439.179 Release of misdemeanants -- Purposes for which permitted -- Earnings of prisoner, records, and disposition -- Authority of District Judge, jailer.

(1) Any person sentenced to a jail for a misdemeanor, nonpayment of a fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

(a) Seeking employment; or

(b) Working at his employment; or

(c) Conducting his own business or other self-employment occupation including, in the case of a woman, housekeeping and attending the needs of her family; or

(d) Attendance at an educational institution; or

(e) Medical treatment.

(2) Unless the privilege is expressly granted by the court, the prisoner shall be sentenced to ordinary confinement. The prisoner may petition the sentencing court for the privilege at the time of sentence or thereafter, and, in the discretion of the sentencing court, may renew his petition. The sentencing court may withdraw the privilege at any time by order entered with or without notice. The jailer shall advise the court in establishing criteria in determining a prisoner's eligibility for work release.

(3) The jailer shall notify the Office for Employment and Training, Department for Workforce Investment, which shall endeavor to secure employment for unemployed prisoners under this section. If a prisoner is employed for wages or salary, they shall, by wage assignment, be turned over to the District Court which shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. The wages or salary shall not be subject to garnishment of either the employer or the District Court during the prisoner's term, and shall be disbursed only as provided in this section. For tax purposes they shall be the income of the prisoner.

(4) Every prisoner gainfully employed shall be liable for the cost of his board in the jail, for an amount up to twenty-five percent (25%) of the prisoner's gross daily wages, not to exceed forty dollars ($40) per day, but not less than twelve dollars ($12) per day, established by the fiscal court of a county or the urban-county council if an urban-county government. If he defaults, his privilege under this section shall be automatically forfeited. All moneys shall be paid directly to the jailer and paid to the county treasury for use on the jail as provided in KRS 441.206. The fiscal court of a county or the urban-county council if an urban-county government may, by ordinance, provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment and require that the costs be repaid by the prisoner.

(5) The sentencing court may order the defendant's employer to deduct from the defendant's wages or salary payments for the following purposes:

(a) The board of the prisoner and transportation costs incurred by the county;

(b) Support of the prisoner's dependents, if any;

(c) Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment; and

(d) The balance, if any, to the prisoner upon his discharge.

(6) The sentencing court shall not direct that any payment authorized under this section be paid through the circuit clerk.

(7) The Department of Corrections shall, at the request of the District Judge, investigate and report on the amount necessary for the support of the prisoner's dependents, and periodically review the prisoner's progress while on leave from the jail and report its findings to the District Judge.

(8) The jailer may refuse to permit the prisoner to exercise his privilege to leave the jail as provided in subsection (1) for any breach of discipline or other violation of jail regulations for a period not to exceed five (5) days.

(9) In counties containing an urban-county form of government, the duties, responsibilities, and obligations vested herein in the Department of Corrections shall be performed by the adult misdemeanant probation and work release agency of the urban-county government.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 211, sec. 165, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 183, sec. 26, effective August 1, 2002. -- Amended 1996 Ky. Acts ch. 45, sec. 3, effective July 15, 1996; and ch. 271, sec. 27, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 211, sec. 89, effective July 14, 1992; and ch. 368, sec. 1, effective July 14, 1992. -- Amended 1982 Ky. Acts ch. 344, sec. 36, effective July 15, 1982; and ch. 385, sec. 37, effective July 1, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 300, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 200, sec. 10, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 447, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. V, sec. 24(14); and ch. 74, Art. VI, sec. 106. -- Created 1972 Ky. Acts ch. 295, sec. 1.