

1 AN ACT relating to criminal procedure.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) In all non-felony cases, the jury in its initial verdict shall make a determination of
6 not guilty, guilty, guilty but mentally ill, or not guilty by reason of insanity.

7 (2) Upon return of a verdict of guilty or guilty but mentally ill, the court shall
8 conduct a sentencing hearing before the jury, if the case was tried before a jury.

9 In the hearing, the jury will determine the punishment to be imposed pursuant to
10 KRS 532.090. The jury shall recommend whether the sentences shall be served
11 concurrently or consecutively.

12 (3) (a) Evidence may be offered by the Commonwealth relevant to sentencing
13 including the:

14 1. Defendant's prior convictions, both felony and misdemeanor;

15 2. Nature of prior offenses for which the defendant was convicted;

16 3. Date of the commission, sentencing, and release from confinement or
17 supervision from all prior offenses;

18 4. Maximum expiration of sentence as determined by the division of
19 probation and parole for all current and prior offenses;

20 5. Defendant's status if on probation, parole, postincarceration
21 supervision, conditional discharge, or any other form of legal release;

22 and

23 6. Impact of the crime upon the victim or victims, as defined in KRS
24 421.500, including a description of the nature and extent of any
25 physical, psychological, or financial harm suffered by the victim or
26 victims.

27 (b) The defendant may introduce evidence in mitigation or support of leniency.

- 1 (c) Upon conclusion of the evidence, the court shall instruct the jury on the
2 range of punishment, and counsel for the defendant may present arguments
3 followed by counsel for the Commonwealth. The jury shall then retire and
4 recommend a sentence for the defendant.
- 5 (4) If the jury reports to the judge that it is unable to agree as to the sentence or any
6 portion of the sentence, the judge shall impose the sentence pursuant to KRS
7 532.090.