

**532.030 Authorized dispositions -- Generally -- Instructions by judge.**

- (1) When a person is convicted of a capital offense, he shall have his punishment fixed at death, or at a term of imprisonment for life without benefit of probation or parole, or at a term of imprisonment for life without benefit of probation or parole until he has served a minimum of twenty-five (25) years of his sentence, or to a sentence of life, or to a term of not less than twenty (20) years nor more than fifty (50) years.
- (2) When a person is convicted of a Class A felony, he shall have his punishment fixed at imprisonment in accordance with KRS 532.060.
- (3) When a person is convicted of an offense other than a capital offense or Class A felony, he shall have his punishment fixed at:
  - (a) A term of imprisonment authorized by this chapter; or
  - (b) A fine authorized by KRS Chapter 534; or
  - (c) Both imprisonment and a fine unless precluded by the provisions of KRS Chapter 534.
- (4) In all cases in which the death penalty may be authorized the judge shall instruct the jury in accordance with subsection (1) of this section. The instructions shall state, subject to the aggravating and mitigating limitations and requirements of KRS 532.025, that the jury may recommend upon a conviction for a capital offense a sentence of death, or at a term of imprisonment for life without benefit of probation or parole, or a term of imprisonment for life without benefit of probation or parole until the defendant has served a minimum of twenty-five (25) years of his sentence, or a sentence of life, or to a term of not less than twenty (20) years nor more than fifty (50) years.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 606, sec. 71, effective July 15, 1998. -- Amended 1984 Ky. Acts ch. 110, sec. 2, effective July 13, 1984. --Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 3, effective December 22, 1976. -- Created 1974 Ky. Acts ch. 406, sec. 275, effective January 1, 1975.