

1 AN ACT relating to persons convicted of crimes.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) When a prisoner is released, the department shall issue to that prisoner, with the*  
6 *prisoner's consent, documents regarding all of the following:*

7 *(a) The prisoner's criminal history in Kentucky;*

8 *(b) The prisoner's institutional history including all of the following:*

9 *1. Any record of major disciplinary violations;*

10 *2. Whether the prisoner successfully completed programming approved*  
11 *by the department;*

12 *3. Whether the prisoner obtained a high school equivalency diploma or*  
13 *other educational degree prior to incarceration, to the extent known or*  
14 *verifiable by the department;*

15 *4. Whether the prisoner obtained a high school equivalency diploma or*  
16 *other educational degree while incarcerated;*

17 *5. The prisoner's work record prior to incarceration, including past*  
18 *employment and skills, to the extent known or verifiable by the*  
19 *department, and to the extent the department is technologically*  
20 *capable of providing this information; and*

21 *6. The prisoner's institutional work record, including skills obtained*  
22 *through any job training or programming provided by the department;*  
23 *and*

24 *(c) Other information considered relevant by the department.*

25 *(2) When a prisoner is released, the department may, in conjunction with the*  
26 *Transportation Cabinet, issue to that prisoner an operator's license or personal*  
27 *identification card that is a voluntary travel ID document pursuant to KRS*

1       186.417.

2       (3) In addition to the documents provided under subsections (1) and (2) of this  
3       section, the department shall issue a certificate of employability to a prisoner if  
4       all of the following apply:

5       (a) The prisoner achieved one (1) or both of the following:

6           1. While incarcerated, successfully earned one (1) or more of the  
7           following:

8               a. An educational credit pursuant to KRS 197.045(1)(a)2.;

9               b. A program completion credit pursuant to KRS 197.045(1)(a)3.;

10                   or

11               c. A work-for-time credit pursuant to KRS 197.047; or

12           2. Prior to incarceration, earned a High School Equivalency Diploma, a  
13           high school diploma, a college degree, certification from a vocational  
14           or technical education program that the program was completed, or a  
15           diploma or degree from a correspondence postsecondary education  
16           program approved by the department;

17       (b) The prisoner received no major disciplinary violations during the year  
18       immediately preceding his or her release; and

19       (c) The prisoner received a score or level of competence as determined by the  
20       department on a job skills assessment test administered by the department  
21       or jail.

22       (4) A certificate of employability issued pursuant to subsection (3) of this section  
23       shall:

24           (a) Be issued to the prisoner when he or she is released from a correctional  
25           facility;

26           (b) Be on a form provided by the department;

27           (c) Be valid unless revoked by the department; and

1 (d) Not create relief from:

2 1. A requirement to register as a sex offender under KRS 17.510;

3 2. A driver's license, commercial driver's license, or probationary license  
4 suspension, cancellation, or revocation;

5 3. A restriction on employment as a prosecutor or law enforcement  
6 officer; or

7 4. The denial, ineligibility, or automatic suspension of a health care  
8 professional's license due to a substance use disorder.

9 (5) (a) The department shall revoke the certificate of employability provided under  
10 this section of any individual who is convicted of a felony after receiving a  
11 certificate of employability.

12 (b) The department shall provide an individual whose certificate of  
13 employability has been revoked under this subsection an opportunity to file  
14 a grievance through the department's prisoner grievance system. The  
15 revocation of a certificate of employability is effective when the individual is  
16 notified of the revocation.

17 (c) The revocation of a certificate of employability does not affect the right of  
18 an employer to rely on the validity of the certificate of employability unless  
19 the employer knew before the individual was employed that the certificate of  
20 employability was fraudulent.

21 (6) An individual shall not intentionally state or otherwise represent that he or she  
22 has a valid certificate of employability issued by the department knowing that the  
23 statement or representation is false. An individual who violates this subsection  
24 shall be guilty of a Class B misdemeanor.

25 (7) Upon request, the department shall confirm whether a certificate of employability  
26 has been issued to a named individual and whether the certificate is valid at the  
27 time of the inquiry and at the time of the department's response to that inquiry.

1 (8) The department is not civilly liable for damages based upon its decision to issue  
2 or deny issuance of a certificate of employability to any prisoner or for revoking  
3 or failing to revoke a certificate of employability issued to any prisoner.

4 (9) (a) In a judicial or administrative proceeding alleging negligence or other  
5 fault, a certificate of employability issued to an individual under this section  
6 may be introduced as evidence of a person's due care in hiring, retaining,  
7 licensing, leasing to, admitting to a school or program, or otherwise  
8 transacting business or engaging in activity with the individual to whom the  
9 certificate of employability was issued if the person knew of the certificate at  
10 the time of the alleged negligence or other fault.

11 (b) In any proceeding on a claim against an employer for negligent hiring, a  
12 certificate of employability issued to an individual under this section may be  
13 a defense for the employer as to the claim if the employer knew of the  
14 certificate at the time of the alleged negligence, except in cases where the  
15 employer knew or should have known the employee should not be hired for  
16 the position due to the nature of his or her history, including criminal  
17 history.

18 (10) The department shall notify incoming prisoners of the possibility to earn a  
19 certificate of employability.

20 (11) The department shall submit an annual report no later than September 1 of each  
21 year to the Governor and the General Assembly, which shall include the number  
22 of certificates of employability issued in the preceding twelve (12) months, the  
23 rate of recidivism among released prisoners previously issued certificates of  
24 employability, and any other information the department deems appropriate to  
25 include.

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

1 *As part of a life skills program that includes curriculum on employment provided to*  
2 *prisoners, the department shall assist prisoners in preparing and writing resumes*  
3 *summarizing their past employment and skills. The department shall assist prisoners in*  
4 *obtaining records or other documents necessary for this purpose.*

5       ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO  
6 READ AS FOLLOWS:

7 *In the event that the cabinet seeks and receives approval of a Medicaid Section 1115*  
8 *waiver under 42 U.S.C. sec. 1315 for the purpose of providing Medicaid coverage to*  
9 *prisoners thirty (30) days prior to their release, the cabinet shall prioritize provision of*  
10 *such coverage.*

11       ➔Section 4. KRS 205.2005 is amended to read as follows:

12 *Pursuant to 21 U.S.C. sec. 862a(d)(1), all individuals residing in Kentucky shall be*  
13 *exempt from the application of 21 U.S.C. sec. 862a(a)*~~*[Any public assistance recipient*~~  
14 ~~*under Title IV of the Federal Social Security Act and any federal food stamp program*~~  
15 ~~*recipient who has been convicted of a drug felony after August 22, 1996, may remain*~~  
16 ~~*eligible for the program benefits if the recipient has been assessed as chemically*~~  
17 ~~*dependent and is participating in or has successfully completed a chemical dependency*~~  
18 ~~*treatment program or is pregnant, and the recipient is otherwise eligible].*~~