

439.3106 Sanctions to which supervised individuals are subject.

- (1) Supervised individuals shall be subject to:
 - (a) Violation revocation proceedings and possible incarceration for failure to comply with the conditions of supervision when such failure constitutes a significant risk to prior victims of the supervised individual or the community at large, and cannot be appropriately managed in the community; or
 - (b) Sanctions other than revocation and incarceration as appropriate to the severity of the violation behavior, the risk of future criminal behavior by the offender, and the need for, and availability of, interventions which may assist the offender to remain compliant and crime-free in the community.
- (2)
 - (a) At a final revocation hearing, the board may subject a supervised individual to a supervision continuation sanction for a period of up to nine (9) months, or until the completion of the individual's sentence, whichever is shorter.
 - (b) Individuals under a supervision continuation sanction shall be placed in:
 1. A state or local correctional or detention facility;
 2. An inpatient program for substance abuse treatment which has been approved by the department; or
 3. Notwithstanding KRS 532.100, a halfway house, when the individuals have been classified by the department as community custody.
 - (c) Individuals under a supervision continuation sanction shall be considered inmates for the duration of the supervision continuation sanction period. If an individual under a supervision continuation sanction successfully completes the sanction and has not completed the individual's sentence, the individual shall then be considered a supervised individual.
 - (d)
 1. When a supervised individual has successfully completed the supervision continuation sanction and has not completed the individual's sentence, the individual shall be:
 - a. Reinstated to supervision in the community without another hearing before the board; and
 - b. Subject to the same supervision conditions that the individual had been under at the time of the probable cause revocation hearing.
 2. When a supervised individual does not successfully complete a supervision continuation sanction and has not completed the individual's sentence, the individual shall be returned to the board for revocation proceedings.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 44, sec. 3, effective July 15, 2020. -- Amended 2019 Ky. Acts ch. 137, sec. 1, effective June 27, 2019. -- Created 2011 Ky. Acts ch. 2, sec. 59, effective June 8, 2011.