

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 533.020 is amended to read as follows:

- 4 (1) When a person who has been convicted of an offense or who has entered a plea of  
5 guilty to an offense is not sentenced to imprisonment, the court shall place him ***or***  
6 ***her*** on probation if he ***or she*** is in need of the supervision, guidance, assistance, or  
7 direction that the probation service can provide. Conditions of probation shall be  
8 imposed as provided in KRS 533.030, but the court may modify or enlarge the  
9 conditions or, if the defendant commits an additional offense or violates a  
10 condition, revoke the sentence at any time prior to the expiration or termination of  
11 the period of probation. When setting conditions under this subsection, the court  
12 shall not order any defendant to pay incarceration costs or any other cost permitted  
13 to be ordered under KRS 533.010 or other statute, except restitution and any costs  
14 owed to the Department of Corrections, through the circuit clerk.
- 15 (2) When a person who has been convicted of an offense or who has entered a plea of  
16 guilty to an offense is not sentenced to imprisonment, the court may sentence him  
17 ***or her*** to probation with an alternative sentence if it is of the opinion that the  
18 defendant should conduct himself ***or herself*** according to conditions determined by  
19 the court and that probationary supervision alone is insufficient. The court may  
20 modify or enlarge the conditions or, if the defendant commits an additional offense  
21 or violates a condition, revoke the sentence at any time prior to the expiration or  
22 termination of the alternative sentence.
- 23 (3) When a person who has been convicted of an offense or who has entered a plea of  
24 guilty to an offense is not sentenced to imprisonment, the court may sentence him  
25 ***or her*** to conditional discharge if it is of the opinion that the defendant should  
26 conduct himself ***or herself*** according to conditions determined by the court but that  
27 probationary supervision is inappropriate. Conditions of conditional discharge shall

1 be imposed as provided in KRS 533.030, but the court may modify or enlarge the  
2 conditions or, if the defendant commits an additional offense or violates a  
3 condition, revoke the sentence at any time prior to the expiration or termination of  
4 the period of conditional discharge.

5 (4) (a) The period of probation, probation with an alternative sentence, or conditional  
6 discharge shall be fixed by the court and at any time may be extended or  
7 shortened by a duly entered court order or as modified by the Department of  
8 Corrections through the application of probation program credits under KRS  
9 439.268.

10 (b) 1. Any~~Such~~ period of supervision imposed under paragraph (a) of this  
11 subsection, with extensions thereof, shall not exceed five (5) years, or  
12 the time necessary to complete restitution, whichever is longer, upon  
13 conviction of a felony, nor two (2) years, or the time necessary to  
14 complete restitution, whichever is longer, upon conviction of a  
15 misdemeanor.

16 2. If a violation of any condition imposed by the court during a period of  
17 supervision imposed under paragraph (a) of this subsection is alleged  
18 to have occurred within the last sixty (60) days of the period of  
19 supervision, the court shall have sixty (60) days after the expiration of  
20 the period of supervision imposed under paragraph (a) of this  
21 subsection to determine if a violation occurred and the appropriate  
22 action for the violation.

23 (c) 1. If a defendant who is subject to a period of supervision under  
24 paragraph (a) of this subsection is alleged to have committed a  
25 violation of the conditions imposed by the court, and a warrant has  
26 been issued by the court based on an allegation of that violation, the  
27 time between the issuance of the warrant and the defendant's first

1                   appearance before the court after service of that warrant shall be  
 2                   tolled and not count towards any period of supervision imposed under  
 3                   paragraph (a) of this subsection, unless the court finds that the  
 4                   defendant did not violate any condition imposed by the court.

5                   2. The court shall have sixty (60) days after the defendant's first  
 6                   appearance to schedule and complete any proceedings related to an  
 7                   alleged violation described in subparagraph 1. of this section.

8                   (d) Upon completion of the probationary period, probation with an alternative  
 9                   sentence, or the period of conditional discharge, the defendant shall be  
 10                  deemed finally discharged, provided no warrant issued by the court is pending  
 11                  against him or her, and probation, probation with an alternative sentence, or  
 12                  conditional discharge has not been revoked.

13               (5) Notwithstanding the fact that a sentence to probation, probation with an alternative  
 14               sentence, or conditional discharge can subsequently be modified or revoked, a  
 15               judgment that~~[which]~~ includes such a sentence shall constitute a final judgment for  
 16               purposes of appeal.