

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 use disorder;

2 6. Past treatment for a mental health disorder; and

3 7. Criminal history.

4 (c) A second report shall be made for each program participant identified in  
5 paragraph (b) of this subsection no later than twenty-eight (28) days after  
6 filing the initial report and shall provide the progression of the program  
7 participant, including but not limited to:

8 1. Continuation in the program;

9 2. The status and type of recommended treatment;

10 3. Employment or job training;

11 4. The status and type of educational training;

12 5. Housing status;

13 6. Any other information the program provider determines may assist in  
14 evaluation of the pilot program; and

15 7. If the participant has been discharged from the program due to an  
16 inability or unwillingness to meet the terms and conditions of the  
17 treatment program, including the specific reason for the discharge.

18 (d) Subsequent reports shall be filed on a quarterly basis. The initial quarterly  
19 report shall be submitted no later than April 15, 2023, with reports due  
20 thereafter on January 15, April 15, July 15, and October 15 of each year of the  
21 pilot program. The quarterly reports shall include for the reporting period:

22 1. The information required under paragraph (c) of this subsection as it  
23 relates to each program participant, including the length of time the  
24 individual has been a program participant;

25 2. The number of clinical assessments performed by the program provider;

26 3. The total number of individuals participating in the behavioral health  
27 conditional dismissal program with that provider;

- 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

- 1                                   successful completion to similar participants; and
- 2                   2.    If the discharge from the program occurred upon successful completion
- 3                                   of the program requirements:
- 4                           a.    The length of time the individual participated in the program;
- 5                           b.    A summary of the specific programs completed and goals attained
- 6                                   by the participant;
- 7                           c.    What continued treatment, if any, is recommended; and
- 8                           d.    Recommended adjustments to the behavioral health conditional
- 9                                   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.