

532.050 Presentence procedure for felony conviction -- Probation officer's report to include preliminary calculation of credit for time spent in custody. (Effective until July 1, 2013)

- (1) No court shall impose sentence for conviction of a felony, other than a capital offense, without first ordering a presentence investigation after conviction and giving due consideration to a written report of the investigation. The presentence investigation report shall not be waived; however, the completion of the presentence investigation report may be delayed until after sentencing upon the written request of the defendant if the defendant is in custody.
- (2) The report shall be prepared and presented by a probation officer and shall include:
 - (a) An analysis of the defendant's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and personal habits;
 - (b) A preliminary calculation of the credit allowed the defendant for time spent in custody prior to the commencement of a sentence under KRS 532.120; and
 - (c) Any other matters that the court directs to be included.
- (3) Before imposing sentence for a felony conviction, the court may order the defendant to submit to psychiatric observation and examination for a period not exceeding sixty (60) days. The defendant may be remanded for this purpose to any available clinic or mental hospital or the court may appoint a qualified psychiatrist to make the examination.
- (4) If the defendant has been convicted of a sex crime, as defined in KRS 17.500, prior to determining the sentence or prior to final sentencing for youthful offenders, the court shall order a comprehensive sex offender presentence evaluation of the defendant to be conducted by an approved provider, as defined in KRS 17.500, the Department of Corrections, or the Department of Juvenile Justice if the defendant is a youthful offender. The comprehensive sex offender presentence evaluation shall provide to the court a recommendation related to the risk of a repeat offense by the defendant and the defendant's amenability to treatment and shall be considered by the court in determining the appropriate sentence. A copy of the comprehensive sex offender presentence evaluation shall be furnished to the court, the Commonwealth's attorney, and to counsel for the defendant. If the defendant is eligible and the court suspends the sentence and places the defendant on probation or conditional discharge, the provisions of KRS 532.045(3) to (8) shall apply. All communications relative to the comprehensive sex offender presentence evaluation and treatment of the sex offender shall fall under the provisions of KRS 197.440 and shall not be made a part of the court record subject to review in appellate proceedings. The defendant shall pay for any comprehensive sex offender presentence evaluation or treatment required pursuant to this section up to the defendant's ability to pay but no more than the actual cost of the comprehensive sex offender presentence evaluation or treatment.
- (5) The presentence investigation report shall identify the counseling treatment, educational, and rehabilitation needs of the defendant and identify community-

based and correctional-institutional-based programs and resources available to meet those needs or shall identify the lack of programs and resources to meet those needs.

- (6) Before imposing sentence, the court shall advise the defendant or his or her counsel of the factual contents and conclusions of any presentence investigation or psychiatric examinations and afford a fair opportunity and a reasonable period of time, if the defendant so requests, to controvert them. The court shall provide the defendant's counsel a copy of the presentence investigation report. It shall not be necessary to disclose the sources of confidential information.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 2, sec. 107, effective June 8, 2011. -- Amended 2009 Ky. Acts ch. 57, sec. 4, effective June 25, 2009. -- Amended 2006 Ky. Acts ch. 182, sec. 44, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 160, sec. 11, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 401, sec. 35, effective April 11, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 75, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 300, sec. 4, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 94, sec. 4, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 427, sec. 3, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 497, sec. 14, effective July 13, 1990. -- Amended 1976 Ky. Acts ch. 183, sec. 5, effective June 19, 1976. -- Created 1974 Ky. Acts ch. 406, sec. 277, effective January 1, 1975.

532.050 Presentence procedure for felony conviction. (Effective July 1, 2013)

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- (2) The report shall be prepared and presented by a probation officer and shall include:
 - (a) The results of the defendant's risk and needs assessment;
 - (b) An analysis of the defendant's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and personal habits;
 - (c) A preliminary calculation of the credit allowed the defendant for time spent in custody prior to the commencement of a sentence under KRS 532.120; and
 - (d) Any other matters that the court directs to be included.
- (3) Before imposing sentence for a felony conviction, the court may order the defendant to submit to psychiatric observation and examination for a period not exceeding sixty (60) days. The defendant may be remanded for this purpose to any available clinic or mental hospital or the court may appoint a qualified psychiatrist to make the examination.
- (4) If the defendant has been convicted of a sex crime, as defined in KRS 17.500, prior to determining the sentence or prior to final sentencing for youthful offenders, the court shall order a comprehensive sex offender presentence evaluation of the

defendant to be conducted by an approved provider, as defined in KRS 17.500, the Department of Corrections, or the Department of Juvenile Justice if the defendant is a youthful offender. The comprehensive sex offender presentence evaluation shall provide to the court a recommendation related to the risk of a repeat offense by the defendant and the defendant's amenability to treatment and shall be considered by the court in determining the appropriate sentence. A copy of the comprehensive sex offender presentence evaluation shall be furnished to the court, the Commonwealth's attorney, and to counsel for the defendant. If the defendant is eligible and the court suspends the sentence and places the defendant on probation or conditional discharge, the provisions of KRS 532.045(3) to (8) shall apply. All communications relative to the comprehensive sex offender presentence evaluation and treatment of the sex offender shall fall under the provisions of KRS 197.440 and shall not be made a part of the court record subject to review in appellate proceedings. The defendant shall pay for any comprehensive sex offender presentence evaluation or treatment required pursuant to this section up to the defendant's ability to pay but no more than the actual cost of the comprehensive sex offender presentence evaluation or treatment.

- (5) The presentence investigation report shall identify the counseling treatment, educational, and rehabilitation needs of the defendant and identify community-based and correctional-institutional-based programs and resources available to meet those needs or shall identify the lack of programs and resources to meet those needs.
- (6) Before imposing sentence, the court shall advise the defendant or his or her counsel of the factual contents and conclusions of any presentence investigation or psychiatric examinations and afford a fair opportunity and a reasonable period of time, if the defendant so requests, to controvert them. The court shall provide the defendant's counsel a copy of the presentence investigation report. It shall not be necessary to disclose the sources of confidential information.

Effective: July 1, 2013

History: Amended 2011 Ky. Acts ch. 2, sec. 37, effective July 1, 2013; and ch. 2, sec. 107, effective June 8, 2011. -- Amended 2009 Ky. Acts ch. 57, sec. 4, effective June 25, 2009. -- Amended 2006 Ky. Acts ch. 182, sec. 44, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 160, sec. 11, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 401, sec. 35, effective April 11, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 75, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 300, sec. 4, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 94, sec. 4, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 427, sec. 3, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 497, sec. 14, effective July 13, 1990. -- Amended 1976 Ky. Acts ch. 183, sec. 5, effective June 19, 1976. -- Created 1974 Ky. Acts ch. 406, sec. 277, effective January 1, 1975.

Legislative Research Commission Note (7/1/2013). This section was amended by 2011 Ky. Acts ch. 2, secs. 37 and 107, which do not appear to be in conflict and have been codified together.