

1 AN ACT relating to wanton endangerment.

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

3 ➔Section 1. KRS 508.060 is amended to read as follows:

4 (1) A person is guilty of wanton endangerment in the first degree when, under
5 circumstances manifesting extreme indifference to the value of human life, he ***or***
6 ***she*** wantonly engages in conduct which creates a substantial danger of death or
7 serious physical injury to another person.

8 (2) Wanton endangerment in the first degree is a Class D felony, ***unless the person***
9 ***discharges a firearm in the commission of the offense, in which case it is a Class***
10 ***C felony.***

11 ➔Section 2. KRS 439.3401 is amended to read as follows:

12 (1) As used in this section, "violent offender" means any person who has been
13 convicted of or pled guilty to the commission of:

14 (a) A capital offense;

15 (b) A Class A felony;

16 (c) A Class B felony involving the death of the victim or serious physical injury
17 to a victim;

18 (d) An offense described in KRS 507.040 or 507.050 where the offense involves
19 the killing of a peace officer, firefighter, or emergency medical services
20 personnel while the peace officer, firefighter, or emergency medical services
21 personnel was acting in the line of duty;

22 (e) A Class B felony involving criminal attempt to commit murder under KRS
23 506.010 if the victim of the offense is a clearly identifiable peace officer,
24 firefighter, or emergency medical services personnel acting in the line of duty,
25 regardless of whether an injury results;

26 (f) The commission or attempted commission of a felony sexual offense
27 described in KRS Chapter 510;

- 1 (g) Use of a minor in a sexual performance as described in KRS 531.310;
- 2 (h) Promoting a sexual performance by a minor as described in KRS 531.320;
- 3 (i) Unlawful transaction with a minor in the first degree as described in KRS
- 4 530.064(1)(a);
- 5 (j) Human trafficking under KRS 529.100 involving commercial sexual activity
- 6 where the victim is a minor;
- 7 (k) Criminal abuse in the first degree as described in KRS 508.100;
- 8 (l) Burglary in the first degree accompanied by the commission or attempted
- 9 commission of an assault as described in KRS 508.010, 508.020, 508.032, or
- 10 508.060;
- 11 (m) Burglary in the first degree accompanied by commission or attempted
- 12 commission of kidnapping as described in~~[prohibited by]~~ KRS 509.040;
- 13 (n) Robbery in the first degree as described in KRS 515.020~~;~~ ~~or~~
- 14 (o) Incest as described in KRS 530.020(2)(b) or (c); or
- 15 (p) *Wanton endangerment in the first degree as described in Section 1 of this*
- 16 *Act where the offense involves the discharge of a firearm.*

17 The court shall designate in its judgment if the victim suffered death or serious

18 physical injury.

19 (2) A violent offender who has been convicted of a capital offense and who has

20 received a life sentence ~~{[and has not been sentenced to twenty-five (25) years~~

21 ~~without parole or imprisonment for life without benefit of probation or parole]}~~, or

22 a Class A felony and receives a life sentence, or to death and his or her sentence is

23 commuted to a life sentence shall not be released on probation or parole until he or

24 she has served at least twenty (20) years in the penitentiary. Violent offenders may

25 have a greater minimum parole eligibility date than other offenders who receive

26 longer sentences, including a sentence of life imprisonment.

27 (3) (a) A violent offender who has been convicted of a capital offense or Class A

1 felony with a sentence of a term of years or Class B felony shall not be
2 released on probation or parole until he or she has served at least eighty-five
3 percent (85%) of the sentence imposed.

4 (b) A violent offender who has been convicted of a violation of KRS 507.040
5 where the victim of the offense was clearly identifiable as a peace officer, a
6 firefighter, or emergency medical services personnel, and the victim was
7 acting in the line of duty shall not be released on probation or parole until he
8 or she has served at least eighty-five percent (85%) of the sentence imposed.

9 (c) A violent offender who has been convicted of a violation of KRS 507.040 or
10 507.050 where the victim of the offense was a peace officer, a firefighter, or
11 emergency medical services personnel, and the victim was acting in the line
12 of duty shall not be released on probation or parole until he or she has served
13 at least fifty percent (50%) of the sentence imposed.

14 (d) Any offender who has been convicted of a homicide or fetal homicide offense
15 under KRS Chapter 507 or 507A in which the victim of the offense died as
16 the result of an overdose of a Schedule I controlled substance and who is not
17 otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be
18 released on probation, shock probation, parole, conditional discharge, or other
19 form of early release until he or she has served at least fifty percent (50%) of
20 the sentence imposed.

21 *(e) A violent offender who has been convicted of a Class C felony violation of*
22 *Section 1 of this Act shall not be released on probation or parole until he or*
23 *she has served at least eighty-five percent (85%) of the sentence imposed.*

24 (4) A violent offender shall not be awarded any credit on his or her sentence authorized
25 by KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his
26 or her sentence if the credit reduces the term of imprisonment to less than eighty-
27 five percent (85%) of the sentence.

- 1 (5) This section shall not apply to a person who has been determined by a court to have
2 been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard
3 to the offenses involving the death of the victim or serious physical injury to the
4 victim. The provisions of this subsection shall not extend to rape in the first degree
5 or sodomy in the first degree by the defendant.
- 6 (6) This section shall apply only to those persons who commit offenses after July 15,
7 1998.
- 8 (7) For offenses committed prior to July 15, 1998, the version of this statute in effect
9 immediately prior to that date shall continue to apply.
- 10 (8) The provisions of subsection (1) of this section extending the definition of "violent
11 offender" to persons convicted of or pleading guilty to robbery in the first degree
12 shall apply only to persons whose crime was committed after July 15, 2002.