

1 AN ACT relating to crimes and punishments.

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 as described in~~under~~ KRS 529.100 involving  
19 commercial sexual 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.
- 12   (2) The court shall designate in its judgment if:
- 13          (a) The victim suffered death or serious physical injury; and
- 14          (b) A person other than a participant in the crime was present in the building
- 15                   during the commission of burglary in the first degree.
- 16   (3) A violent offender who has been:
- 17          (a) Convicted of a capital offense and who has received a life sentence and has
- 18                   not been sentenced to thirty-five (35)~~twenty-five (25)~~ years without parole
- 19                   or imprisonment for life without benefit of probation or parole;~~[- or -]~~
- 20          (b) Convicted of a Class A felony and receives a life sentence;~~[- or -]~~ or
- 21          (c) Sentenced to death and his or her sentence is commuted to a life sentence;
- 22                   shall not be released on probation or parole until he or she has served at least thirty
- 23                   (30)~~twenty (20)~~ years in the penitentiary. Violent offenders may have a greater
- 24                   minimum parole eligibility date than other offenders who receive longer sentences,
- 25                   including a sentence of life imprisonment.
- 26   (4) A violent offender with a sentence of a term of years shall not be released on
- 27                   probation, shock probation, parole, conditional discharge, or other form of early

1 release until he or she has served at least eighty-five percent (85%) of the sentence  
2 imposed.

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

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

10 (7) This section shall apply only to those persons who commit offenses after July 15,  
11 1998.

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

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

17 ➔Section 2. KRS 439.3406 is amended to read as follows:

18 (1) The board shall order mandatory reentry supervision six (6) months prior to the  
19 projected completion date of an inmate's sentence for an inmate who has not been  
20 granted discretionary parole.

21 (2) ~~[(The provisions of subsection (1) of ]~~This section shall not apply to an inmate who:

22 (a) Is not eligible for parole by statute;

23 (b) Has been convicted of a capital offense, ~~for~~ a Class A felony, or a Class B  
24 felony;

25 (c) Is a violent offender as defined in Section 1 of this Act and has been  
26 unanimously denied discretionary parole by the board or a panel of the  
27 board;

- 1        **(d)** Has a maximum or close security classification as defined by administrative  
 2            regulations promulgated by the department;
- 3        **(e)**~~**(d)**~~ Has been sentenced to two (2) years or less of incarceration;
- 4        **(f)**~~**(e)**~~ Is subject to the provisions of KRS 532.043;
- 5        **(g)**~~**(f)**~~ Has six (6) months or less to be served after his or her sentencing by a  
 6            court or recommitment to prison for a violation of probation, shock probation,  
 7            parole, or conditional discharge;
- 8        **(h)**~~**(g)**~~ If recommitted to prison for a violation of probation, shock probation,  
 9            parole, or conditional discharge, has not served at least six (6) months since  
 10          being recommitted; or
- 11       **(i)**~~**(h)**~~ Has twice been released on mandatory reentry supervision.
- 12       (3) An inmate granted mandatory reentry supervision pursuant to this section may be  
 13          returned by the board to prison for violation of the conditions of supervision and  
 14          shall not again be eligible for mandatory reentry supervision during the same period  
 15          of incarceration.
- 16       (4) An inmate released to mandatory reentry supervision shall be considered to be  
 17          released on parole.
- 18       (5) Mandatory reentry supervision is not a commutation of sentence or any other form  
 19          of clemency.
- 20       (6) ~~**A**~~~~**No**~~ hearing shall **not** be required for the board to order an inmate to mandatory  
 21          reentry supervision pursuant to subsection (1) of this section. Terms of supervision  
 22          for inmates released on mandatory reentry supervision shall be established as  
 23          follows:
- 24       (a) **1.** The board shall **promulgate**~~**adopt**~~ administrative regulations **in**  
 25          **accordance with KRS Chapter 13A** establishing general conditions  
 26          applicable to each inmate ordered to mandatory reentry supervision  
 27          pursuant to subsection (1) of this section.

- 1           2. If an inmate is ordered to mandatory reentry supervision, the board's  
2           order shall:
- 3           a. Set forth the general conditions; and ~~shall~~
- 4           b. Require the inmate to comply with the general conditions and any  
5           requirements imposed by the department in accordance with this  
6           section;
- 7           (b) Upon intake of an inmate ordered to mandatory reentry supervision by the  
8           board, the department shall use the results of the risk and needs assessment  
9           administered pursuant to KRS 439.3104(1) to establish appropriate terms and  
10          conditions of supervision, taking into consideration the level of risk to public  
11          safety, criminal risk factors, and the need for treatment and other  
12          interventions. The terms and conditions imposed by the department under this  
13          paragraph shall not conflict with the general conditions adopted by the board  
14          pursuant to paragraph (a) of this subsection; and
- 15          (c) The powers and duties assigned to the commissioner in relation to probation  
16          or parole under KRS 439.470 shall be assigned to the commissioner in  
17          relation to mandatory reentry supervision.
- 18       (7) Subject to subsection (3) of this section, the period of mandatory reentry  
19       supervision shall conclude upon completion of the individual's minimum expiration  
20       of sentence.
- 21       (8) If the board issues a warrant for the arrest of an inmate for absconding from  
22       supervision during the mandatory reentry supervision period, and the inmate is  
23       subsequently returned to prison as a violator of conditions of supervision for  
24       absconding, the inmate shall not receive credit toward the remainder of his or her  
25       sentence for the time spent absconding.
- 26       (9) The department shall report the results of the mandatory reentry supervision  
27       program to the Legislative Research Commission for referral to the Interim Joint

1 Committee on Judiciary or the Senate and House Standing Committees on  
2 Judiciary, as appropriate, by February 1 of each year~~[, 2015]~~.

3 ➔Section 3. KRS 504.020 is amended to read as follows:

4 (1) A person is not responsible for criminal conduct if at the time of ~~the~~<sup>such</sup> conduct,  
5 as a result of mental illness or intellectual disability, he or she lacks substantial  
6 capacity ~~either~~ to appreciate the nature and quality of~~criminality of~~ his or her  
7 conduct ~~or to conform his conduct to the requirements of law~~.

8 (2) As used in this chapter, the term "mental illness or intellectual disability" does not  
9 include an abnormality manifested only by repeated criminal or otherwise antisocial  
10 conduct.

11 (3) A defendant may prove mental illness or intellectual disability, as used in this  
12 section, in exculpation of criminal conduct.

13 ➔Section 4. KRS 504.060 is amended to read as follows:

14 As used in this chapter, unless the context otherwise requires:

15 (1) "Department" means the Department of Corrections;

16 (2) "Examiner" means a psychologist or psychiatrist who examines, treats, or reports  
17 on a defendant's mental condition as required by this chapter;

18 (3) "Forensic psychiatric facility" means a mental institution or facility, or part thereof,  
19 designated by the secretary for the purpose and function of providing inpatient  
20 evaluation, care, and treatment for ~~mentally ill persons or~~ individuals with an  
21 intellectual disability or a mental illness who have been charged with or convicted  
22 of a felony;

23 (4) "Foreseeable future" means not more than three hundred sixty (360) days;

24 (5) "Incompetency to stand trial" means, as a result of mental condition, lack of  
25 capacity to appreciate the nature and consequences of the proceedings against one  
26 or to participate rationally in one's own defense;

27 (6) "Individual with an intellectual disability" means an individual with significantly

- 1 subaverage general intellectual functioning existing concurrently with deficits in  
 2 adaptive behavior and manifested during the developmental period and is a  
 3 condition which may exist concurrently with mental illness or insanity;
- 4 (7) "Insanity" means, as a result of mental illness or intellectual disability~~[condition]~~,  
 5 lack of substantial capacity ~~[either—]~~to appreciate the nature and  
 6 quality~~[criminality]~~ of one's conduct~~[—or to conform one's conduct to the~~  
 7 ~~requirements of law]~~;
- 8 (8) "Mental illness" means substantially impaired capacity to use self-control,  
 9 judgment, or discretion in the conduct of one's affairs and social relations,  
 10 associated with maladaptive behavior or recognized emotional symptoms where  
 11 impaired capacity, maladaptive behavior, or emotional symptoms can be related to  
 12 physiological, psychological, or social factors;
- 13 (9) "Psychiatrist" means a physician licensed pursuant to KRS Chapter 311 who is  
 14 certified or eligible to apply for certification by the American Board of Psychiatry  
 15 and Neurology, Inc.;
- 16 (10) "Psychologist" means a person licensed at the doctoral level pursuant to KRS  
 17 Chapter 319 who has been designated by the Kentucky Board of Examiners of  
 18 Psychology as competent to perform examinations;
- 19 (11) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- 20 (12) "Treatment":
- 21 (a) Means medication or counseling, therapy, psychotherapy, and other  
 22 professional services provided by or at the direction of psychologists or  
 23 psychiatrists; and~~["Treatment"]~~
- 24 (b) Shall not include electroshock therapy or psychosurgery; and
- 25 (13) "Treatment facility" means an institution or part thereof, approved by the Cabinet  
 26 for Health and Family Services, which provides evaluation, care, and treatment for  
 27 insane or ~~[mentally ill persons or]~~ individuals with an intellectual disability or a

1 mental illness on an inpatient or outpatient basis.

2 ➔Section 5. KRS 504.120 is amended to read as follows:

3 **(1) Except as provided in subsection (2) of this section,** in cases in which the  
4 defendant provides evidence at trial of his or her mental illness or insanity at the  
5 time of the offense, the jury or court may find the defendant:

6 ~~(a)(1)~~ Guilty;

7 ~~(b)(2)~~ Not guilty;

8 ~~(c)(3)~~ Not guilty by reason of insanity at the time of the offense; or

9 ~~(d)(4)~~ Guilty but mentally ill at the time of the offense.

10 **(2) A jury or court shall not return a verdict that finds the defendant:**

11 **(a) For one (1) count listed in the indictment, not guilty by reason of insanity at**  
12 **the time of the offense; and**

13 **(b) For any other count listed in the same indictment, guilty or guilty but**  
14 **mentally ill at the time of the offense.**

15 **(3) The court shall instruct the jury on the prohibition established in subsection (2)**  
16 **of this section.**

17 ➔Section 6. KRS 504.150 is amended to read as follows:

18 (1) **(a)** The court shall sentence a defendant found guilty but mentally ill at the time  
19 of the offense to the local jail or to the department~~[of Corrections]~~ in the  
20 same manner as a defendant found guilty.

21 **(b)** If the defendant is found guilty but mentally ill, treatment shall be provided  
22 the defendant until the treating professional determines that the treatment is  
23 no longer necessary or until expiration of his or her sentence, whichever  
24 occurs first.

25 **(c) If the treating professional determines that treatment is still necessary upon**  
26 **expiration of the defendant's sentence, the treating professional or the**  
27 **Commonwealth shall petition the sentencing court for:**

- 1            1. Involuntary hospitalization or admission under KRS Chapter 202A or  
 2            202B;  
 3            2. Court-ordered community-based outpatient treatment under KRS  
 4            202A.081; or  
 5            3. Mandatory postincarceration supervision for a period of one (1) year  
 6            under the Division of Probation and Parole, subject to the conditions  
 7            set forth in KRS 532.400.

8 (2) Treatment shall be a condition of probation, shock probation, conditional discharge,  
 9 parole, or conditional release so long as the defendant requires treatment for his or  
 10 her mental illness in the opinion of his or her treating professional.

11 →Section 7. KRS 532.025 is amended to read as follows:

- 12 (1) (a) 1. Upon conviction of a defendant in cases where the death penalty may be  
 13 imposed, a hearing shall be conducted. In ~~the~~~~such~~ hearing, the judge  
 14 shall hear additional evidence in extenuation, mitigation, and  
 15 aggravation of punishment, including the record of any prior criminal  
 16 convictions and pleas of guilty or pleas of nolo contendere of the  
 17 defendant, or the absence of any prior conviction and pleas. ~~;~~ ~~provided,~~  
 18 However, ~~that~~ only ~~such~~ evidence in aggravation as the state has  
 19 made known to the defendant prior to his or her trial shall be admissible.
- 20 2. Subject to the Kentucky Rules of Evidence, juvenile court records of  
 21 adjudications of guilt of a child for an offense that would be a felony if  
 22 committed by an adult shall be admissible in court at any time the child  
 23 is tried as an adult, or after the child becomes an adult, at any  
 24 subsequent criminal trial relating to that same person. Juvenile court  
 25 records made available pursuant to this section may be used for  
 26 impeachment purposes during a criminal trial and may be used during  
 27 the sentencing phase of a criminal trial. ~~;~~ However, the fact that a

1 juvenile has been adjudicated delinquent of an offense that would be a  
2 felony if the child had been an adult shall not be used in finding the  
3 child to be a persistent felony offender based upon that adjudication.  
4 Release of the child's treatment, medical, mental, or psychological  
5 records is prohibited unless presented as evidence in Circuit Court.  
6 Release of any records resulting from the child's prior abuse and neglect  
7 under Title IV-E or IV-B of the Federal Social Security Act is also  
8 prohibited.

9 3. The judge shall also hear argument by the defendant or his or her  
10 counsel and the prosecuting attorney, as provided by law, regarding the  
11 punishment to be imposed. The prosecuting attorney shall open and the  
12 defendant shall conclude the argument. In cases in which the death  
13 penalty may be imposed, the judge when sitting without a jury shall  
14 follow the additional procedure provided in subsection (2) of this  
15 section. Upon the conclusion of the evidence and arguments, the judge  
16 shall impose the sentence or shall recess the trial for the purpose of  
17 taking the sentence within the limits prescribed by law. If the trial court  
18 is reversed on appeal because of error only in the presentence hearing,  
19 the new trial which may be ordered shall apply only to the issue of  
20 punishment.

21 (b) In all cases in which the death penalty may be imposed and which are tried by  
22 a jury, upon a return of a verdict of guilty by the jury, the court shall resume  
23 the trial and conduct a presentence hearing before the jury. ~~The~~<sup>Such</sup> hearing  
24 shall be conducted in the same manner as presentence hearings conducted  
25 before the judge as provided in paragraph (a) of this subsection, including the  
26 record of any prior criminal convictions and pleas of guilty or pleas of nolo  
27 contendere of the defendant. Upon the conclusion of the evidence and

1 arguments, the judge shall give the jury appropriate instructions, and the jury  
2 shall retire to determine whether any mitigating or aggravating circumstances,  
3 as defined in subsection (2) of this section, exist and to recommend a sentence  
4 for the defendant. Upon the findings of the jury, the judge shall fix a sentence  
5 within the limits prescribed by law.

6 (2) In all cases of offenses for which the death penalty may be authorized, the judge  
7 shall consider, or include in his or her instructions to the jury for it to consider, any  
8 mitigating circumstances or aggravating circumstances otherwise authorized by law  
9 and any of the following statutory aggravating or mitigating circumstances which  
10 may be supported by the evidence:

11 (a) Aggravating circumstances:

- 12 1. The offense of murder or kidnapping was committed by a person with a  
13 prior record of conviction for a capital offense, or the offense of murder  
14 was committed by a person who has a substantial history of serious  
15 assaultive criminal convictions;
- 16 2. The offense of murder or kidnapping was committed while the offender  
17 was engaged in the commission of arson in the first degree, robbery in  
18 the first degree, burglary in the first degree, rape in the first degree, or  
19 sodomy in the first degree;
- 20 3. The offender by his or her act of murder, armed robbery, or kidnapping  
21 knowingly created a great risk of death to more than one (1) person in a  
22 public place by means of a weapon of mass destruction, weapon, or  
23 other device which would normally be hazardous to the lives of more  
24 than one (1) person;
- 25 4. The offender committed the offense of murder for himself, herself, or  
26 another, for the purpose of receiving money or any other thing of  
27 monetary value, or for other profit;

- 1           5.    The offense of murder was committed by a person who was a prisoner
- 2                    and the victim was a prison employee engaged at the time of the act in
- 3                    the performance of his or her duties;
- 4           6.    The offender's act or acts of killing were intentional and resulted in
- 5                    multiple deaths;
- 6           7.    The offender's act of killing was intentional and the victim was:
- 7                    a.    A state or local public official; or
- 8                    b.    A first responder, as defined in KRS 507.070;
- 9           8.    The offender murdered the victim when an emergency protective order
- 10                   or a domestic violence order was in effect, or when any other order
- 11                   designed to protect the victim from the offender, such as an order issued
- 12                   as a condition of a bond, conditional release, probation, parole, or
- 13                   pretrial diversion, was in effect; and
- 14           9.    The offender's act of killing was intentional and resulted in the death of
- 15                   a child under twelve (12) years old.
- 16       (b)   Mitigating circumstances:
- 17           1.    The defendant has no significant history of prior criminal activity;
- 18           2.    The capital offense was committed while the defendant was under the
- 19                   influence of extreme mental or emotional disturbance even though the
- 20                   influence of extreme mental or emotional disturbance is not sufficient to
- 21                   constitute a defense to the crime;
- 22           3.    The victim was a participant in the defendant's criminal conduct or
- 23                   consented to the criminal act;
- 24           4.    The capital offense was committed under circumstances which the
- 25                   defendant believed to provide a moral justification or extenuation for his
- 26                   or her conduct even though the circumstances which the defendant
- 27                   believed to provide a moral justification or extenuation for his or her

- 1                   conduct are not sufficient to constitute a defense to the crime;
- 2           5.    The defendant was an accomplice in a capital offense committed by
- 3                   another person and his or her participation in the capital offense was
- 4                   relatively minor;
- 5           6.    The defendant acted under duress or under the domination of another
- 6                   person even though the duress or the domination of another person is not
- 7                   sufficient to constitute a defense to the crime;
- 8           7.    At the time of the capital offense, the capacity of the defendant to
- 9                   appreciate the criminality of his or her conduct to the requirements of
- 10                  law was impaired as a result of mental illness or an intellectual disability
- 11                  or intoxication even though the impairment of the capacity of the
- 12                  defendant to appreciate the criminality of his or her conduct or to
- 13                  conform the conduct to the requirements of law is insufficient to
- 14                  constitute a defense to the crime; and
- 15           8.    The youth of the defendant at the time of the crime.
- 16   (3)   (a)   The instructions as determined by the trial judge to be warranted by the
- 17                  evidence or as required by KRS 532.030(4) shall be given in charge and in
- 18                  writing to the jury for its deliberation.
- 19           (b) 1.    Except as provided in subsection (4) of this section, the jury, if its
- 20                  verdict be a recommendation of death, ~~[or]~~ imprisonment for life
- 21                  without benefit of probation or parole, or imprisonment for life without
- 22                  benefit of probation or parole until the defendant has served a minimum
- 23                  of thirty-five (35)~~[twenty five (25)]~~ years of his or her sentence, shall
- 24                  designate in writing, signed by the foreman of the jury, the aggravating
- 25                  circumstance or circumstances which it found beyond a reasonable
- 26                  doubt. In nonjury cases, the judge shall make the~~[such]~~ designation.
- 27           2.    If the jury, or judge in nonjury cases, does not find~~[In all cases unless]~~

1 at least one (1) of the statutory aggravating circumstances  
 2 described~~enumerated~~ in subsection (2) of this section~~is so found~~, the  
 3 death penalty, ~~for~~ imprisonment for life without benefit of probation or  
 4 parole, or ~~the sentence to~~ imprisonment for life without benefit of  
 5 probation or parole until the defendant has served a minimum of thirty-  
 6 five (35)~~twenty-five (25)~~ years of his or her sentence, shall not be  
 7 imposed.

8 **(4) If the defendant has been found guilty of intentional murder under KRS**  
 9 **507.020(1)(a), the jury, or judge in nonjury cases, shall not be required to find**  
 10 **any of the aggravating circumstances described in subsection (2) of this section to**  
 11 **impose a sentence of:**

12 **(a) Imprisonment for life without benefit of probation or parole; or**

13 **(b) Imprisonment for life without benefit of probation or parole until the**  
 14 **defendant has served a minimum of thirty-five (35) years of his or her**  
 15 **sentence.**

16 ➔Section 8. KRS 532.030 is amended to read as follows:

17 (1) ~~When~~ A person ~~is~~ convicted of a capital offense~~, he~~ shall have his **or her**  
 18 punishment fixed at:

19 **(a)** Death; ~~or at~~

20 **(b)** A term of imprisonment for life without benefit of probation or parole; ~~or at~~

21 **(c)** A term of imprisonment for life without benefit of probation or parole until he  
 22 **or she** has served a minimum of thirty-five (35)~~twenty-five (25)~~ years of his  
 23 **or her** sentence; ~~or to~~

24 **(d)** A sentence of life; ~~or to~~

25 **(e)** A term of not less than twenty (20) years nor more than fifty (50) years.

26 (2) ~~When~~ A person ~~is~~ convicted of a Class A felony~~, he~~ shall have his **or her**  
 27 punishment fixed at imprisonment in accordance with KRS 532.060.

- 1 (3) ~~When~~ A person ~~is~~ convicted of an offense other than a capital offense or Class A  
2 felony~~, he~~ shall have his *or her* punishment fixed at:
- 3 (a) A term of imprisonment authorized by this chapter; ~~or~~  
4 (b) A fine authorized by KRS Chapter 534; or  
5 (c) Both imprisonment and a fine unless precluded by the provisions of KRS  
6 Chapter 534.
- 7 (4) In all cases in which the death penalty may be authorized the judge shall instruct the  
8 jury in accordance with subsection (1) of this section. The instructions shall state,  
9 subject to the aggravating and mitigating limitations and requirements of KRS  
10 532.025, that the jury may recommend upon a conviction for a capital offense a  
11 sentence of death, or at a term of imprisonment for life without benefit of probation  
12 or parole, or a term of imprisonment for life without benefit of probation or parole  
13 until the defendant has served a minimum of *thirty-five (35)*~~twenty-five (25)~~ years  
14 of his *or her* sentence, or a sentence of life, or to a term of not less than twenty (20)  
15 years nor more than fifty (50) years.
- 16 ➔Section 9. KRS 532.110 is amended to read as follows:
- 17 (1) When multiple sentences of imprisonment are imposed on a defendant for more  
18 than one (1) crime, including a crime for which a previous sentence of probation or  
19 conditional discharge has been revoked, the multiple sentences shall run  
20 concurrently or consecutively as the court shall determine at the time of sentence,  
21 except that:
- 22 (a) A definite and an indeterminate term shall run concurrently and both  
23 sentences shall be satisfied by service of the indeterminate term;
- 24 (b) The aggregate of consecutive definite terms shall not exceed one (1) year;
- 25 (c) 1. Except as provided in paragraph (d) of this subsection, the aggregate of  
26 consecutive indeterminate terms shall not exceed in maximum length  
27 the longest extended term which would be authorized by KRS 532.080

1 for the highest class of crime for which any of the sentences is imposed,  
 2 except as described in KRS 533.060(2) or (3).

3 2. ~~In no event shall~~ The aggregate of consecutive indeterminate terms  
 4 **shall not** exceed seventy (70) years; and

5 (d) The sentences of a defendant convicted of:

6 **1.** Two (2) or more felony sex crimes, as defined in KRS 17.500, involving  
 7 two (2) or more victims;

8 **2. Two (2) or more capital offenses, Class A felonies, Class B felonies, or**  
 9 **a combination of those offenses; or**

10 **3. Two (2) of more offenses that would classify a person as a violent**  
 11 **offender, as defined in Section 1 of this Act, involving two (2) of more**  
 12 **victims;**

13 shall run consecutively.

14 (2) If the court does not specify the manner in which a sentence imposed by it is to run,  
 15 the sentence shall run concurrently with any other sentence which the defendant  
 16 must serve unless the sentence is required by subsection (3) of this section or KRS  
 17 533.060 to run consecutively.

18 (3) Notwithstanding any provision in this section to the contrary, if a person is  
 19 convicted of an offense that is committed while he or she is imprisoned in a penal  
 20 or reformatory institution, during an escape from imprisonment, or while he or she  
 21 awaits imprisonment, the sentence imposed for that offense may be added to the  
 22 portion of the term which remained unserved at the time of the commission of the  
 23 offense. The sentence imposed upon any person convicted of an escape or  
 24 attempted escape offense shall run consecutively with any other sentence which the  
 25 defendant must serve.

26 (4) Notwithstanding any provision in this chapter to the contrary, if a person is  
 27 convicted of an offense that is committed while he or she is imprisoned in a penal

1 or reformatory institution, the sentence imposed for that offense may, upon order of  
2 the trial court, be served in that institution. The person may be transferred to  
3 another institution pursuant to administrative regulations of the Department of  
4 Corrections.

5 ➔Section 10. KRS 27A.400 is amended to read as follows:

6 The sentencing level of the system shall consist of at least the following information as  
7 relates to the sentence imposed:

- 8 (1) Sentencing date;
- 9 (2) Sentence for each offense;
- 10 (3) If sentenced to imprisonment:
  - 11 (a) Place of imprisonment;
  - 12 (b) Sentence minimum for each offense;
  - 13 (c) Sentence maximum for each offense;
  - 14 (d) Consecutive multiple incarceration;
  - 15 (e) Concurrent multiple incarceration;
  - 16 (f) Was the defendant sentenced without privilege of parole for ***thirty-five***  
17 ***(35)***~~twenty five (25)~~ years; and
  - 18 (g) ***Except as provided in subsection (4) of Section 7 of this Act, if the*** answer to  
19 paragraph (f) of this subsection is yes, which aggravating circumstance or  
20 circumstances were found;
- 21 (4) If sentenced to a fine:
  - 22 (a) The amount of the fine;
  - 23 (b) Is the fine to be paid in installments;
  - 24 (c) If answer to paragraph (b) of this subsection is yes, amount of each  
25 installment;
  - 26 (d) Was the fine paid in full upon conviction;
  - 27 (e) If not, what amount was paid; and

- 1 (f) How much of money held for bail was used in payment of the fine;
- 2 (5) If any other sentence was imposed:
- 3 (a) The nature of the sentence;
- 4 (b) Was conditional discharge imposed and what were the conditions of the
- 5 discharge;
- 6 (c) Was restitution imposed;
- 7 (d) If restitution was imposed, what were the conditions of restitution;
- 8 (e) If monetary restitution was imposed, what was the amount;
- 9 (f) Was the amount paid in full upon conviction;
- 10 (g) If restitution was to be paid in installments, what is the amount of each
- 11 installment and to whom is it to be paid; and
- 12 (h) List any other type of sentence imposed;
- 13 (6) Were court costs imposed:
- 14 (a) The amount of the costs;
- 15 (b) Are the costs to be paid in installments;
- 16 (c) If answer to paragraph (b) of this subsection is yes, the amount of each
- 17 installment;
- 18 (d) Were the costs paid in full upon conviction; and
- 19 (e) If not, how much was paid;
- 20 (7) Was a crime victim compensation fund cost imposed:
- 21 (a) The amount imposed;
- 22 (b) Is this amount to be paid in installments;
- 23 (c) If answer to paragraph (b) of this subsection is yes, the amount of each
- 24 installment;
- 25 (d) Was the crime victim compensation fund cost paid in full upon conviction;
- 26 and
- 27 (e) If not, how much was paid;

1 (8) List all other fees, costs, and similar monetary penalties which were imposed but  
2 not listed above:

3 (a) List separately the amount of each;

4 (b) List separately each to be paid in installments;

5 (c) List separately the amount of each installment;

6 (d) Were these costs paid in full upon conviction; list each; and

7 (e) If not, list the amount paid on each.

8 ➔Section 11. KRS 439.3103 is amended to read as follows:

9 (1) By December 1 of each year the department shall submit to the Governor, the  
10 Legislative Research Commission for referral to the Interim Joint Committee on  
11 Judiciary, and the Chief Justice a comprehensive report on its efforts to implement  
12 evidence-based practices to reduce recidivism. The report shall include at a  
13 minimum:

14 (a) The percentage of supervised individuals being supervised in accordance with  
15 evidence-based practices;

16 (b) The percentage of state moneys expended by the department for programs that  
17 are evidence based, and a list of all programs with identification of which are  
18 evidence based;

19 (c) Specification of supervision policies, procedures, programs, and practices that  
20 were created, modified, or eliminated;

21 (d) The department's recommendations for resource allocation, and any additional  
22 collaboration with other state, regional, or local public agencies, private  
23 entities, or faith-based and community organizations;

24 (e) A length of stay report on time served by first time incarcerated individuals  
25 released from the department's custody, which shall include for each offense  
26 the:

27 1. Number of persons released;

- 1           2. Average sentence in days;
- 2           3. Average time served in days;
- 3           4. Average percentage of the sentence served;
- 4           5. Percentage of persons released on supervision; and
- 5           6. Number of persons released who were serving a life sentence or a life
- 6           sentence without benefit of probation or parole until he or she has served
- 7           a minimum of thirty-five (35)~~twenty-five (25)~~ years of his or her
- 8           sentence, and the average time served in days; and
- 9       (f) A report on persons released from the department's custody on supervision
- 10       that shall include the following:
- 11           1. Demographic information, including but not limited to:
- 12               a. Gender;
- 13               b. Race;
- 14               c. Age group at the time of release;
- 15               d. Parental status, and if the person is a parent, whether he or she has
- 16               any form of custody of his or her children; and
- 17               e. Gang affiliation;
- 18           2. Case information, including but not limited to:
- 19               a. Education level upon release;
- 20               b. The number of dependents upon release;
- 21               c. The crime of conviction;
- 22               d. Whether the person was sentenced on or after July 15, 2024; and
- 23               e. The number of days in custody prior to release;
- 24           3. Count of:
- 25               a. Prior community supervision periods; and
- 26               b. Community supervision revocations;
- 27           4. Conditions of supervision, including but not limited to:

- 1 a. Mental health or substance abuse programming;
- 2 b. Cognitive skills or education programming; and
- 3 c. Any other condition of supervision;
- 4 5. Supervision activities, including but not limited to:
  - 5 a. The number of technical violations;
  - 6 b. The number of nontechnical violations;
  - 7 c. The number of drug tests;
  - 8 d. The percentage or number of positive drug tests;
  - 9 e. The number of program completions while on supervision for  
10 which the offender received good time credits and attendance has  
11 been verified;
  - 12 f. The number of jobs per year while on parole and the percentage of  
13 days employed while on parole; and
  - 14 g. The number of residence changes to a new zip code during parole;
- 15 6. Prior criminal history, including the number of prior arrests and  
16 convictions; and
- 17 7. Rates of recidivism.

18 (2) The department shall:

- 19 (a) Collect all data necessary to prepare the report and may promulgate  
20 administrative regulations in accordance with KRS Chapter 13A to implement  
21 this section; and
- 22 (b) Make the full report and an executive summary available to the general public  
23 on its website.

24 ➔Section 12. KRS 506.010 is amended to read as follows:

- 25 (1) A person is guilty of criminal attempt to commit a crime when, acting with the kind  
26 of culpability otherwise required for commission of the crime, he or she:
  - 27 (a) Intentionally engages in conduct which would constitute the crime if the

1 attendant circumstances were as he or she believes them to be; or

2 (b) Intentionally does or omits to do anything which, under the circumstances as  
3 he or she believes them to be, is a substantial step in a course of conduct  
4 planned to culminate in his or her commission of the crime.

5 (2) Conduct shall not be held to constitute a substantial step under subsection (1)(b) of  
6 this section unless it is an act or omission which leaves no reasonable doubt as to  
7 the defendant's intention to commit the crime which he or she is charged with  
8 attempting.

9 (3) A person is guilty of criminal attempt to commit a crime when he or she engages in  
10 conduct intended to aid another person to commit that crime, although the crime is  
11 not committed or attempted by the other person, provided that his or her conduct  
12 would establish complicity under KRS 502.020 if the crime were committed by the  
13 other person.

14 (4) A criminal attempt is a:

15 (a) Class C felony when the crime attempted is a violation of KRS 521.020 or  
16 521.050;

17 (b) Class B felony when the crime attempted is a Class A felony or capital  
18 offense;

19 (c) Class C felony when the crime attempted is a Class B felony;

20 (d) Class A misdemeanor when the crime attempted is a Class C or D felony; or

21 (e) Class B misdemeanor when the crime attempted is a misdemeanor.

22 (5) Notwithstanding KRS Chapter 532, a person who has been convicted of, or entered  
23 a plea of guilty or nolo contendere to, criminal attempt to commit murder of a first  
24 responder shall be sentenced to imprisonment for:

25 (a) At least twenty (20) years;

26 (b) Life; or

27 (c) Life without benefit of probation or parole until the person has served a

1 minimum of thirty-five (35)~~twenty-five (25)~~ years.

2 ➔Section 13. KRS 532.080 is amended to read as follows:

3 (1) (a) When a defendant is found to be a persistent felony offender, the jury, in lieu  
4 of the sentence of imprisonment assessed under KRS 532.060 for the crime of  
5 which ~~the~~~~such~~ person presently stands convicted, shall fix a sentence of  
6 imprisonment as authorized by subsection (5) or (6) of this section.

7 (b) When a defendant is charged with being a persistent felony offender, the  
8 determination of whether or not he or she is such an offender and the  
9 punishment to be imposed pursuant to subsection (5) or (6) of this section  
10 shall be determined in a separate proceeding from that proceeding which  
11 resulted in his or her last conviction.

12 (c) ~~The~~~~Such~~ proceeding shall be conducted before the court sitting with the jury  
13 that found the defendant guilty of his or her most recent offense unless the  
14 court for good cause discharges that jury and impanels a new jury for that  
15 purpose.

16 (2) A persistent felony offender in the second degree is a person who is more than  
17 twenty-one (21) years of age and who stands convicted of a felony after having  
18 been convicted of one (1) previous felony. As used in this subsection~~provision~~, a  
19 previous felony conviction is a conviction of a felony in this state or conviction of a  
20 crime in any other jurisdiction, provided that:

21 (a) ~~That~~ A sentence to a term of imprisonment of one (1) year or more or a  
22 sentence to death was imposed~~therefor~~~~;~~~~and~~

23 (b) ~~That~~ The offender was over the age of eighteen (18) years at the time the  
24 offense was committed; and

25 (c) ~~That~~ The offender:

26 1. Completed service of the sentence imposed on the previous felony  
27 conviction within five (5) years prior to the date of commission of the

- 1                   felony for which he or she now stands convicted;~~[-or]~~
- 2                   2. Was on probation, parole, postincarceration supervision, conditional
- 3                   discharge, conditional release, furlough, appeal bond, or any other form
- 4                   of legal release from any of the previous felony convictions at the time
- 5                   of commission of the felony for which he or she now stands convicted;~~[-~~
- 6                   ~~or]~~
- 7                   3. Was discharged from probation, parole, postincarceration supervision,
- 8                   conditional discharge, conditional release, or any other form of legal
- 9                   release on any of the previous felony convictions within five (5) years
- 10                  prior to the date of commission of the felony for which he or she now
- 11                  stands convicted;~~[-or]~~
- 12                  4. Was in custody from the previous felony conviction at the time of
- 13                  commission of the felony for which he or she now stands convicted; or
- 14                  5. Had escaped from custody while serving any of the previous felony
- 15                  convictions at the time of commission of the felony for which he or she
- 16                  now stands convicted.
- 17 (3) A persistent felony offender in the first degree is a person who is more than twenty-
- 18 one (21) years of age and who stands convicted of a felony after having been
- 19 convicted of two (2) or more felonies, or one (1) or more felony sex crimes against
- 20 a minor as defined in KRS 17.500, and now stands convicted of any one (1) or more
- 21 felonies. As used in this subsection~~[provision]~~, a previous felony conviction is a
- 22 conviction of a felony in this state or conviction of a crime in any other jurisdiction
- 23 provided that:
- 24 (a) ~~[That]~~ A sentence to a term of imprisonment of one (1) year or more or a
- 25 sentence to death was imposed~~[-therefor];[-and]~~
- 26 (b) ~~[That]~~ The offender was over the age of eighteen (18) years at the time the
- 27 offense was committed; and

- 1 (c) ~~That~~ The offender:
- 2 1. Completed service of the sentence imposed on any of the previous
- 3 felony convictions within five (5) years prior to the date of the
- 4 commission of the felony for which he or she now stands convicted;~~or~~
- 5 2. Was on probation, parole, postincarceration supervision, conditional
- 6 discharge, conditional release, furlough, appeal bond, or any other form
- 7 of legal release from any of the previous felony convictions at the time
- 8 of commission of the felony for which he or she now stands convicted;~~or~~
- 9 ~~or~~
- 10 3. Was discharged from probation, parole, postincarceration supervision,
- 11 conditional discharge, conditional release, or any other form of legal
- 12 release on any of the previous felony convictions within five (5) years
- 13 prior to the date of commission of the felony for which he or she now
- 14 stands convicted;~~or~~
- 15 4. Was in custody from the previous felony conviction at the time of
- 16 commission of the felony for which he or she now stands convicted; or
- 17 5. Had escaped from custody while serving any of the previous felony
- 18 convictions at the time of commission of the felony for which he or she
- 19 now stands convicted.
- 20 (4) For the purpose of determining whether a person has two (2) or more previous
- 21 felony convictions, two (2) or more convictions of crime for which that person
- 22 served concurrent or uninterrupted consecutive terms of imprisonment shall be
- 23 deemed to be only one (1) conviction, unless one (1) of the convictions was for an
- 24 offense committed while that person was imprisoned.
- 25 (5) (a) A person who is found to be a persistent felony offender in the second degree
- 26 shall:
- 27 1. Be sentenced to an indeterminate term of imprisonment pursuant to the

1 sentencing provisions of KRS 532.060(2) for the next highest degree  
 2 than the offense for which convicted~~[-];~~ **and**

3 **2.** ~~[A person who is found to be a persistent felony offender in the second~~  
 4 ~~degree shall ]~~Not be eligible for probation, shock probation, or  
 5 conditional discharge, unless all offenses for which the person stands  
 6 convicted are Class D felony offenses which do not involve a violent act  
 7 against a person, in which case probation, shock probation, or  
 8 conditional discharge may be granted.

9 **(b)** A violent offender who is found to be a persistent felony offender in the  
 10 second degree shall not be eligible for parole except as provided in KRS  
 11 439.3401.

12 (6) A person who is found to be a persistent felony offender in the first degree shall be  
 13 sentenced to imprisonment as follows:

14 (a) If the offense for which **the person**~~[he]~~ presently stands convicted is a Class A  
 15 or Class B felony, or if the person was previously convicted of one (1) or  
 16 more sex crimes committed against a minor as defined in KRS 17.500 and  
 17 presently stands convicted of a subsequent sex crime, a persistent felony  
 18 offender in the first degree shall be sentenced to an indeterminate term of  
 19 imprisonment, the maximum of which shall not be less than twenty (20) years  
 20 nor more than fifty (50) years, or life imprisonment, or life imprisonment  
 21 without parole for **thirty-five (35)**~~[twenty five (25)]~~ years for a sex crime  
 22 committed against a minor;

23 (b) If the offense for which **the person**~~[he]~~ presently stands convicted is a Class C  
 24 or Class D felony, a persistent felony offender in the first degree shall be  
 25 sentenced to an indeterminate term of imprisonment, the maximum of which  
 26 shall not be less than ten (10) years nor more than twenty (20) years.

27 (7) **(a)** A person who is found to be a persistent felony offender in the first degree

1 shall not be eligible for probation, shock probation, or conditional discharge,  
2 unless all offenses for which the person stands convicted are Class D felony  
3 offenses which do not involve a violent act against a person or a sex crime as  
4 that term is defined in KRS 17.500, in which case, probation, shock probation,  
5 or conditional discharge may be granted.

6 **(b)** If the offense the person presently stands convicted of is a Class A, B, or C  
7 felony, the person shall not be eligible for parole until the person has served a  
8 minimum term of incarceration of not less than ten (10) years, unless another  
9 sentencing scheme applies.

10 **(c)** A violent offender who is found to be a persistent felony offender in the first  
11 degree shall not be eligible for parole except as provided in KRS 439.3401.

12 (8) A conviction, plea of guilty, or Alford plea under KRS 218A.1415 shall not trigger  
13 the application of this section, regardless of the number or type of prior felony  
14 convictions that may have been entered against the defendant. A conviction, plea of  
15 guilty, or Alford plea under KRS 218A.1415 may be used as a prior felony offense  
16 allowing this section to be applied if he or she is subsequently convicted of a  
17 different felony offense.

18 (9) The provisions of this section amended by 1994 Ky. Acts ch. 396, sec. 11, shall be  
19 retroactive.

20 (10) (a) Except as provided in paragraph (b) of this subsection, this section shall not  
21 apply to a person convicted of a criminal offense if the penalty for that offense  
22 was increased from a misdemeanor to a felony, or from a lower felony  
23 classification to a higher felony classification, because the conviction  
24 constituted a second or subsequent violation of that offense.

25 (b) This subsection shall not prohibit the application of this section to a person  
26 convicted of:

27 1. A felony offense arising out of KRS 189A.010, 189A.090, 506.140,

1                   508.032, 508.140, or 510.015; or

2                   2. Any other felony offense if the penalty was not enhanced to a higher  
3                   level because the Commonwealth elected to prosecute the person as a  
4                   first-time violator of that offense.

5                   ➔Section 14. KRS 640.040 is amended to read as follows:

6                   (1) ~~A~~~~No~~ youthful offender who has been convicted of a capital offense who was  
7                   under the age of sixteen (16) years at the time of the commission of the offense  
8                   shall ***not*** be sentenced to capital punishment. A youthful offender may be sentenced  
9                   to capital punishment if he ***or she*** was sixteen (16) years of age or older at the time  
10                  of the commission of the offense. A youthful offender convicted of a capital offense  
11                  regardless of age may be sentenced to a term of imprisonment appropriate for one  
12                  who has committed a Class A felony and may be sentenced to life imprisonment  
13                  without benefit of parole for ***thirty-five (35)***~~twenty-five (25)~~ years.

14                  (2) ~~A~~~~No~~ youthful offender shall ***not*** be subject to persistent felony offender  
15                  sentencing under the provisions of KRS 532.080 for offenses committed before the  
16                  age of eighteen (18) years.

17                  (3) ~~A~~~~No~~ youthful offender shall ***not*** be subject to limitations on probation, parole or  
18                  conditional discharge as provided for in KRS 533.060.

19                  (4) Any youthful offender convicted of a misdemeanor or any felony offense which  
20                  would exempt him ***or her*** from KRS 635.020(2), (3), (4), (5), (6), (7), or (8) shall  
21                  be disposed of by the Circuit Court in accordance with the provisions of KRS  
22                  635.060.

23                  ➔Section 15. This Act may be cited as Logan's Law.