

1 AN ACT relating to mandatory reentry supervision.

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

3 ➔Section 1. KRS 439.3406 is amended to read as follows:

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

7 (2) The provisions of subsection (1) of this section shall not apply to an inmate who:

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

9 (b) Has been convicted of a capital offense or a Class A felony;

10 (c) Has previously been convicted of two (2) or more offenses that would
11 classify him or her as a violent offender under KRS 439.3401;

12 (d) Has a maximum or close security classification as defined by administrative
13 regulations promulgated by the department;

14 (e)[(d)] Has been sentenced to two (2) years or less of incarceration;

15 (f)[(e)] Is subject to the provisions of KRS 532.043;

16 (g)[(f)] Has six (6) months or less to be served after his or her sentencing by a
17 court[or recommitment to prison for a violation of probation, shock
18 probation, parole, or conditional discharge];

19 (h)[(g)] Has been[if] recommitted to prison for a violation of probation, shock
20 probation, parole, or conditional discharge[has not served at least six (6)
21 months since being recommitted]; or

22 (i)[(h)] Has twice been released on mandatory reentry supervision.

23 (3) An inmate granted mandatory reentry supervision pursuant to this section may be
24 returned by the board to prison for violation of the conditions of supervision and
25 shall not again be eligible for mandatory reentry supervision during the same period
26 of incarceration.

27 (4) An inmate released to mandatory reentry supervision shall be considered to be

1 released on parole.

2 (5) Mandatory reentry supervision is not a commutation of sentence or any other form
3 of clemency.

4 (6) No hearing shall be required for the board to order an inmate to mandatory reentry
5 supervision pursuant to subsection (1) of this section. Terms of supervision for
6 inmates released on mandatory reentry supervision shall be established as follows:

7 (a) **1.** The board shall adopt administrative regulations **in accordance with**
8 **KRS Chapter 13A** establishing general conditions applicable to each
9 inmate ordered to mandatory reentry supervision pursuant to subsection
10 (1) of this section.

11 **2.** If an inmate is ordered to mandatory reentry supervision, the board's
12 order shall:

13 **a.** Set forth the general conditions; and ~~shall~~
14 **b.** Require the inmate to comply with the general conditions and any
15 requirements imposed by the department in accordance with this
16 section;

17 (b) Upon intake of an inmate ordered to mandatory reentry supervision by the
18 board, the department shall use the results of the risk and needs assessment
19 administered pursuant to KRS 439.3104(1) to establish appropriate terms and
20 conditions of supervision, taking into consideration the level of risk to public
21 safety, criminal risk factors, and the need for treatment and other
22 interventions. The terms and conditions imposed by the department under this
23 paragraph shall not conflict with the general conditions adopted by the board
24 pursuant to paragraph (a) of this subsection; and

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

- 1 (7) Subject to subsection (3) of this section, the period of mandatory reentry
2 supervision shall conclude upon completion of the individual's minimum expiration
3 of sentence.
- 4 (8) If the board issues a warrant for the arrest of an inmate for absconding from
5 supervision during the mandatory reentry supervision period, and the inmate is
6 subsequently returned to prison as a violator of conditions of supervision for
7 absconding, the inmate shall not receive credit toward the remainder of his or her
8 sentence for the time spent absconding.
- 9 (9) The department shall report the results of the mandatory reentry supervision
10 program to the **Legislative Research Commission for referral to the** Interim Joint
11 Committee on Judiciary **or the Senate and House Standing Committees on**
12 **Judiciary, as appropriate,** by February 1 **of each year**[, 2015].