

**439.430 Parole officer may arrest parolee or person subject to postincarceration supervision, when -- Detention -- Report to commissioner -- Return of prisoner to prison -- Prisoner for whose return a warrant has been issued to be deemed a fugitive from justice -- Effect of violation of parole.**

- (1) Any parole officer having reason to believe that a parolee or a person on postincarceration supervision pursuant to KRS 532.043 or 532.400 has violated the terms of his or her release may arrest the parolee or offender on postincarceration supervision without a warrant or may deputize any other peace officer to do so by giving him or her a written statement setting forth that the parolee or offender on postincarceration supervision, in the judgment of the parole officer, has violated the conditions of his or her release. The written statement delivered with the parolee or offender on postincarceration supervision by the arresting officer to the official in charge of the station house, jail, workhouse, or other place of detention, shall be sufficient warrant for the detention of the parolee or offender on postincarceration supervision. The parole officer who arrests or causes the arrest of the prisoner shall notify the commissioner or his or her designee at once of the arrest and detention of the parolee or offender on postincarceration supervision, and shall submit in writing a report showing in what manner there has been a violation of the conditions of release. Thereupon, if the commissioner or his or her designee believes the parolee or offender on postincarceration supervision should be returned to prison, the commissioner or his or her designee at once shall submit his or her recommendations to the board, and, if the board approves, it shall issue a warrant upon which the releasee shall be returned to prison; otherwise the prisoner shall be released upon the order of the commissioner or his or her designee.
- (2) A written statement, approved by the commissioner or his or her designee, by a parole officer, and filed with the board setting forth that the parolee or offender on postincarceration supervision in the judgment of the officer has violated the condition of his or her release, shall be sufficient cause for the board, in its discretion, to issue a warrant for the arrest of the parolee or offender on postincarceration supervision or for his or her return to prison.
- (3) A prisoner for whose return a warrant has been issued by the board, shall be deemed a fugitive from justice or to have fled from justice. If it shall appear he or she has violated the provisions of his or her release, the time from the issuing of the warrant to the date of his or her arrest shall not be counted as any part of the time to be served in determining his or her final discharge eligibility date from parole if the board in its discretion so orders.
- (4) The Parole Board may at its discretion issue a warrant for any parolee or offender on postincarceration supervision when in its judgment the condition of release has been violated.

**Effective:** June 8, 2011

**History:** Amended 2011 Ky. Acts ch. 2, sec. 90, effective March 3, 2011; and ch. 2, sec. 102, effective June 8, 2011. -- Amended 1992 Ky. Acts ch. 211, sec. 110, July 14, 1992. -- Amended 1980 Ky. Acts ch. 208, sec. 4, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 74, Art. V, sec. 24(16). -- Amended 1966 Ky. Acts ch. 257, sec. 1. -- Amended 1962 Ky. Acts ch. 109, sec. 3. -- Created

1956 Ky. Acts ch. 101, sec. 19.

**Legislative Research Commission Note** (6/8/2011). This section was amended by 2011 Ky. Acts ch. 2, secs. 90 and 102, which do not appear to be in conflict and have been codified together.