

1 AN ACT relating to day reporting programs.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "County jail" means all detention and penal facilities of a county, charter*  
7 *county, urban-county government, unified local government, or*  
8 *consolidated local government for adult offenders, together with all its*  
9 *rehabilitative facilities for adult offenders, including facilities operated by*  
10 *private agencies under contract with the county, charter county, urban-*  
11 *county government, unified local government, or consolidated local*  
12 *government;*

13 *(b) "Day reporting program" or "program" means a community-based,*  
14 *structured sentencing program operated by a county jail that combines*  
15 *enhanced community supervision with resources and services tailored to*  
16 *meet identified offender needs; and*

17 *(c) "Eligible defendant" means an individual convicted of a misdemeanor or a*  
18 *felony who is eligible to serve all or part of his or her sentence in a county*  
19 *jail or who is found in contempt of court and who meets the intake criteria*  
20 *established by the day reporting program to which the person would be*  
21 *sentenced.*

22 *(2) A court may sentence an eligible defendant as part of an alternative sentencing*  
23 *plan or as a sentence for contempt to a local day reporting program for a period*  
24 *of time not longer than the defendant's maximum potential period of*  
25 *incarceration if:*

26 *(a) The program utilizes whenever practicable a validated screening tool based*  
27 *on criminogenic risk factors to identify an individual's likelihood of*

1 reoffending and his or her treatment needs in determining program  
2 eligibility;

3 (b) The program has agreed to accept the defendant;

4 (c) The defendant agrees in writing to comply with the program's written terms  
5 and conditions; and

6 (d) The defendant, if additionally required by the court or the program to do so,  
7 agrees to be subject to the conditions of electronic monitoring pursuant to  
8 KRS 532.210 to 532.250.

9 (3) In sentencing a defendant to a day reporting program under this section, a court  
10 may authorize a temporary release from the program for any of the purposes  
11 allowed for the release of a jail prisoner under KRS 439.179.

12 (4) The day reporting program shall provide a weekly report of all violations of the  
13 program's terms and conditions for each program participant to the sentencing  
14 court, to the prosecutor, and to the defendant in the case. If specified in the  
15 program's written terms and conditions, the program may alter the terms and  
16 conditions of a person's participation in the program in response to that person's  
17 minor breach of the program's terms and conditions.

18 (5) A court may alter or revoke a defendant's participation in a day reporting  
19 program if written notice of the grounds for alteration or revocation is given to  
20 the defendant and a hearing is conducted at which the defendant is represented  
21 by counsel. Following the hearing, if the court finds that the defendant has  
22 without good cause failed to participate in the program or to comply with its  
23 terms and conditions, the court may impose any additional sentence or other  
24 sanction specified in the original sentencing order.

25 (6) The Administrative Office of the Courts shall prescribe forms to be utilized in the  
26 implementation of this section.

27 (7) A day reporting program may be referred to as a day reporting center or other

1 *appropriate nomenclature in its day-to-day operations.*