

1 AN ACT relating to home incarceration.

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

3 ➔Section 1. KRS 532.260 is amended to read as follows:

4 (1) Any~~[Class C or Class D]~~ felon ~~[who is serving a sentence in a state-operated~~
5 ~~prison, contract facility, or county jail]~~shall~~[, at the discretion of the~~
6 ~~commissioner,]~~ be eligible to serve the remainder of his or her sentence outside the
7 walls of the detention facility under terms of home incarceration or conditional
8 release to an appropriate housing alternative specified by KRS 532.262 using an
9 approved monitoring device as defined in KRS 532.200, if the felon:

10 (a) 1. Has ***been assigned as community or minimum custody level***~~[not been~~
11 ~~convicted of, pled guilty to, or entered an Alford plea to a violent felony~~
12 ~~as defined]~~ by the Department of Corrections classification system; or

13 2. Has not been ***recommitted to prison for a violation of conditions of***
14 ***supervision of home incarceration or mandatory reentry***
15 ***supervision***~~[convicted of, pled guilty to, or entered an Alford plea to a~~
16 ~~sex crime as defined in KRS 17.500]; ***and***~~

17 (b) ~~[Has nine (9) months or less to serve on his or her sentence;~~

18 (c) ~~]~~Has voluntarily participated in a discharge planning process with the
19 department to address his or her:

- 20 1. Education;
- 21 2. Employment, technical, and vocational skills;
- 22 3. Housing, medical, and mental health needs; and
- 23 4. Criminal risk factors~~[- and~~

24 (d) ~~Has needs that may be adequately met in the community where he or she will~~
25 ~~reside upon release].~~

26 (2) A person who is placed under terms of home incarceration pursuant to subsection
27 (1) of this section shall remain in the custody of the Department of Corrections.

1 Any unauthorized departure from the terms of home incarceration may be
2 prosecuted as an escape pursuant to KRS Chapter 520 and shall result in the person
3 being returned to prison.

4 (3) If a felon is being held under a detainer but would otherwise qualify to serve the
5 remainder of his or her sentence on home incarceration, the Department of
6 Corrections shall immediately transfer the felon to the jurisdiction that has
7 lodged the detainer for final resolution.

8 (4) (a) Any victim or concerned citizen may appeal the decision to allow a felon to
9 serve the remainder of his or her sentence on home incarceration if the
10 felon is to reside in the same county in which the victim or concerned
11 citizen resides.

12 (b) The appeal shall be filed with the commissioner of the Department of
13 Corrections. The commissioner shall review the appeal and issue a decision
14 within twenty (20) days, excepting Saturdays, Sundays, and legal holidays.

15 (c) If the appeal is granted, the felon shall be required to reside in another
16 county. The commissioner may deny the appeal if the requirement that the
17 felon reside in another county would be overly burdensome to the felon.

18 (d) As used in this subsection, "concerned citizen" means a resident of a
19 county where a felon may serve the remainder of his or her sentence on
20 home incarceration.

21 (5) The Department of Corrections shall promulgate administrative regulations to
22 implement the provisions of this section.