

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 533.050 is amended to read as follows:

4 (1) At any time before the discharge of the defendant or the termination of the sentence
5 of probation or conditional discharge:

6 (a) The court may summon the defendant to appear before it or may issue a
7 warrant for his arrest upon a finding of probable cause to believe that he has
8 failed to comply with a condition of the sentence; or

9 (b) A probation officer, or peace officer acting at the direction of a probation
10 officer, who sees the defendant violate the terms of his probation or
11 conditional discharge may arrest the defendant without a warrant.

12 (2) Except as provided in KRS 439.3108, the court shall~~may~~ not:

13 **(a) Revoke a sentence of probation or conditional discharge unless the court**
14 **has considered all other sanctions, including but not limited to graduated**
15 **sanctions adopted by the Department of Corrections for violations of the**
16 **conditions of community supervision; and**

17 **(b)** Revoke or modify the conditions of a sentence of probation or conditional
18 discharge except after a hearing with defendant represented by counsel and
19 following a written notice of the grounds for revocation or modification.

20 ➔Section 2. KRS 439.553 is amended to read as follows:

21 For supervised individuals on probation **or conditional discharge**, the court having
22 jurisdiction of the case shall determine the conditions of community supervision and may
23 impose as a condition of community supervision that the department supervising the
24 individual shall, in accordance with KRS 439.3108, impose graduated sanctions adopted
25 by the department for violations of the conditions of community supervision. **The court**
26 **shall not revoke or modify the conditions of a sentence of probation or conditional**
27 **discharge without first meeting the requirements of subsection (2) of Section 1 of this**

1 Act.