

1 AN ACT relating to the behavioral health conditional dismissal program.

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

3 ➔Section 1. KRS 533.272 is amended to read as follows:

4 (1) A pilot program shall be established in no less than ten (10) counties selected by the
5 Chief Justice of the Supreme Court to participate in a behavioral health conditional
6 dismissal program. The pilot program shall begin January 1, 2023, and shall
7 continue until January 1, 2031,~~last for four (4) years~~ unless extended or limited
8 by the General Assembly.

9 (2) Each participating county shall have access to:

10 (a) Medication-assisted treatment;
11 (b) Recovery services as defined under KRS 533.270; and
12 (c) Educational and vocational resources sufficient to provide the training and
13 assistance required under KRS 533.286.

14 (3) (a) Every behavioral health treatment program provider in the pilot program shall
15 collect and maintain data as provided in this subsection relating to program
16 participants under their care, designed to inform the outcomes and
17 effectiveness of the pilot program, to be submitted to the Administrative
18 Office of the Courts as provided under paragraphs (b) to (e) of this subsection.
19 (b) A report shall be made for each program participant no later than fourteen
20 (14) days following the initiation of treatment. The data to be collected and
21 submitted in the report shall include the following information regarding each
22 participant:

23 1. Age, gender, and race or ethnicity;
24 2. Housing history;
25 3. Educational history;
26 4. Employment history;
27 5. Past involvement in addiction recovery and treatment for a substance

- 1 4. The number of individuals who remain in compliance with the terms
- 2 and conditions of the treatment program;
- 3 5. The number of individuals who have been discharged from the program
- 4 due to an inability or unwillingness to meet the terms and conditions of
- 5 the treatment program, including the specific reason for the discharge;
- 6 6. For any individual discharged under subparagraph 5. of this paragraph,
- 7 the length of time the individual participated in the program;
- 8 7. The number of individuals who have been discharged from the program
- 9 upon successful completion of the treatment program requirements;
- 10 8. The number of individuals who have received medication-assisted
- 11 treatment and the result of that treatment;
- 12 9. The number of individuals who have completed a recommended job
- 13 skills or job training program; and
- 14 10. The number of individuals who have completed a recommended
- 15 educational component of the program.

16 (e) A final report shall be filed for each program participant no later than thirty

17 (30) days following discharge from the program and shall contain, at a

18 minimum, the following information:

- 19 1. If the discharge from the program was due to an inability or
- 20 unwillingness to meet the terms and conditions of the treatment program
- 21 the:
 - 22 a. Specific reason for the discharge;
 - 23 b. Length of time the individual participated in the program;
 - 24 c. Goals met during the participation period;
 - 25 d. Identified barriers to completion of the program, if known; and
 - 26 e. Recommended adjustments to the behavioral health conditional
 - 27 dismissal program that could provide a greater probability of

successful completion to similar participants; and

2. If the discharge from the program occurred upon successful completion of the program requirements:

a. The length of time the individual participated in the program.

b. A summary of the specific programs completed and goals attained by the participant;

c. What continued treatment, if any, is recommended; and

d. Recommended adjustments to the behavioral health conditional dismissal program that could provide greater benefit to similar

10 participants.

11 (4) The attorneys for the Commonwealth participating in the pilot program shall submit
12 quarterly reports to the Administrative Office of the Courts. The initial quarterly
13 report shall be submitted no later than April 15, 2023, with reports due thereafter on
14 January 15, April 15, July 15, and October 15 of each year of the pilot program.
15 The quarterly reports shall include for the reporting period:

16 (a) The number of eligible defendants, including the defendant's race, ethnicity,
17 and gender, who were offered participation in the behavioral health
18 conditional dismissal program but declined to participate;

19 (b) The number of eligible defendants, including the defendant's race, ethnicity,
20 and gender, who sought to participate in the program but whose participation
21 was not agreed to by the attorney for the Commonwealth:

22 (c) The number of victims, if there is an identified victim, who did not participate
23 in the process; and

24 (d) The number of victims, if there is an identified victim, who did not agree to
25 the defendant's participation in the program.

26 (5) If the attorney for the Commonwealth did not agree to an eligible defendant's
27 participation in the behavioral health conditional dismissal program, he or she shall

1 include in each quarterly report to the Administrative Office of the Courts the
2 specific offenses charged for that defendant, and the substantial and compelling
3 reasons, based upon delineated facts specific to the defendant, why the defendant
4 was denied participation in the program.

5 (6) The Chief Justice of the Supreme Court shall submit an annual report to the
6 Legislative Research Commission, the chair of the Senate Standing Committee on
7 Judiciary, the chair of the House Standing Committee on Judiciary, and the
8 Governor by January 31 of each year that includes the information received from
9 the attorneys for the Commonwealth and the providers for the counties participating
10 in the behavioral health conditional dismissal program. The report shall include the
11 information reported under subsections (3) to (5) of this section and shall also
12 include:

13 (a) The number of defendants assessed who did not meet the eligibility
14 requirements for the program following the clinical assessment;
15 (b) The specific offenses charged for each defendant and the classification of
16 offenses charged;
17 (c) The percentage of defendants participating in the program who successfully
18 completed the program;
19 (d) The percentage of defendants discharged from the program for
20 noncompliance; and
21 (e) The percentage of defendants who are arrested, convicted, and incarcerated
22 within six (6) months, one (1) year, and two (2) years of successful
23 completion of the program.

24 ➔Section 2. KRS 533.288 is amended to read as follows:

25 (1) The Behavioral Health Conditional Dismissal Program Implementation Council is
26 created for the purpose of assisting with the implementation of the behavioral health
27 conditional dismissal pilot program created under KRS 533.272.

- 1 (2) The membership of the council shall include the following:
 - 2 (a) The executive director of the Office of Drug Control Policy, or his or her
3 designee, who shall serve as chair of the council;
 - 4 (b) The director of the Administrative Office of the Courts, or his or her designee;
 - 5 (c) The commissioner of the Department for Behavioral Health, Developmental
6 and Intellectual Disabilities, or his or her designee;
 - 7 (d) The commissioner of the Kentucky Department for Medicaid Services, or his
8 or her designee;
 - 9 (e) The public advocate, or his or her designee;
 - 10 (f) A member of the Kentucky Commonwealth's Attorneys' Association, elected
11 by its membership;
 - 12 (g) A member of the Kentucky County Attorneys Association;
 - 13 (h) One (1) Circuit Judge, elected by the Circuit Judges Association of Kentucky;
 - 14 (i) One (1) District Judge, elected by the District Judges Association of
15 Kentucky;
 - 16 (j) The executive director of the Office of Adult Education, or his or her
17 designee;
 - 18 (k) The executive director of the Kentucky Jailers Association, or his or her
19 designee; and
 - 20 (l) Two (2) individuals selected by the Kentucky Association of Regional
21 Programs, one (1) of whom shall be in recovery from a substance use disorder
22 and one (1) of whom is being treated or has been treated for a mental health
23 disorder as defined in KRS 533.270.
- 24 (3) The council shall meet at least quarterly. Meetings shall be held at the call of the
25 chair, or upon the written request of two (2) members to the chair.
- 26 (4) The council shall:
 - 27 (a) Oversee the implementation of the behavioral health conditional dismissal

1 program pilot project; and

2 (b) Review the data collected by the Administrative Office of the Courts and
3 report to the Interim Joint Committee on Judiciary and the Governor by
4 October 1 of each year of the pilot project regarding:

5 1. Recommendations for any additional performance measures needed to
6 promote the success of the program;

7 2. Whether any action is necessary, including funding or legislation;

8 3. Recommendations for resolving any matters that reduce the
9 effectiveness of the program; and

10 4. Any additional information the council deems appropriate.

11 (5) Members shall not receive any additional compensation for their service on the
12 council but shall be reimbursed for all necessary expenses.

13 (6) The council shall be attached to the Justice and Public Safety Cabinet for
14 administrative purposes.

15 (7) The council shall terminate December 31, 2031~~December 31, 2027~~, unless
16 extended by the General Assembly.

17 ➔Section 3. 2022 Ky. Acts ch. 230, sec. 13 is amended to read as follows:

18 Notwithstanding KRS 15.291 and 15.293(5), there is hereby appropriated Restricted
19 Funds in the amount \$10,500,000 in each fiscal year **beginning July 1, 2022, and ending**
20 **June 30, 2026**, from the Opioid Abatement Trust Fund to the Behavioral Health,
21 Developmental and Intellectual Disabilities budget unit for the behavioral health
22 conditional dismissal program described in Sections 1 to 8 of this Act. The department
23 shall reimburse the Administrative Office of the Courts for administrative costs related to
24 the program up to \$500,000 per year. **Notwithstanding KRS 45.229, moneys not**
25 **expended at the close of fiscal year 2025-2026 shall not lapse but shall be carried**
26 **forward.**