

1 AN ACT relating to violent offenders.

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

3 ➔Section 1. KRS 439.3401 is amended to read as follows:

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

6 (a) Commission or attempted commission of:

- 7 1. A capital offense;
- 8 2. A Class A felony; or
- 9 3. A felony sexual offense described in KRS Chapter 510; or

10 (b) Commission of:

- 11 1. A felony involving the death of the victim or serious physical injury to a
12 victim;
- 13 2. Use of a minor in a sexual performance as described in KRS 531.310;
- 14 3. Promoting a sexual performance by a minor as described in KRS
15 531.320;
- 16 4. Unlawful transaction with a minor in the first degree as described in
17 KRS 530.064(1)(a);
- 18 5. Human trafficking under KRS 529.100 involving commercial sexual
19 activity where the victim is a minor;
- 20 6. Criminal abuse in the first degree as described in KRS 508.100;
- 21 7. Burglary in the first degree accompanied by the commission or
22 attempted commission of an assault as described in KRS 508.010,
23 508.020, 508.032, or 508.060;
- 24 8. Burglary in the first degree accompanied by commission or attempted
25 commission of kidnapping as described in KRS 509.040;
- 26 9. Burglary in the first degree as described in KRS 511.020, if a person
27 other than a participant in the crime was present in the building during

- 1 the commission of the offense;
- 2 10. Robbery in the first degree as described in KRS 515.020;
- 3 11. Robbery in the second degree as described in KRS 515.030;
- 4 12. Incest as described in KRS 530.020(2)(b) or (c);
- 5 13. Arson in the first degree as described in KRS 513.020;
- 6 14. Strangulation in the first degree as described in KRS 508.170;
- 7 15. Carjacking as described in KRS 515.040;
- 8 16. A Class C felony violation of promoting contraband in the first degree
- 9 as described in KRS 520.050;~~or~~
- 10 17. Wanton endangerment in the first degree as described in KRS 508.060
- 11 involving the discharge of a firearm; or
- 12 18. Kidnapping as described in KRS 509.040.

- 13 (2) The court shall designate in its judgment if:
- 14 (a) The victim suffered death or serious physical injury; and
- 15 (b) A person other than a participant in the crime was present in the building
- 16 during the commission of burglary in the first degree.
- 17 (3) A violent offender who has been convicted of a capital offense and who has
- 18 received a life sentence and has not been sentenced to twenty-five (25) years
- 19 without parole or imprisonment for life without benefit of probation or parole, or a
- 20 Class A felony and receives a life sentence, or to death and his or her sentence is
- 21 commuted to a life sentence shall not be released on probation or parole until he or
- 22 she has served at least twenty (20) years in the penitentiary. Violent offenders may
- 23 have a greater minimum parole eligibility date than other offenders who receive
- 24 longer sentences, including a sentence of life imprisonment.
- 25 (4) A violent offender with a sentence of a term of years shall not be released on
- 26 probation, shock probation, parole, conditional discharge, or other form of early
- 27 release until he or she has served at least eighty-five percent (85%) of the sentence

1 imposed.

2 (5) A violent offender shall only be awarded credit on his or her sentence authorized by
3 KRS 197.045(1)(a)1.

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

9 (7) This section shall apply only to those persons who commit offenses after July 15,
10 1998.

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

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