

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 439.3406 is amended to read as follows:

- (1) The board shall order mandatory reentry supervision six (6) months prior to the projected completion date of an inmate's sentence for an inmate who has not been granted discretionary parole.
- (2) The provisions of subsection (1) of this section shall not apply to an inmate who:
 - (a) Is not eligible for parole by statute;
 - (b) Has been convicted of a capital offense or a **Class A** *or* **Class B** felony;
 - (c) Has a maximum or close security classification as defined by administrative regulations promulgated by the department;
 - (d) Has been sentenced to two (2) years or less of incarceration;
 - (e) Is subject to the provisions of KRS 532.043; or
 - (f) Has six (6) months or less to be served after his or her sentencing by a court or recommitment to prison for a violation of probation, shock probation, parole, or conditional discharge.
- (3) An inmate granted mandatory reentry supervision pursuant to this section may be returned by the board to prison for violation of the conditions of supervision and shall not again be eligible for mandatory reentry supervision during the same period of incarceration.
- (4) An inmate released to mandatory reentry supervision shall be considered to be released on parole.
- (5) Mandatory reentry supervision is not a commutation of sentence or any other form of clemency.
- (6) No hearing shall be required for the board to order an inmate to mandatory reentry supervision pursuant to subsection (1) of this section. Terms of supervision for inmates released on mandatory reentry supervision shall be established as follows:

- (a) The board shall adopt administrative regulations establishing general conditions applicable to each inmate ordered to mandatory reentry supervision pursuant to subsection (1) of this section. If an inmate is ordered to mandatory reentry supervision, the board's order shall set forth the general conditions and shall require the inmate to comply with the general conditions and any requirements imposed by the department in accordance with this section;
 - (b) Upon intake of an inmate ordered to mandatory reentry supervision by the board, the department shall use the results of the risk and needs assessment administered pursuant to KRS 439.3104(1) to establish appropriate terms and conditions of supervision, taking into consideration the level of risk to public safety, criminal risk factors, and the need for treatment and other interventions. The terms and conditions imposed by the department under this paragraph shall not conflict with the general conditions adopted by the board pursuant to paragraph (a) of this subsection; and
 - (c) The powers and duties assigned to the commissioner in relation to probation or parole under KRS 439.470 shall be assigned to the commissioner in relation to mandatory reentry supervision.
- (7) Subject to subsection (3) of this section, the period of mandatory reentry supervision shall conclude upon completion of the individual's minimum expiration of sentence.
- (8) If the board issues a warrant for the arrest of an inmate for absconding from supervision during the mandatory reentry supervision period, and the inmate is subsequently returned to prison as a violator of conditions of supervision for absconding, the inmate shall not receive credit toward the remainder of his or her sentence for the time spent absconding.
- (9) The department shall report the results of the mandatory reentry supervision program to the Interim Joint Committee on Judiciary by February 1, 2015.

→Section 2. KRS 532.400 is amended to read as follows:

- (1) In addition to the penalties authorized by law, any person who:
 - (a) Is convicted of a capital offense or a Class A ***or Class B*** felony;
 - (b) Has a maximum or close security classification as defined by administrative regulations promulgated by the department; or
 - (c) Is not eligible for parole by statute;shall be subject to a period of postincarceration supervision following release from incarceration upon expiration of sentence or completion of parole.
- (2) The period of postincarceration supervision shall be one (1) year.
- (3) During the period of postincarceration supervision, the defendant shall:
 - (a) Be subject to all orders specified by the Department of Corrections; and
 - (b) Comply with all education, treatment, testing, or combination thereof required by the Department of Corrections.
- (4) Persons under postincarceration supervision pursuant to this section shall be subject to the supervision of the Division of Probation and Parole and under the authority of the Parole Board.
- (5) If a person violates a provision specified in subsection (3) of this section, the violation shall be reported in writing by the Division of Probation and Parole. Notice of the violation shall be sent to the Parole Board to determine whether probable cause exists to revoke the defendant's postincarceration supervision and reincarcerate the defendant as set forth in KRS 532.060.
- (6) The provisions of this section shall not apply to a person who is subject to the provisions of KRS 532.043.
- (7) ***(a) For persons other than Class B felony offenders,*** the provisions of this section shall apply only to persons convicted, pleading guilty, or entering an Alford plea for an offense committed after June 8, 2011.
(b) For Class B felony offenders, the provisions of this section shall apply only

to persons convicted, pleading guilty, or entering an Alford plea to an offense convicted after the effective date of this Act.

→Section 3. A person convicted of a Class B felony who has begun their six month period of mandatory reentry supervision as of the effective date of this Act may remain under supervision notwithstanding the amendment to KRS 439.3406 in Section 1 of this Act.