

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 431.200 is amended to read as follows:

4 **(1)** Any person convicted of a misdemeanor or felony for taking, injuring, or destroying
5 property shall restore the property or make reparation in damages if not ordered as a
6 condition of probation.

7 **(2)** The court in which the conviction is **obtained**~~[had]~~, if applied to by verified petition
8 made within ninety (90) days of the date the sentence was pronounced, may order
9 restitution or **enter**~~[give]~~ judgment against the defendant for reparation in
10 damages~~[,]~~ and enforce collection by execution or other process.

11 **(3)** ~~If [In]~~ a petition for restitution or reparation **is filed under subsection (2) of this**
12 **section**, the court shall cause the defendant, if in custody, to be brought into court~~[,]~~
13 and demand of **the defendant**~~[him]~~ if he **or she** has any defense to make to the
14 petition.

15 **(4)** **(a)** If **the defendant**~~[he]~~ consents to the restitution or to reparation in damages in
16 an agreed sum, the court shall **enter**~~[give]~~ judgment accordingly.

17 **(b)** **If the defendant does not consent to the restitution or to reparation in**
18 **damages**~~[,Otherwise]~~ a jury shall be impaneled to try the facts and ascertain
19 the amount and the value of the property~~[,]~~ or assess the damage, as **may be**
20 **applicable**~~[the case may be]~~.

21 **(5)** A failure to pursue **a**~~[this]~~ remedy **under this section** shall not deprive the person
22 aggrieved of his **or her** civil action for the injury sustained.