **individual who is on probation, probation with an alternative sentence, or**  
22 **conditional discharge for educational credit, program completion credit, or work-**  
23 **for-time credit calculated pursuant to Section 1 of this Act;**
- 24 **(9)** "Supervised compliance credit" means a credit on a **paroled**~~supervised~~  
25 individual's sentence for compliance with supervision that shall be calculated  
26 pursuant to KRS 439.345;
- 27 **(10)**~~(9)~~ "Positive reinforcement" means any of a wide range of rewards and

1 incentives, including but not limited to awarding certificates of achievement,  
2 reducing reporting requirements, deferring a monthly supervision fee payment,  
3 removing supervision conditions such as home detention or curfew, or asking the  
4 supervised individual to be a mentor to others;

5 ~~(11)~~~~(10)~~ "Probation and parole district supervisor" means the highest ranking field  
6 probation or parole administrator in each district; and

7 ~~(12)~~~~(11)~~ "Supervised individual" means an individual placed on probation, probation  
8 with an alternative sentence, or conditional discharge by a court or serving a  
9 period of parole or post-release supervision from prison or jail.