

1 AN ACT relating to crimes and punishments.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO
4 READ AS FOLLOWS:

5 *Other provisions of law notwithstanding, any person who is convicted of any violation*
6 *of this chapter who, at the time of the commission of the offense and in furtherance of*
7 *the offense, was armed with a firearm, shall be penalized:*

8 *(1) One (1) class more severely than provided in the penalty provision pertaining to*
9 *that offense if it is a felony; or*

10 *(2) As a Class D felon if the offense would otherwise be a misdemeanor.*

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 509 IS CREATED TO
12 READ AS FOLLOWS:

13 *Other provisions of law notwithstanding, any person who is convicted of any violation*
14 *of this chapter who, at the time of the commission of the offense and in furtherance of*
15 *the offense, was armed with a firearm, shall be penalized:*

16 *(1) One (1) class more severely than provided in the penalty provision pertaining to*
17 *that offense if it is a felony; or*

18 *(2) As a Class D felon if the offense would otherwise be a misdemeanor.*

19 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 510 IS CREATED TO
20 READ AS FOLLOWS:

21 *Other provisions of law notwithstanding, any person who is convicted of any violation*
22 *of this chapter who, at the time of the commission of the offense and in furtherance of*
23 *the offense, was armed with a firearm, shall be penalized:*

24 *(1) One (1) class more severely than provided in the penalty provision pertaining to*
25 *that offense if it is a felony; or*

26 *(2) As a Class D felon if the offense would otherwise be a misdemeanor.*

27 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 520 IS CREATED TO

1 READ AS FOLLOWS:

2 *Other provisions of law notwithstanding, any person who is convicted of any violation*
 3 *of this chapter who, at the time of the commission of the offense and in furtherance of*
 4 *the offense, was armed with a firearm, shall be penalized:*

5 *(1) One (1) class more severely than provided in the penalty provision pertaining to*
 6 *that offense if it is a felony; or*

7 *(2) As a Class D felon if the offense would otherwise be a misdemeanor.*

8 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
 9 READ AS FOLLOWS:

10 *Other provisions of law notwithstanding, any person who is convicted of any violation*
 11 *of this chapter who, at the time of the commission of the offense and in furtherance of*
 12 *the offense, was armed with a firearm, shall be penalized:*

13 *(a) One (1) class more severely than provided in the penalty provision pertaining to*
 14 *that offense if it is a felony; or*

15 *(b) As a Class D felon if the offense would otherwise be a misdemeanor.*

16 ➔Section 6. KRS 519.055 is amended to read as follows:

17 (1) A person is guilty of impersonating a peace officer if he *or she* pretends to be a
 18 peace officer, or to represent a law enforcement agency or act with the authority or
 19 approval of law enforcement agency, with intent to induce another to submit to the
 20 pretended official authority or otherwise to act in reliance upon the pretense to his
 21 *or her* prejudice.

22 (2) Impersonating a peace officer is a Class D felony, *unless the person was armed*
 23 *with a firearm at the time of the commission of the offense, in which case it shall*
 24 *be a Class C felony.*

25 (3) As used in this section, the phrase "peace officer" means a peace officer as defined
 26 in KRS 446.010.

27 ➔Section 7. KRS 520.050 is amended to read as follows:

- 1 (1) A person is guilty of promoting contraband in the first degree when:
- 2 (a) He or she knowingly introduces dangerous contraband into a detention
- 3 facility or a penitentiary; or
- 4 (b) Being a person confined in a detention facility or a penitentiary, he or she
- 5 knowingly makes, obtains, or possesses dangerous contraband.
- 6 (2) Promoting contraband in the first degree is a Class D felony, unless the dangerous
- 7 contraband is a deadly weapon, in which case it is a Class C felony.

8 ➔Section 8. KRS 527.110 is amended to read as follows:

- 9 (1) A person is guilty of unlawfully providing a handgun to a juvenile or permitting a
- 10 juvenile to possess a handgun when he or she:
- 11 (a) Intentionally, knowingly, or recklessly provides a handgun, with or without
- 12 remuneration, in violation of KRS 527.040, 527.100, or 600.020 to any person
- 13 he or she knows or has reason to believe is under the age of eighteen (18)
- 14 years; or
- 15 (b) Is the parent or legal guardian of a juvenile and intentionally, knowingly, or
- 16 recklessly provides a handgun to the juvenile or permits the juvenile to
- 17 possess a handgun knowing that there is a substantial risk that the juvenile
- 18 will use a handgun to commit a felony offense; or, with knowledge that the
- 19 juvenile has been convicted of a crime of violence as defined in KRS
- 20 439.3401 or has been adjudicated a public offender of an offense which would
- 21 constitute a crime of violence as defined in KRS 439.3401, provides a
- 22 handgun to that juvenile.
- 23 (2) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a
- 24 handgun is a Class C felony~~[Class D felony]~~.

25 ➔Section 9. KRS 439.3401 is amended to read as follows:

- 26 (1) As used in this section, "violent offender" means any person who has been
- 27 convicted of or pled guilty to the commission of:

- 1 (a) A capital offense;
- 2 (b) A Class A felony;
- 3 (c) A Class B felony involving the death of the victim or serious physical injury
4 to a victim;
- 5 (d) An offense described in KRS 507.040 or 507.050 where the offense involves
6 the killing of a peace officer, firefighter, or emergency medical services
7 personnel while the peace officer, firefighter, or emergency medical services
8 personnel was acting in the line of duty;
- 9 (e) A Class B felony involving criminal attempt to commit murder under KRS
10 506.010 if the victim of the offense is a clearly identifiable peace officer,
11 firefighter, or emergency medical services personnel acting in the line of duty,
12 regardless of whether an injury results;
- 13 (f) The commission or attempted commission of a felony sexual offense
14 described in KRS Chapter 510;
- 15 (g) Use of a minor in a sexual performance as described in KRS 531.310;
- 16 (h) Promoting a sexual performance by a minor as described in KRS 531.320;
- 17 (i) Unlawful transaction with a minor in the first degree as described in KRS
18 530.064(1)(a);
- 19 (j) Human trafficking under KRS 529.100 involving commercial sexual activity
20 where the victim is a minor;
- 21 (k) Criminal abuse in the first degree as described in KRS 508.100;
- 22 (l) Burglary in the first degree accompanied by the commission or attempted
23 commission of an assault as described in KRS 508.010, 508.020, 508.032, or
24 508.060;
- 25 (m) Burglary in the first degree accompanied by commission or attempted
26 commission of kidnapping as described in~~[prohibited by]~~ KRS 509.040;
- 27 (n) Robbery in the first degree as described in KRS 515.020~~;~~~~[or]~~

- 1 (o) Incest as described in KRS 530.020(2)(b) or (c);
- 2 (p) A Class B or Class C felony where the offender was armed with a firearm at
- 3 the time of the commission of the offense and in furtherance of the offense
- 4 as described in Sections 1, 2, 3, 4, and 5 of this Act;
- 5 (q) Impersonating a peace officer as described in Section 6 of this Act where
- 6 the offender was armed with a firearm at the time of the commission of the
- 7 offense;
- 8 (r) Promoting contraband in the first degree as described in Section 7 of this
- 9 Act where the dangerous contraband is a deadly weapon; or
- 10 (s) Unlawfully providing a handgun to a juvenile or permitting a juvenile to
- 11 possess a handgun as described in Section 8 of this Act.

12 (2) The court shall designate in its judgment if:

- 13 (a) The victim suffered death or serious physical injury; or
- 14 (b) The offender was armed with a firearm at the time of the commission of the
- 15 offense and in furtherance of the offense.

16 (3)~~(2)~~ A violent offender who has been convicted of a capital offense and who has
 17 received a life sentence ~~{and has not been sentenced to twenty-five (25) years~~
 18 ~~without parole or imprisonment for life without benefit of probation or parole}~~, or
 19 a Class A felony and receives a life sentence, or to death and his or her sentence is
 20 commuted to a life sentence shall not be released on probation or parole until he or
 21 she has served at least twenty (20) years in the penitentiary. Violent offenders may
 22 have a greater minimum parole eligibility date than other offenders who receive
 23 longer sentences, including a sentence of life imprisonment.

24 (4)~~(3)~~ (a) A violent offender who has been convicted of:

- 25 1. A capital offense or Class A felony with a sentence of a term of years;~~{~~
- 26 ~~or~~
- 27 2. Class B felony;

- 1 3. A Class B or Class C felony where the offense involves being armed
- 2 with a firearm at the time of the commission of the offense and in
- 3 furtherance of the offense as described in Sections 1, 2, 3, 4, and 5 of
- 4 this Act;
- 5 4. Impersonating a peace officer as described in Section 6 of this Act
- 6 where the offender was armed with a firearm at the time of the
- 7 commission of the offense;
- 8 5. Promoting contraband in the first degree as described in Section 7 of
- 9 this Act where the dangerous contraband is a deadly weapon; or
- 10 6. Unlawfully providing a handgun to a juvenile or permitting a juvenile
- 11 to possess a handgun as described in Section 8 of this Act;

12 shall not be released on probation or parole until he or she has served at least
 13 eighty-five percent (85%) of the sentence imposed.

14 (b) A violent offender who has been convicted of a violation of KRS 507.040
 15 where the victim of the offense was clearly identifiable as a peace officer, a
 16 firefighter, or emergency medical services personnel, and the victim was
 17 acting in the line of duty shall not be released on probation or parole until he
 18 or she has served at least eighty-five percent (85%) of the sentence imposed.

19 (c) A violent offender who has been convicted of a violation of KRS 507.040 or
 20 507.050 where the victim of the offense was a peace officer, a firefighter, or
 21 emergency medical services personnel, and the victim was acting in the line
 22 of duty shall not be released on probation or parole until he or she has served
 23 at least fifty percent (50%) of the sentence imposed.

24 (d) Any offender who has been convicted of a homicide or fetal homicide offense
 25 under KRS Chapter 507 or 507A in which the victim of the offense died as
 26 the result of an overdose of a Schedule I controlled substance and who is not
 27 otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be

1 released on probation, shock probation, parole, conditional discharge, or other
2 form of early release until he or she has served at least fifty percent (50%) of
3 the sentence imposed.

4 ~~(5)~~~~(4)~~ A violent offender shall not be awarded any credit on his *or her* sentence
5 authorized by KRS 197.045(1)(b)1. In no event shall a violent offender be given
6 credit on his or her sentence if the credit reduces the term of imprisonment to less
7 than eighty-five percent (85%) of the sentence.

8 ~~(6)~~~~(5)~~ This section shall not apply to a person who has been determined by a court to
9 have been a victim of domestic violence or abuse pursuant to KRS 533.060 with
10 regard to the offenses involving the death of the victim or serious physical injury to
11 the victim. The provisions of this subsection shall not extend to rape in the first
12 degree or sodomy in the first degree by the defendant.

13 ~~(7)~~~~(6)~~ This section shall apply only to those persons who commit offenses after July
14 15, 1998.

15 ~~(8)~~~~(7)~~ For offenses committed prior to July 15, 1998, the version of this statute in
16 effect immediately prior to that date shall continue to apply.

17 ~~(9)~~~~(8)~~ The provisions of subsection (1) of this section extending the definition of
18 "violent offender" to persons convicted of or pleading guilty to robbery in the first
19 degree shall apply only to persons whose crime was committed after July 15, 2002.