

1 A JOINT RESOLUTION relating to a study of the Kentucky Penal Code and
2 related offenses.

3 WHEREAS, the current Kentucky Revised Statutes were enacted in 1942 following
4 a massive revision process; and

5 WHEREAS, the "430" Chapters of the 1942 Kentucky Revised Statutes contained
6 many of the criminal statutes of the Commonwealth; and

7 WHEREAS, by the early 1970s it was realized that the original statutes together
8 with many special amendments had resulted in a code which was inconsistent and did
9 not, for the most part, contain elements of crimes but merely penalties; and

10 WHEREAS, the current Kentucky Penal Code began with studies by the former
11 Kentucky Crime Commission into the Model Penal Code, Michigan Penal Code, Illinois
12 Penal Code, and New York Penal Code; and

13 WHEREAS, the Legislative Research Commission contributed staff to the drafting
14 effort and conducted a classification of all of the penalties in the entire then-current
15 Kentucky Revised Statutes; and

16 WHEREAS, the original draft of the Kentucky Penal Code was presented to the
17 General Assembly in 1972; and

18 WHEREAS, the 1972 General Assembly passed the Kentucky Penal Code with a
19 delayed effective date to allow for further study; and

20 WHEREAS, the 1972 General Assembly requested the Governor to appoint a
21 special study group consisting of prosecutors, defense attorneys, judges, and legislators to
22 redraft the code and present a new version to the 1974 General Assembly; and

23 WHEREAS, the study group produced a draft version of the code, which was
24 viewed as a balanced and modern code and was enacted by the 1974 General Assembly;
25 and

26 WHEREAS, the present Kentucky Penal Code, which became effective January 1,
27 1975, has been extensively added to and modified, and is the subject of many custom

1 crimes and enhancements of penalties; and

2 WHEREAS, the General Assembly believes that the resulting prison and jail
3 overcrowding and uneven penalty scheme presently contained in the code is in need of
4 updating and change; and

5 WHEREAS, the General Assembly believes that the 48-year-old Kentucky Penal
6 Code is in urgent need of reinvention, redrafting, and modernization;

7 NOW, THEREFORE,

8 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

9 ➔Section 1. Subject to the approval of the Legislative Research Commission, the
10 co-chairs of the Interim Joint Committee on Judiciary are directed to appoint a Penal
11 Code Study Subcommittee of the Interim Joint Committee on Judiciary, which shall:

12 (1) Conduct a thorough review of the present Kentucky Penal Code;

13 (2) Identify and enact a philosophy for a modernization of the Kentucky Penal
14 Code;

15 (3) Identify what other states have done in recent years in modernizing their penal
16 codes;

17 (4) Reconstruct the crimes contained in the Kentucky Penal Code to match the
18 philosophy identified for the code;

19 (5) Reconstruct and possibly expand the classifications of felonies,
20 misdemeanors, and violations to provide a greater flexibility for the code;

21 (6) Study the advisability of adjusting the current penalties for violent offenses,
22 offenses resulting in death and serious physical injury, and offenses in which a weapon
23 was used;

24 (7) Study the advisability of adjusting the current penalties for nonviolent
25 offenses, property crimes, and related offenses;

26 (8) Identify crimes of equal nature and seriousness to determine an equal scheme
27 of penalties;

1 (9) Determine whether penalties for controlled substances offenses should be
2 readjusted; and

3 (10) Make such other recommendations as it may deem appropriate.

4 ➔Section 2. All executive agencies and the Administrative Office of the Courts
5 shall promptly provide necessary data, research, and other requested information to assist
6 the subcommittee.

7 ➔Section 3. The subcommittee may hold public hearings to ascertain the views of
8 state and local officials, affected entities, crime victims, and the public as to what a new
9 revision of the Kentucky Penal Code should contain.

10 ➔Section 4. The final report of the subcommittee may be in the form of a draft for
11 a full or partial revision of the Kentucky Penal Code in conformity with this Resolution.
12 The report shall be delivered to the Legislative Research Commission no later than
13 December 1, 2022. A draft may be submitted with or without an accompanying
14 commentary.

15 ➔Section 5. Provisions of this Resolution to the contrary notwithstanding, the
16 Legislative Research Commission shall have the authority to alternatively assign the
17 issues identified herein to an interim joint committee or subcommittee thereof, and to
18 designate a study completion date.