

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 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

the commission of the offense;

10. Robbery in the first degree as described in KRS 515.020;
11. Robbery in the second degree as described in KRS 515.030;
12. Incest as described in KRS 530.020(2)(b) or (c);
13. Arson in the first degree as described in KRS 513.020;
14. Strangulation in the first degree as described in KRS 508.170;
15. Carjacking as described in KRS 515.040;
16. A Class C felony violation of promoting contraband in the first degree as described in KRS 520.050; or
17. Wanton endangerment in the first degree as described in KRS 508.060 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)~~(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)~~~~(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, ~~or~~ 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) No hearing shall be required for the board to order an inmate to mandatory reentry
21 supervision pursuant to subsection (1) of this section. Terms of supervision for
22 inmates released on mandatory reentry supervision shall be established as follows:

23 (a) The board shall adopt administrative regulations establishing general
24 conditions applicable to each inmate ordered to mandatory reentry supervision
25 pursuant to subsection (1) of this section. If an inmate is ordered to mandatory
26 reentry supervision, the board's order shall set forth the general conditions and
27 shall require the inmate to comply with the general conditions and any

1 requirements imposed by the department in accordance with this section;

2 (b) Upon intake of an inmate ordered to mandatory reentry supervision by the
3 board, the department shall use the results of the risk and needs assessment
4 administered pursuant to KRS 439.3104(1) to establish appropriate terms and
5 conditions of supervision, taking into consideration the level of risk to public
6 safety, criminal risk factors, and the need for treatment and other
7 interventions. The terms and conditions imposed by the department under this
8 paragraph shall not conflict with the general conditions adopted by the board
9 pursuant to paragraph (a) of this subsection; and

10 (c) The powers and duties assigned to the commissioner in relation to probation
11 or parole under KRS 439.470 shall be assigned to the commissioner in
12 relation to mandatory reentry supervision.

13 (7) Subject to subsection (3) of this section, the period of mandatory reentry
14 supervision shall conclude upon completion of the individual's minimum expiration
15 of sentence.

16 (8) If the board issues a warrant for the arrest of an inmate for absconding from
17 supervision during the mandatory reentry supervision period, and the inmate is
18 subsequently returned to prison as a violator of conditions of supervision for
19 absconding, the inmate shall not receive credit toward the remainder of his or her
20 sentence for the time spent absconding.

21 (9) The department shall report the results of the mandatory reentry supervision
22 program to the Legislative Research Commission for referral to the Interim Joint
23 Committee on Judiciary or the Senate and House Standing Committees on
24 Judiciary, as appropriate, by February 1 of each year[, 2015].

25 ➔Section 3. KRS 504.150 is amended to read as follows:

26 (1) (a) The court shall sentence a defendant found guilty but mentally ill at the time
27 of the offense to the local jail or to the Department of Corrections in the same

1 manner as a defendant found guilty.

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

13 → Section 4. KRS 532.025 is amended to read as follows:

14 (1) (a) I. Upon conviction of a defendant in cases where the death penalty may be
15 imposed, a hearing shall be conducted. In ~~the~~such hearing, the judge
16 shall hear additional evidence in extenuation, mitigation, and
17 aggravation of punishment, including the record of any prior criminal
18 convictions and pleas of guilty or pleas of nolo contendere of the
19 defendant, or the absence of any prior conviction and pleas; ~~provided,~~
20 ~~However, that only such evidence in aggravation as the state has~~
21 made known to the defendant prior to his or her trial shall be admissible.

22 2. Subject to the Kentucky Rules of Evidence, juvenile court records of
23 adjudications of guilt of a child for an offense that would be a felony if
24 committed by an adult shall be admissible in court at any time the child
25 is tried as an adult, or after the child becomes an adult, at any
26 subsequent criminal trial relating to that same person. Juvenile court
27 records made available pursuant to this section may be used for

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

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

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

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

12 (a) Aggravating circumstances:

13 1. The offense of murder or kidnapping was committed by a person with a
14 prior record of conviction for a capital offense, or the offense of murder
15 was committed by a person who has a substantial history of serious
16 assaultive criminal convictions;

17 2. The offense of murder or kidnapping was committed while the offender
18 was engaged in the commission of arson in the first degree, robbery in
19 the first degree, burglary in the first degree, rape in the first degree, or
20 sodomy in the first degree;

21 3. The offender by his or her act of murder, armed robbery, or kidnapping
22 knowingly created a great risk of death to more than one (1) person in a
23 public place by means of a weapon of mass destruction, weapon, or
24 other device which would normally be hazardous to the lives of more
25 than one (1) person;

26 4. The offender committed the offense of murder for himself, herself, or
27 another, for the purpose of receiving money or any other thing of

monetary value, or for other profit;

5. The offense of murder was committed by a person who was a prisoner and the victim was a prison employee engaged at the time of the act in the performance of his or her duties;
6. The offender's act or acts of killing were intentional and resulted in multiple deaths;
7. The offender's act of killing was intentional and the victim was:
 - a. A state or local public official; or
 - b. A first responder, as defined in KRS 507.070;
8. The offender murdered the victim when an emergency protective order or a domestic violence order was in effect, or when any other order designed to protect the victim from the offender, such as an order issued as a condition of a bond, conditional release, probation, parole, or pretrial diversion, was in effect; and
9. The offender's act of killing was intentional and resulted in the death of a child under twelve (12) years old.

17 (b) Mitigating circumstances:

1. The defendant has no significant history of prior criminal activity;
2. The capital offense was committed while the defendant was under the influence of extreme mental or emotional disturbance even though the influence of extreme mental or emotional disturbance is not sufficient to constitute a defense to the crime;
3. The victim was a participant in the defendant's criminal conduct or consented to the criminal act;
4. The capital offense was committed under circumstances which the defendant believed to provide a moral justification or extenuation for his or her conduct even though the circumstances which the defendant

1 believed to provide a moral justification or extenuation for his or her
2 conduct are not sufficient to constitute a defense to the crime;

17 (3) **(a)** The instructions as determined by the trial judge to be warranted by the
18 evidence or as required by KRS 532.030(4) shall be given in charge and in
19 writing to the jury for its deliberation.

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

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

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

17 ➔ Section 5. KRS 532.030 is amended to read as follows:

18 (1) ~~When~~ A person ~~is~~ convicted of a capital offense~~, he~~ shall have his or her
19 punishment fixed at death, or at a term of imprisonment for life without benefit of
20 probation or parole, or at a term of imprisonment for life without benefit of
21 probation or parole until he or she has served a minimum of thirty-five (35)~~(25)~~ years of his or her
22 sentence, or to a sentence of life, or to a term of not
23 less than twenty (20) years nor more than fifty (50) years.

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

26 (3) ~~When~~ A person ~~is~~ convicted of an offense other than a capital offense or Class A
27 felony~~, he~~ shall have his or her punishment fixed at:

14 ➔ Section 6. KRS 532.110 is amended to read as follows:

15 (1) When multiple sentences of imprisonment are imposed on a defendant for more
16 than one (1) crime, including a crime for which a previous sentence of probation or
17 conditional discharge has been revoked, the multiple sentences shall run
18 concurrently or consecutively as the court shall determine at the time of sentence,
19 except that:

20 (a) A definite and an indeterminate term shall run concurrently and both
21 sentences shall be satisfied by service of the indeterminate term;

22 (b) The aggregate of consecutive definite terms shall not exceed one (1) year;

23 (c) 1. Except as provided in paragraph (d) of this subsection, the aggregate of
24 consecutive indeterminate terms shall not exceed in maximum length
25 the longest extended term which would be authorized by KRS 532.080
26 for the highest class of crime for which any of the sentences is imposed,
27 except as described in KRS 533.060(2) or (3).

1 2. In no event shall the aggregate of consecutive indeterminate terms
2 exceed seventy (70) years; and

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

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

6 2. Two (2) or more capital offenses, Class A felonies, Class B felonies, or
7 a combination of those offenses; or

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

11 shall run consecutively.

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

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

24 (4) Notwithstanding any provision in this chapter to the contrary, if a person is
25 convicted of an offense that is committed while he or she is imprisoned in a penal
26 or reformatory institution, the sentence imposed for that offense may, upon order of
27 the trial court, be served in that institution. The person may be transferred to

1 another institution pursuant to administrative regulations of the Department of
2 Corrections.

3 ➔Section 7. KRS 27A.400 is amended to read as follows:

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

6 (1) Sentencing date;

7 (2) Sentence for each offense;

8 (3) If sentenced to imprisonment:

9 (a) Place of imprisonment;

10 (b) Sentence minimum for each offense;

11 (c) Sentence maximum for each offense;

12 (d) Consecutive multiple incarceration;

13 (e) Concurrent multiple incarceration;

14 (f) Was the defendant sentenced without privilege of parole for thirty-five
15 ~~(35)~~twenty-five (25) years; and

16 (g) If answer to paragraph (f) of this subsection is yes, which aggravating
17 circumstance or circumstances were found;

18 (4) If sentenced to a fine:

19 (a) The amount of the fine;

20 (b) Is the fine to be paid in installments;

21 (c) If answer to paragraph (b) of this subsection is yes, amount of each
22 installment;

23 (d) Was the fine paid in full upon conviction;

24 (e) If not, what amount was paid; and

25 (f) How much of money held for bail was used in payment of the fine;

26 (5) If any other sentence was imposed:

27 (a) The nature of the sentence;

- 1 (b) List separately each to be paid in installments;
- 2 (c) List separately the amount of each installment;
- 3 (d) Were these costs paid in full upon conviction; list each; and
- 4 (e) If not, list the amount paid on each.

5 ➔Section 8. KRS 196.288 is amended to read as follows:

6 (1) The department shall measure and document cost savings resulting from
7 amendments to or creation of statutes in KRS Chapters 27A, 196, 197, 431, 439,
8 532, 533, and 534 contained in 2011 Ky. Acts ch. 2. Measured and documented
9 savings shall be reinvested or distributed as provided in this section.

10 (2) The department shall establish a baseline for measurement using the average
11 number of inmates incarcerated at each type of penitentiary as defined in KRS
12 197.010 and at local jails in fiscal year 2010-2011.

13 (3) The department shall determine the average cost of:

14 (a) Incarceration for each type of penitentiary as defined in KRS 197.010 and for
15 local jails, including health care costs, transportation costs, and other related
16 costs, for one (1) inmate for one (1) year for the immediately preceding fiscal
17 year;

18 (b) Providing probation and parole services for one (1) parolee for one (1) year
19 for the immediately preceding fiscal year; and

20 (c) Reentry services and peer support as a condition of parole for those with
21 opiate addiction and other substance abuse disorders.

22 (4) Beginning with the budget request for the 2012-2014 fiscal biennium, savings shall
23 be estimated from the baseline established in subsection (2) of this section as
24 follows:

25 (a) ~~The estimated average reduction of inmates due to mandatory reentry
supervision as required by KRS 439.3406 multiplied by the appropriate
average cost as determined in subsection (3)(a) of this section;~~

1 (b) The estimated average reduction of inmates due to accelerated parole
2 hearings as required by KRS 439.340 multiplied by the appropriate average
3 cost as determined in subsection (3)(a) of this section;

4 (b) The estimated average increase of parolees due to
5 paragraph~~paragraphs~~ (a) ~~and (b)~~ of this subsection multiplied by the
6 average cost as determined in subsection (3)(b) of this section; and

7 (c) The estimated average reduction of parolees due to parole credit for
8 good behavior as provided in KRS 439.345 multiplied by the average cost as
9 determined in subsection (3)(b) of this section.

10 (5) The following amounts shall be allocated or distributed from the estimated amount
11 of savings that would otherwise remain in the general fund:

12 (a) Twenty-five percent (25%) shall be distributed to the local corrections
13 assistance fund established by KRS 441.207;

14 (b) Fifty percent (50%) shall be distributed for the following purposes:

15 1. To the department to provide or to contract for the provision of
16 substance abuse treatment in county jails, regional jails, or other local
17 detention centers that employ evidence-based practices in behavioral
18 health treatment or medically assisted treatment for nonstate inmates
19 with opiate addiction or other substance abuse disorders;

20 2. For KY-ASAP programs operating under KRS Chapter 15A in county
21 jails or in facilities under the supervision of county jails that employ
22 evidence-based behavioral health treatment or medically assisted
23 treatment for inmates with opiate addiction or other substance abuse
24 disorders;

25 3. To KY-ASAP to provide supplemental grant funding to community
26 mental health centers for the purpose of offering additional substance
27 abuse treatment resources through programs that employ evidence-based

1 behavioral health treatment or medically assisted treatment;

2 4. To KY-ASAP to address neonatal abstinence syndrome by providing

3 supplemental grant funding to community substance abuse treatment

4 providers to offer residential treatment services to pregnant women

5 through programs that employ evidence-based behavioral health

6 treatment or medically assisted treatment;

7 5. To provide supplemental funding for traditional KY-ASAP substance

8 abuse programming under KRS Chapter 15A;

9 6. To the department for the purchase of FDA-approved medication-

10 assisted treatment products as a component of evidence-based treatment

11 for inmates with opioid dependence, opioid use disorder, or other

12 substance abuse disorders, for use in substance abuse treatment

13 programs operated or supervised by the department. In purchasing

14 the[such] FDA-approved products, the department shall consider

15 products and treatments that may minimize the risk of diversion;

16 7. To the Department of Public Advocacy to provide supplemental funding

17 to the Social Worker Program for the purpose of creating additional

18 social worker positions to develop individualized alternative sentencing

19 plans; and

20 8. To the Prosecutors Advisory Council to enhance the use of rocket

21 docket prosecutions in controlled substance cases; and

22 (c) In enacting the budget for the department and the judicial branch, beginning

23 in the 2012-2014 fiscal biennium and each fiscal biennium thereafter, the

24 General Assembly shall:

25 1. Determine the estimated amount necessary for reinvestment in:

26 a. Expanded treatment programs and expanded probation and parole

27 services provided by or through the department; and

➔ Section 9 KRS 196.700 is amended to read as follows:

19 As used in KRS 196.700 to 196.735, unless the context otherwise requires:

20 (1) "Commission" means the Kentucky State Corrections Commission created in KRS
21 196.701;

22 (2) "Community corrections program" means a local government agency, private
23 nonprofit, or charitable organization within the judicial circuit which shall perform
24 one (1) or more of the following:

25 (a) Prepare community penalties plans;

26 (b) Directly provide, arrange, or contract with public and private agencies for
27 sentencing services for offenders; and

1 (c) Monitor the progress of offenders placed on community penalty plans or who
2 receive sentencing services through provisions of KRS 196.700 to 196.735;

3 (3) "Community corrections programs plan" means a written plan for the development,
4 implementation, operation, and improvement of a community corrections program;

5 (4) "Community penalties plan" means a plan presented in writing to the sentencing
6 judge which provides a detailed description of and rationale for the targeted
7 offender's proposed sentence to a community corrections program or to one (1) or
8 more special programs, conditions of probation, community punishments, or
9 sanctions in lieu of lengthy incarceration;

10 (5) "Conditions of supervision" means conditions of probation, parole, ~~mandatory~~
11 ~~reentry supervision,~~} or other form of post-prison supervision;

12 (6) "Judicial circuit" means the circuits prescribed by KRS 23A.020;

13 (7) "Supervised individual" means an individual placed on probation by a court or
14 serving a period of parole or other form of post-release supervision; and

15 (8) "Targeted offenders" means persons charged with or convicted of one (1) or more
16 felonies who under application of law are eligible for probation or suspension of
17 sentence.

18 ➔Section 10. KRS 439.3103 is amended to read as follows:

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

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

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

- 1 2. Case information, including but not limited to:
 - 2 a. Education level upon release;
 - 3 b. The number of dependents upon release;
 - 4 c. The crime of conviction;
 - 5 d. Whether the person was sentenced on or after July 15, 2024; and
 - 6 e. The number of days in custody prior to release;
- 7 3. Count of:
 - 8 a. Prior community supervision periods; and
 - 9 b. Community supervision revocations;
- 10 4. Conditions of supervision, including but not limited to:
 - 11 a. Mental health or substance abuse programming;
 - 12 b. Cognitive skills or education programming; and
 - 13 c. Any other condition of supervision;
- 14 5. Supervision activities, including but not limited to:
 - 15 a. The number of technical violations;
 - 16 b. The number of nontechnical violations;
 - 17 c. The number of drug tests;
 - 18 d. The percentage or number of positive drug tests;
 - 19 e. The number of program completions while on supervision for
20 which the offender received good time credits and attendance has
21 been verified;
 - 22 f. The number of jobs per year while on parole and the percentage of
23 days employed while on parole; and
 - 24 g. The number of residence changes to a new zip code during parole;
- 25 6. Prior criminal history, including the number of prior arrests and
26 convictions; and
- 27 7. Rates of recidivism.

- 1 (2) The department shall:
 - 2 (a) Collect all data necessary to prepare the report and may promulgate
 - 3 administrative regulations in accordance with KRS Chapter 13A to implement
 - 4 this section; and
 - 5 (b) Make the full report and an executive summary available to the general public
 - 6 on its website.

7 ➔Section 11. KRS 504.060 is amended to read as follows:

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

- 9 (1) "Department" means the Department of Corrections;
- 10 (2) "Examiner" means a psychologist or psychiatrist who examines, treats, or reports
- 11 on a defendant's mental condition as required by this chapter;
- 12 (3) "Forensic psychiatric facility" means a mental institution or facility, or part thereof,
- 13 designated by the secretary for the purpose and function of providing inpatient
- 14 evaluation, care, and treatment for mentally ill persons or individuals with an
- 15 intellectual disability who have been charged with or convicted of a felony;
- 16 (4) "Foreseeable future" means not more than three hundred sixty (360) days;
- 17 (5) "Incompetency to stand trial" means, as a result of mental condition, lack of
- 18 capacity to appreciate the nature and consequences of the proceedings against one
- 19 or to participate rationally in one's own defense;
- 20 (6) "Individual with an intellectual disability" means an individual with significantly
- 21 subaverage general intellectual functioning existing concurrently with deficits in
- 22 adaptive behavior and manifested during the developmental period and is a
- 23 condition which may exist concurrently with mental illness or insanity;
- 24 (7) ~~{"Insanity" means, as a result of mental condition, lack of substantial capacity either~~
- 25 ~~to appreciate the criminality of one's conduct or to conform one's conduct to the~~
- 26 ~~requirements of law;~~
- 27 (8) "Mental illness" means substantially impaired capacity to use self-control,

1 judgment, or discretion in the conduct of one's affairs and social relations,
2 associated with maladaptive behavior or recognized emotional symptoms where
3 impaired capacity, maladaptive behavior, or emotional symptoms can be related to
4 physiological, psychological, or social factors;

5 ~~(8)~~⁽⁹⁾ "Psychiatrist" means a physician licensed pursuant to KRS Chapter 311 who
6 is certified or eligible to apply for certification by the American Board of
7 Psychiatry and Neurology, Inc.;

8 ~~(9)~~⁽¹⁰⁾ "Psychologist" means a person licensed at the doctoral level pursuant to KRS
9 Chapter 319 who has been designated by the Kentucky Board of Examiners of
10 Psychology as competent to perform examinations;

11 ~~(10)~~⁽¹¹⁾ "Secretary" means the secretary of the Cabinet for Health and Family
12 Services;

13 ~~(11)~~⁽¹²⁾ "Treatment" means medication or counseling, therapy, psychotherapy, and
14 other professional services provided by or at the direction of psychologists or
15 psychiatrists. "Treatment" shall not include electroshock therapy or psychosurgery;
16 and

17 ~~(12)~~⁽¹³⁾ "Treatment facility" means an institution or part thereof, approved by the
18 Cabinet for Health and Family Services, which provides evaluation, care, and
19 treatment for insane or mentally ill persons or individuals with an intellectual
20 disability on an inpatient or outpatient basis.

21 ➔Section 12. KRS 504.120 is amended to read as follows:

22 In cases in which the defendant provides evidence at trial of his or her mental illness ~~for~~
23 ~~insanity~~ at the time of the offense, the jury or court may find the defendant:

24 (1) Guilty;

25 (2) Not guilty;

26 or

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

1 (4) }Guilty but mentally ill at the time of the offense.

2 ➔Section 13. KRS 506.010 is amended to read as follows:

3 (1) A person is guilty of criminal attempt to commit a crime when, acting with the kind
4 of culpability otherwise required for commission of the crime, he or she:

5 (a) Intentionally engages in conduct which would constitute the crime if the
6 attendant circumstances were as he or she believes them to be; or

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

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

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

19 (4) A criminal attempt is a:

20 (a) Class C felony when the crime attempted is a violation of KRS 521.020 or
21 521.050;

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

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

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

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

27 (5) Notwithstanding KRS Chapter 532, a person who has been convicted of, or entered

1 a plea of guilty or nolo contendere to, criminal attempt to commit murder of a first
2 responder shall be sentenced to imprisonment for:

3 (a) At least twenty (20) years;
4 (b) Life; or
5 (c) Life without benefit of probation or parole until the person has served a
6 minimum of thirty-five (35)~~twenty-five (25)~~ years.

7 ➔Section 14. KRS 532.080 is amended to read as follows:

8 (1) When a defendant is found to be a persistent felony offender, the jury, in lieu of the
9 sentence of imprisonment assessed under KRS 532.060 for the crime of which
10 ~~the~~^{sueh} person presently stands convicted, shall fix a sentence of imprisonment as
11 authorized by subsection (5) or (6) of this section. When a defendant is charged
12 with being a persistent felony offender, the determination of whether or not he or
13 she is such an offender and the punishment to be imposed pursuant to subsection
14 (5) or (6) of this section shall be determined in a separate proceeding from that
15 proceeding which resulted in his or her last conviction. The~~Such~~ proceeding shall
16 be conducted before the court sitting with the jury that found the defendant guilty of
17 his or her most recent offense unless the court for good cause discharges that jury
18 and impanels a new jury for that purpose.

19 (2) A persistent felony offender in the second degree is a person who is more than
20 twenty-one (21) years of age and who stands convicted of a felony after having
21 been convicted of one (1) previous felony. As used in this provision, a previous
22 felony conviction is a conviction of a felony in this state or conviction of a crime in
23 any other jurisdiction 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 (b) [That] The offender was over the age of eighteen (18) years at the time the
2 offense was committed; and

3 (c) [That] The offender:

4 1. Completed service of the sentence imposed on any of the previous
5 felony convictions within five (5) years prior to the date of the
6 commission of the felony for which he or she now stands convicted;[or]
7 2. Was on probation, parole, postincarceration supervision, conditional
8 discharge, conditional release, furlough, appeal bond, or any other form
9 of legal release from any of the previous felony convictions at the time
10 of commission of the felony for which he or she now stands convicted;[
11 or]
12 3. Was discharged from probation, parole, postincarceration supervision,
13 conditional discharge, conditional release, or any other form of legal
14 release on any of the previous felony convictions within five (5) years
15 prior to the date of commission of the felony for which he or she now
16 stands convicted;[or]
17 4. Was in custody from the previous felony conviction at the time of
18 commission of the felony for which he or she now stands convicted; or
19 5. Had escaped from custody while serving any of the previous felony
20 convictions at the time of commission of the felony for which he or she
21 now stands convicted.

22 (4) For the purpose of determining whether a person has two (2) or more previous
23 felony convictions, two (2) or more convictions of crime for which that person
24 served concurrent or uninterrupted consecutive terms of imprisonment shall be
25 deemed to be only one (1) conviction, unless one (1) of the convictions was for an
26 offense committed while that person was imprisoned.

27 (5) A person who is found to be a persistent felony offender in the second degree shall

1 be sentenced to an indeterminate term of imprisonment pursuant to the sentencing
2 provisions of KRS 532.060(2) for the next highest degree than the offense for
3 which convicted. A person who is found to be a persistent felony offender in the
4 second degree shall not be eligible for probation, shock probation, or conditional
5 discharge, unless all offenses for which the person stands convicted are Class D
6 felony offenses which do not involve a violent act against a person, in which case
7 probation, shock probation, or conditional discharge may be granted. A violent
8 offender who is found to be a persistent felony offender in the second degree shall
9 not be eligible for parole except as provided in KRS 439.3401.

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

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

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

25 (7) A person who is found to be a persistent felony offender in the first degree shall not
26 be eligible for probation, shock probation, or conditional discharge, unless all
27 offenses for which the person stands convicted are Class D felony offenses which

1 do not involve a violent act against a person or a sex crime as that term is defined in
2 KRS 17.500, in which case, probation, shock probation, or conditional discharge
3 may be granted. If the offense the person presently stands convicted of is a Class A,
4 B, or C felony, the person shall not be eligible for parole until the person has served
5 a minimum term of incarceration of not less than ten (10) years, unless another
6 sentencing scheme applies. A violent offender who is found to be a persistent
7 felony offender in the first degree shall not be eligible for parole except as provided
8 in KRS 439.3401.

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

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

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

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

24 1. A felony offense arising out of KRS 189A.010, 189A.090, 506.140,
25 508.032, 508.140, or 510.015; or

26 2. Any other felony offense if the penalty was not enhanced to a higher
27 level because the Commonwealth elected to prosecute the person as a

1 first-time violator of that offense.

2 ➔Section 15. KRS 640.040 is amended to read as follows:

3 (1) A~~Not~~ youthful offender who has been convicted of a capital offense who was
4 under the age of sixteen (16) years at the time of the commission of the offense
5 shall not be sentenced to capital punishment. A youthful offender may be sentenced
6 to capital punishment if he or she was sixteen (16) years of age or older at the time
7 of the commission of the offense. A youthful offender convicted of a capital offense
8 regardless of age may be sentenced to a term of imprisonment appropriate for one
9 who has committed a Class A felony and may be sentenced to life imprisonment
10 without benefit of parole for thirty-five (35)~~(25)~~ years.

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

14 (3) ~~A~~^{No} youthful offender shall not be subject to limitations on probation, parole or
15 conditional discharge as provided for in KRS 533.060.

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

20 → Section 16. The following KRS sections are repealed:

21 504.020 Mental illness or intellectual disability.

22 504.030 Disposition of person found not guilty by reason of insanity.

23 → Section 17. This Act may be cited as Logan's Law.