

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) "Dating violence and abuse" has the same meaning as in KRS 456.010;*

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

8 *(c) "Protective order" has the same meaning as in KRS 508.130;*

9 *(d) "Sexual assault" means an act or series of acts against a person that meets*
10 *the criteria defining a misdemeanor or felony in:*

11 *1. KRS 508.125;*

12 *2. KRS Chapter 510;*

13 *3. KRS 529.100 when the offense involves commercial sexual activity;*

14 *4. KRS 529.110 when the offense involves commercial sexual activity;*

15 *5. KRS Chapter 531 involving a minor or depiction of a minor;*

16 *6. KRS 531.120; or*

17 *7. KRS 506.010 or 506.030 for attempt to commit or solicitation to*
18 *commit any of the offenses described in subparagraphs 1. to 6. of this*
19 *paragraph; and*

20 *(e) "Stalking" means conduct prohibited under KRS 508.140 and 508.150.*

21 *(2) A court may order felony mediation if the defendant, the Commonwealth's*
22 *attorney, and the victim agree to mediation and the court determines the public*
23 *interest is not harmed by ordering felony mediation.*

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

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

- 1 (a) Qualifications of felony mediators;
- 2 (b) The process for referral of a case to felony mediation;
- 3 (c) Procedures which ensure that felony mediation is voluntary and fair to
4 defendants and victims; and
- 5 (d) Procedures for program operations, reporting, and records.
- 6 (5) No case involving dating violence and abuse, domestic violence and abuse, sexual
7 assault, stalking, or any other matter if either of the parties has a protective order
8 against the other, shall be eligible for felony mediation, unless requested by the
9 victim and the court determines the victim's request is voluntary and not the
10 result of coercion.
- 11 (6) The Chief Justice shall submit an annual report to the Interim Joint Committee
12 on Judiciary by November 1 of each year that includes:
- 13 (a) Felony mediation data by county, including:
- 14 1. The number of cases referred to felony mediation;
- 15 2. The classification of offenses referred to felony mediation;
- 16 3. The number of felony pleas agreed to at felony mediation;
- 17 4. The number of misdemeanor pleas agreed to at felony mediation; and
- 18 5. If the case was not resolved through felony mediation, the number of
19 cases that went to trial; and
- 20 (b) Rules adopted concerning felony mediation and any proposed or
21 subsequent changes.