

1 AN ACT relating to felony mediation.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 455 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Domestic violence and abuse" has the same meaning as in KRS 403.720;*

7 *and*

8 *(b) "Protective order" has the same meaning as in KRS 508.130.*

9 *(2) A court may order felony mediation if the defendant and the Commonwealth's*
10 *attorney, after consultation with the victim, agree to mediation and the court*
11 *determines the public interest is not harmed by ordering felony mediation.*

12 *(3) The Supreme Court may establish rules for felony mediation and direct the*
13 *Administrative Office of the Courts to create forms for the proper administration*
14 *of the felony mediation program.*

15 *(4) Rules adopted by the Supreme Court may include:*

16 *(a) Qualifications of felony mediators;*

17 *(b) The process for referral of a case to felony mediation;*

18 *(c) Procedures which ensure that felony mediation is voluntary and fair to*
19 *defendants and victims; and*

20 *(d) Procedures for program operations, reporting, and records.*

21 *(5) No case involving domestic violence and abuse, or any other matter if either of*
22 *the parties has a protective order against the other, shall be eligible for felony*
23 *mediation, unless requested by the victim and the court determines the victim's*
24 *request is voluntary and not the result of coercion.*

25 *(6) The Chief Justice shall submit an annual report to the Interim Joint Committee*
26 *on Judiciary by November 1 of each year that includes:*

27 *(a) Felony mediation data by county, including:*

- 1 1. The number of cases referred to felony mediation;
- 2 2. The classification of offenses referred to felony mediation;
- 3 3. The number of felony pleas agreed to at felony mediation;
- 4 4. The number of misdemeanor pleas agreed to at felony mediation; and
- 5 5. If the case was not resolved through felony mediation, the number of
- 6 cases that went to trial; and
- 7 (b) Rules adopted concerning felony mediation and any proposed or
- 8 subsequent changes.