

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 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 and the Commonwealth's  
22 attorney, after consultation with the victim, agree to mediation and the court  
23 determines the public 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.