

1 AN ACT relating to specialty courts.

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

3 ➔Section 1. KRS 26A.400 is amended to read as follows:

4 (1) As used in this section, unless the context otherwise requires, "specialty[drug] court
5 program" means any specialty[drug] court program authorized and administered by
6 the Kentucky Supreme Court, ***including:***

7 ***(a) Drug court;***

8 ***(b) Veterans treatment court; and***

9 ***(c) Mental health court.***

10 (2) The Supreme Court of Kentucky shall administer the specialty[drug] court program
11 to:

12 (a) Develop standards, establish program eligibility, and provide oversight for
13 operation for specialty[drug] court programs;

14 (b) Define, develop, and gather outcome measures for specialty[drug] court
15 programs;

16 (c) Collect, report, and disseminate specialty[drug] court data;

17 (d) Sponsor and coordinate state specialty[drug] court training; and

18 (e) Apply for, administer, and evaluate any grant for specialty[drug] court
19 purposes.

20 (3) Nothing contained in this section shall confer a right or an expectation of a right to
21 treatment for an offender within the criminal justice system or the juvenile justice
22 system.

23 (4) If a defendant has been accepted into a specialty[the drug] court program and is
24 supervised by that program as a condition of probation, the defendant shall not be
25 subject to the supervision of the Division of Probation and Parole during his or her
26 participation in the specialty[drug] court program.

27 ***(5) Nothing in this section shall preclude Division of Probation and Parole personnel***

1 *from participating in specialty court staffing.*

2 ➔Section 2. KRS 439.315 is amended to read as follows:

- 3 (1) A person placed by a releasing authority on probation, parole, or other form of
4 release subject to supervision by the Department of Corrections and all persons
5 supervised pursuant to KRS 439.560 shall pay a fee to offset the costs of
6 supervising the probation, parole, or other supervised release.
- 7 (2) The fees shall be as follows:
- 8 (a) For a felony, not less than ten dollars (\$10) per month while on active
9 supervision nor more than two thousand five hundred dollars (\$2,500) per
10 year.
- 11 (b) For a misdemeanor, not less than ten dollars (\$10) per month while on active
12 supervision nor more than five hundred dollars (\$500) per year, except as
13 provided in subsection (13) of this section.
- 14 (3) The releasing authority shall order the fee paid in a lump sum or installments. If the
15 fee is to be paid in a lump sum, the person shall not be released from custody until
16 the fee is paid in full.
- 17 (4) Upon the failure of a person to pay an installment on a fee set forth in a release
18 agreement, the releasing authority shall hold a hearing to determine why the
19 installment has not been paid. Failure without good cause to pay an installment
20 pursuant to a release agreement shall be grounds for the revocation of probation,
21 parole, conditional release, or other form of release upon which the person has been
22 released as provided in KRS 533.050.
- 23 (5) The releasing authority shall hold a hearing to determine the ability of the defendant
24 to make the payments; and in making this determination, the releasing authority
25 shall take into account the amount of any fine imposed upon the defendant and any
26 amount the defendant has been ordered to pay in restitution. In counties containing
27 a city of the first class or an urban-county form of government, the releasing

1 authority may waive the payment of the fee in whole or in part for defendants
2 placed under the supervision of the adult misdemeanor probation and work release
3 program, if it finds that any of the factors in subsection (6) of this section exist.

4 (6) The releasing authority shall not waive any fee unless the commissioner of the
5 Department of Corrections or his *or her* designee petitions the releasing authority in
6 written form for the waiver. The Department of Corrections shall not petition
7 unless:

8 (a) The offender is a student in a school, college, university, or course of
9 vocational or technical training designed to fit the student for gainful
10 employment. Certification of student status shall be supplied to the releasing
11 authority by the educational institution in which the offender is enrolled. In
12 such case, the fee may be postponed until completion of education but shall be
13 paid thereafter.

14 (b) The offender has an employment disability, as determined by a physical,
15 psychological, or psychiatric examination acceptable to, or ordered by, the
16 releasing authority.

17 (7) At any time during the pendency of the judgment or order rendered according to the
18 terms of this section, a defendant may petition the releasing authority to modify or
19 vacate its previous judgment or order on the grounds of change of circumstances
20 with regard to the defendant's ability to pay the fee. The releasing authority shall
21 advise the defendant of this right at the time of the rendering of the judgment or
22 order placing the defendant on probation, parole, or other supervised release.

23 (8) All sums paid by the defendant pursuant to this section shall be paid into the
24 general fund, except as provided in subsection (13) of this section.

25 (9) When granting a release of any defendant by way of probation, parole, or otherwise,
26 the releasing authority shall make the payment of this fee a condition of release,
27 unless the fee has been waived, reduced, or delayed as provided in this section.

1 Nonpayment shall be grounds for revocation of the release as provided in KRS
2 533.050.

3 (10) The releasing authority, if the Department of Corrections petitions the releasing
4 authority to modify the fee, shall consider the petition and may waive the payment
5 of the fee in whole or in part, delay payment of the fee, increase the fee, or deny the
6 petition.

7 (11) **(a) For offenders ordered to the supervision of the Division of Probation and**
8 **Parole, all**~~[All]~~ fees fixed under~~[the provisions of]~~ this section shall be
9 collected **through the probation and parole office**~~[by the circuit clerk]~~ of the
10 county where the defendant is supervised.

11 **(b) For offenders supervised by adult misdemeanor probation and work**
12 **release programs of the city, county, consolidated local government, charter**
13 **county government, unified local government, or urban-county government,**
14 **fees shall be collected**~~[, except]~~ as provided in subsection (13) of this section.

15 (12) The Department of Corrections and the Division of Probation and Parole shall, for
16 each person released under its supervision, keep an account of all payments made
17 and report delinquencies to the releasing authority.

18 (13) In a city, county, consolidated local government, charter county, **unified local,** or
19 an urban-county government, persons placed by a releasing authority on probation,
20 parole, or other release subject to supervision by the adult misdemeanor probation
21 and work release program of the~~[county,]~~ city, **county,** consolidated local
22 government, charter county, **unified local,** or urban-county government shall pay a
23 fee to offset the costs of supervising the probation, parole, or other supervised
24 release. The fees shall be assessed by the releasing authority in accordance with the
25 provisions of this section. The fee for a misdemeanor defendant placed under the
26 supervision of an adult misdemeanor probation and work release program of a~~[~~
27 ~~county,]~~ city, **county,** consolidated local government, charter county, **unified local,**

1 or an urban-county government shall be not less than one hundred dollars (\$100)
2 nor more than five hundred dollars (\$500) per year. All sums paid by the defendant
3 under this subsection shall be paid into the general fund of the~~[-county,]~~ city,
4 county, consolidated local government, charter county, unified local, or urban-
5 county government in lieu of the payment specified in subsection (8) of this section.
6 All fees fixed under this subsection shall be collected by the circuit clerk of the
7 county or urban-county involved. The adult misdemeanor probation and work
8 release program of the city, county, consolidated local government,~~[-city,]~~ charter
9 county, unified local, or urban-county government shall, for each person released
10 under its supervision, keep an account of all payments made, maintain copies of all
11 receipts issued by the circuit clerk, and report delinquencies to the court.