

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*  
6 *documents regarding all of the following:*

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

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 provided*  
11 *by the department or a person or entity under contract with the*  
12 *department;*

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

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, if known;*

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

22 *(c) Other information considered relevant by the department, including*  
23 *government-issued identification cards or documents to assist released*  
24 *prisoners in obtaining government-issued identification cards.*

25 *(2) In addition to the documents provided under subsection (1) of this section, the*  
26 *department shall issue a certificate of employability to a prisoner if all of the*  
27 *following apply:*

- 1        (a) The prisoner achieved one (1) or both of the following:
- 2            1. While incarcerated, successfully earned one (1) or more of the
- 3            following:
- 4            a. An educational credit pursuant to KRS 197.045(1)(a)2.;
- 5            b. A program completion credit pursuant to KRS 197.045(1)(a)3.;
- 6            or
- 7            c. A work-for-time credit pursuant to KRS 197.047; or
- 8            2. Prior to incarceration, earned a High School Equivalency Diploma, a
- 9            high school diploma, a college degree, certification from a vocational
- 10           or technical education program that the program was completed, or a
- 11           diploma or degree from a correspondence postsecondary education
- 12           program approved by the department;
- 13        (b) The prisoner received no major disciplinary violations during the year
- 14        immediately preceding his or her release; and
- 15        (c) The prisoner received a score or level of competence as determined by the
- 16        department on a job skills assessment test administered by the department
- 17        or jail.
- 18        (3) A certificate of employability issued pursuant to subsection (2) of this section
- 19        shall:
- 20           (a) Be issued to the prisoner when he or she is released from a correctional
- 21           facility;
- 22           (b) Be on a form provided by the department;
- 23           (c) Be valid unless revoked by the department; and
- 24           (d) Not create relief from:
- 25           1. A requirement to register as a sex offender under KRS 17.510;
- 26           2. A driver's license, commercial driver's license, or probationary license
- 27           suspension, cancellation, or revocation;

- 1           3. A restriction on employment as a prosecutor or law enforcement  
2                   officer; or
- 3           4. The denial, ineligibility, or automatic suspension of a health care  
4                   professional's license due to a substance use disorder.
- 5   (4) (a) The department shall revoke the certificate of employability provided under  
6           this section of any individual who is convicted of a felony after receiving a  
7           certificate of employability and who is then placed under the jurisdiction of  
8           the department for committing that felony.
- 9           (b) The department shall provide an individual whose certificate of  
10           employability has been revoked under this subsection an opportunity to file  
11           a grievance through the department's prisoner grievance system. The  
12           revocation of a certificate of employability is effective when the individual is  
13           notified of the revocation.
- 14           (c) The revocation of a certificate of employability is for purposes of subsection  
15           (5) of this section only and does not affect the right of an employer to rely  
16           on the validity of the certificate of employability unless the employer knew  
17           before the individual was employed that the certificate of employability was  
18           fraudulent.
- 19   (5) An individual shall not intentionally state or otherwise represent that he or she  
20           has a valid certificate of employability issued by the department knowing that the  
21           statement or representation is false. An individual who violates this subsection  
22           shall be guilty of a Class B misdemeanor.
- 23   (6) Upon request, the department shall confirm whether a certificate of employability  
24           has been issued to a named individual and whether the certificate is valid at the  
25           time of the inquiry and at the time of the department's response to that inquiry.
- 26   (7) The department is not civilly liable for damages based upon its decision to issue  
27           or deny issuance of a certificate of employability to any prisoner or for revoking

1 or failing to revoke a certificate of employability issued to any prisoner.

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

9 (b) In any proceeding on a claim against an employer for negligent hiring, a  
10 certificate of employability issued to an individual under this section shall  
11 provide immunity for the employer as to the claim if the employer knew of  
12 the certificate at the time of the alleged negligence.

13 (c) If an employer hires an individual who has been issued a certificate of  
14 employability under this section, if the individual, after being hired,  
15 subsequently demonstrates dangerousness or is convicted of or pleads guilty  
16 to a felony, and if the employer retains the individual as an employee after  
17 the demonstration of dangerousness or the conviction or guilty plea, the  
18 employer may be held liable in a civil action that is based on or relates to  
19 the retention of the individual as an employee only if it is proved by a  
20 preponderance of the evidence that the person having hiring and firing  
21 responsibility for the employer had actual knowledge that the employee was  
22 dangerous or had been convicted of or pleaded guilty to the felony, and was  
23 willful in retaining the individual as an employee after the demonstration of  
24 dangerousness or the conviction or guilty plea of which the person has  
25 actual knowledge.

26 (9) The department shall notify incoming prisoners of the possibility to earn a  
27 certificate of employability.

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

3 *As part of any job training provided to prisoners, the department shall assist prisoners*  
4 *in preparing and writing resumes summarizing their past employment and skills. The*  
5 *department shall assist prisoners in obtaining records or other documents necessary*  
6 *for this purpose.*

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

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

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

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