

1 AN ACT relating to criminal mediation.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 455 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) In any criminal matter pending in a Circuit Court or a District Court of this*
6 *Commonwealth, the parties may request that the matter be referred for mediation.*

7 *(2) Upon agreement of all parties, including the victim, the court may refer the*
8 *matter to a mediator who:*

9 *(a) Meets at least two (2) of the following qualifications:*

10 *1. A formerly elected county attorney or Commonwealth's attorney,*
11 *having served at least one (1) term in office, who has been a licensed*
12 *attorney for no less than fifteen (15) years;*

13 *2. A former attorney with the Department of Public Advocacy who has*
14 *been a licensed attorney for no less than fifteen (15) years;*

15 *3. A former District Judge or Circuit Judge who has been a licensed*
16 *attorney for no less than fifteen (15) years;*

17 *4. A licensed attorney for no less than twenty-five (25) years who has*
18 *extensive experience in criminal law; or*

19 *5. A licensed attorney with a minimum of two (2) years of service as:*

20 *i. An administrative law judge with the Department of Workers'*
21 *Claims under KRS Chapter 342;*

22 *ii. A domestic relations commissioner; or*

23 *iii. A hearing officer qualified under KRS Chapter 13B;*

24 *(b) Has experience in:*

25 *1. The same circuit or district where the case is pending;*

26 *2. A circuit or district that is contiguous to the circuit or district where*
27 *the case is pending; or*

- 1 3. A circuit or district within a radius of seventy-five (75) miles of the
2 circuit or district where the case is pending; and
3 (c) Has completed a minimum of forty (40) hours of mediation training.
4 (3) Unless otherwise agreed by the parties, the mediator shall be compensated as
5 authorized by the policies of the Court of Justice.
6 (4) (a) The mediation authorized under this section shall be in addition to any
7 felony mediation program authorized by the Court of Justice.
8 (b) To promote uniformity, the rules adopted by the Court of Justice related to
9 confidentiality and reporting to the court shall apply to any mediation under
10 this section.