

**189A.045 Enrollment in alcohol or substance abuse education or treatment programs -- Attendance -- Reporting and effect of failure to attend -- Reporting of completion of program. (Effective July 1, 2020)**

- (1) (a) Except as provided in paragraph (b) of this subsection, when a court requires a defendant to enroll in an alcohol or substance abuse education or treatment program pursuant to this chapter, it shall require the defendant to accomplish the enrollment within ten (10) days of the entry of judgment of conviction.
- (b) A defendant may choose to enroll in an alcohol or substance abuse education or treatment program prior to conviction. If a defendant chooses to enroll prior to conviction, the alcohol or substance abuse education or treatment completed prior to conviction shall count towards the period of alcohol or substance abuse education or treatment required pursuant to KRS 189A.040.
- (2) When a defendant enrolls in the program, the administrator of the program or his authorized representative shall transmit to the court a certificate of enrollment within five (5) working days of the enrollment.
- (3) If the court does not receive a certificate of enrollment from the administrator of a program to which the defendant has been assigned within twenty (20) days of the entry of judgment of conviction, the court shall hold a hearing requiring the defendant to show cause why he did not enroll.
- (4) If a defendant enrolled in an alcohol or substance abuse education or treatment program drops out of the program or does not maintain satisfactory attendance at the program, the administrator of the program or his authorized representative shall transmit to the court a notice describing the defendant's failure to attend.
- (5) Upon receipt of a notice of failure to attend a required alcohol or substance abuse education or treatment program, the court shall hold a hearing requiring the defendant to show cause why he should not be held in contempt of court and be subject to the reinstatement of any penalties which may have been withheld pending completion of treatment.
- (6) When a defendant completes the required alcohol or substance abuse education or treatment program, the administrator of the program shall notify the court and the Transportation Cabinet of the defendant's completion of the program.

**Effective:** July 1, 2020

**History:** Amended 2019 Ky. Acts ch. 103, sec. 4, effective July 1, 2020. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 4, effective July 1, 1991.