

1 AN ACT relating to crimes and punishments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 431.066 is amended to read as follows:

4 (1) For purposes of this section ***and Section 2 of this Act:***~~;~~

5 ***(a) "Administratively released" means the pretrial release of a defendant by***
 6 ***pretrial services pursuant to rules or orders promulgated by the Supreme***
 7 ***Court;***

8 ***(b) "Danger to others" means a risk of being a current danger to others based***
 9 ***on prior actions, threats, or patterns of actions or threats in which the***
 10 ***defendant inflicted, attempted to inflict, or threatened to inflict:***

11 ***1. Substantial bodily harm to others; or***

12 ***2. Substantial damage to the property of others;***

13 ***such that there is no condition or combination of conditions that will***
 14 ***provide sufficient security that others will be reasonably protected; and***

15 ***(c) "Financial condition of release" means a full cash bond, a percentage of a***
 16 ***full cash bond, property bond, secured bond, or other condition that***
 17 ***imposes a financial obligation on the defendant or his or her surety.***

18 ***"Financial condition of release" does not include an unsecured***
 19 ***bond***~~["Verified and eligible defendant" means a defendant who pretrial~~
 20 ~~services is able to interview and assess, and whose identity pretrial services is~~
 21 ~~able to confirm through investigation].~~

22 (2) When a court considers pretrial release and bail for an arrested defendant, the court
 23 shall consider whether the defendant constitutes a ***risk of failing***~~[flight risk, is~~
 24 ~~unlikely]~~ to appear for ***scheduled court appearances***~~[trial,] or~~~~[is likely to be a]~~
 25 danger to ***others***~~[the public if released].~~ In making this determination, the court
 26 shall consider the pretrial risk assessment for ***the***~~[a verified and eligible]~~ defendant
 27 along with the factors set forth in KRS 431.525 ***and may consider the defendant's***

1 juvenile court records, if any. For defendants twenty-three (23) years of age and
 2 under, pretrial services shall provide the defendant's juvenile court history to the
 3 court. For defendants over twenty-three (23) years of age, pretrial services shall,
 4 upon the request of the court, provide the defendant's juvenile court history to the
 5 court.

6 (3) (a) At arraignment, if a defendant is not:

7 1. Administratively released;

8 2. Released on his or her own recognizance; or

9 3. Released on unsecured bond;

10 the court shall determine by a preponderance of the evidence whether the
 11 defendant constitutes a risk of failing to appear or danger to others.

12 (b) If the court finds by a preponderance of the evidence that the defendant
 13 constitutes a risk of failing to appear or danger to others, the court may
 14 impose a financial condition of release. Such findings shall be in writing.

15 (c) If the court does not find by a preponderance of the evidence that the
 16 defendant constitutes a risk of failing to appear or danger to others, the
 17 court shall release the defendant on his or her own recognizance or on
 18 unsecured bond subject to such other conditions as the court may
 19 order~~[verified and eligible defendant poses low risk of flight, is likely to~~
 20 ~~appear for trial, and is not likely to be a danger to others, the court shall order~~
 21 ~~the defendant released on unsecured bond or on the defendant's own~~
 22 ~~recognizance subject to such other conditions as the court may order.~~

23 ~~(4) If a verified and eligible defendant poses a moderate risk of flight, has a~~
 24 ~~moderate risk of not appearing for trial, or poses a moderate risk of danger to~~
 25 ~~others, the court shall release the defendant under the same conditions as in~~
 26 ~~subsection (3) of this section but shall consider ordering the defendant to~~
 27 ~~participate in global positioning system monitoring, controlled substance~~

1 testing, increased supervision, or such other conditions as the court may
2 order}.

3 **(d) This subsection shall only apply to defendants to whom the presumption of**
4 **innocence applies.**

5 ~~(4)~~~~(5)~~ (a) Except as provided in paragraph (b) of this subsection, regardless of the
6 amount of the **financial condition of release**~~[bail set]~~, the court shall permit
7 the defendant a credit of one hundred dollars (\$100) per day as a payment
8 toward the amount of the **financial condition of release**~~[bail set]~~ for each day
9 or portion of a day that the defendant remains in jail prior to trial. Upon the
10 service of sufficient days in jail to have sufficient credit to satisfy the
11 **financial condition of release**~~[bail]~~, the defendant shall be released from jail
12 on the conditions specified in this section or in this chapter.

13 (b) The provisions of paragraph (a) of this subsection shall not apply to:

- 14 1. Any person convicted of, pleading guilty to, or entering an Alford plea
15 to a felony offense under KRS Chapter 510, KRS 529.100 involving
16 commercial sexual activity, KRS 530.020, 530.064(1)(a), 531.310, or
17 531.320, or who is a violent offender as defined in KRS 439.3401; or
- 18 2. A defendant who is found by the court **by clear and convincing**
19 **evidence to constitute**~~[present]~~ a ~~[flight]~~ risk **of failing to appear** or ~~[to~~
20 ~~be a]~~ danger to others.

21 (c) For purposes of this subsection, "a day or portion of a day" means any time
22 spent in a detention facility following booking.

23 (d) A defendant shall not earn credit pursuant to paragraph (a) of this subsection
24 while also earning credit pursuant to KRS 534.070.

25 ~~(5)~~~~(6)~~ If a court determines that a defendant shall not be released pursuant to
26 subsection ~~(4)~~~~(5)~~ of this section, the court shall document the reasons for denying
27 the release in a written order.

1 ~~(6)~~~~(7)~~ The jailer shall be responsible for tracking the credit earned by a defendant
2 pursuant to subsection ~~(4)~~~~(5)~~ of this section.

3 →Section 2. KRS 431.520 is amended to read as follows:

4 ~~[Any person charged with an offense shall be ordered released by a court of competent~~
5 ~~jurisdiction pending trial on his personal recognizance or upon the execution of an~~
6 ~~unsecured bail bond in an amount set by the court or as fixed by the Supreme Court as~~
7 ~~provided by KRS 431.540, unless the court determines in the exercise of its discretion~~
8 ~~that such a release will not reasonably assure the appearance of the person as required, or~~
9 ~~the court determines the person is a flight risk or a danger to others. When such a~~
10 ~~determination is made,] The court may~~[shall],~~~~[either in lieu of or]~~ in addition to the~~[~~
11 ~~above]~~ methods of release **outlined in Section 1 of this Act**, impose any of the following
12 conditions of release:~~

- 13 (1) Place the person in the custody of a designated person or organization agreeing to
14 supervise him;
- 15 (2) Place restrictions on the travel, association, or place of abode of the person during
16 the period of release;
- 17 (3) **If the court found by a preponderance of the evidence that the defendant**
18 **constitutes a risk of failing to appear or danger to others,** require the execution of
19 a **financial condition of release**~~[bail bond]~~:
- 20 (a) With sufficient personal surety or sureties acceptable to the court; in
21 determining the sufficiency of such surety or sureties, the court shall consider
22 his character, his place of residence, his relationship with the defendant, and
23 his financial and employment circumstances; or
- 24 (b) With the ten percent (10%) deposit as provided in KRS 431.530; provided
25 that if the defendant is permitted to earn credit toward bail pursuant to KRS
26 431.066, that credit shall be applied to the ten percent (10%) deposit; or
- 27 (c) With the deposit of cash equal to the amount of the bond or in lieu thereof

- 1 acceptable security as provided in KRS 431.535;
- 2 (4) If the person's record indicates a history of controlled substance or alcohol abuse:
- 3 (a) Order the person to submit to periodic testing for use of controlled substances
- 4 or alcohol and pay a reasonable fee, not to exceed the actual cost of the test
- 5 and analysis, as determined by the court with the fee to be collected by the
- 6 circuit clerk, held in an agency account, and disbursed, on court order, solely
- 7 to the agency or agencies responsible for testing and analysis as compensation
- 8 for the cost of the testing and analysis performed under this subsection. If the
- 9 person is declared indigent, the testing fee may be waived by the court. The
- 10 Administrative Office of the Courts shall establish pilot projects to implement
- 11 the provisions of this subsection; or
- 12 (b) Order the person to use an alcohol monitoring device, as defined in KRS
- 13 431.068. All costs associated with the device, including administrative and
- 14 operating costs, shall be paid by the defendant. If the court determines that the
- 15 defendant is indigent, and a person, county, or other organization has not
- 16 agreed to pay the costs for the defendant in an attempt to reduce incarceration
- 17 expenses and increase public safety, the court shall consider other conditions
- 18 of release provided for in this section;
- 19 (5) (a) During all or part of a person's period of release pursuant to this section, order
- 20 the person to participate in a global positioning monitoring system program
- 21 operated by a county pursuant to KRS 67.372 and 67.374 under the same
- 22 terms and conditions provided under KRS 431.517.
- 23 (b) If the person is charged with a sex crime as defined in KRS 17.500, consider
- 24 requiring that he or she be monitored electronically, and shall consider
- 25 requiring the person be subject to home incarceration;
- 26 (6) Impose any other condition deemed reasonably necessary to assure appearance as
- 27 required, including a condition requiring that the person return to custody after

1 specified hours;

2 (7) A court authorizing the release of a person pursuant to this section shall cause the
3 issuance of an appropriate order containing a statement of the conditions imposed,
4 if any, shall cause such person to be informed of the penalties applicable to
5 violations of the conditions of his release, and shall cause him to be informed that a
6 warrant for his arrest will be issued immediately upon any such violation;

7 (8) (a) ~~If a person~~~~[for whom conditions of release are imposed and who after twenty-~~
8 ~~four (24) hours from the time of the imposition of said conditions]~~ continues
9 to be detained as a result of his or her inability to meet a financial
10 condition~~[the conditions]~~ of release, the person shall:~~[, upon written~~
11 ~~application or upon the court's own motion, be entitled to]~~

12 1. In District Court, have the financial condition of release, as well as the
13 credits earned pursuant to subsection (4) of Section 1 of this
14 Act,~~[conditions]~~ reviewed by the court which imposed the
15 condition:~~[them]~~

16 a. If the preliminary hearing is held within ten (10) days of
17 arraignment, at the preliminary hearing. After this initial review,
18 the person shall have the condition, as well as the credits earned
19 pursuant to subsection (4) of Section 1 of this Act, reviewed by
20 the court at least every sixty (60) days thereafter until the person
21 is able to meet his or her financial condition of release;

22 b. If the preliminary hearing is not held within ten (10) days of
23 arraignment but the defendant has not waived the preliminary
24 hearing, within ten (10) days of arraignment. After this initial
25 review, the person shall have the condition, as well as the credits
26 earned pursuant to subsection (4) of Section 1 of this Act,
27 reviewed by the court at least every sixty (60) days thereafter

1 from the initial review or sixty (60) days from the preliminary
 2 hearing, whichever is earlier; or

3 c. If the preliminary hearing is waived, within ten (10) days of
 4 arraignment. After this initial review, the person shall have the
 5 condition, as well as the credits earned pursuant to subsection
 6 (4) of Section 1 of this Act, reviewed by the court every sixty (60)
 7 days thereafter until the person is able to meet his or her
 8 financial condition of release; or

9 2. In Circuit Court, have the condition, as well as the credits earned
 10 pursuant to subsection (4) of Section 1 of this Act, reviewed by the
 11 court which imposed the condition sixty (60) days after arraignment.
 12 After this initial review, the person shall have the condition, as well as
 13 the credits earned pursuant to subsection (4) of Section 1 of this Act,
 14 reviewed by the court every sixty (60) days thereafter until the person
 15 is able to meet his or her financial condition of release.

16 (b) A person who is ordered released on a condition which requires that he or she
 17 return to custody after specified hours shall, upon written application or upon
 18 the court's own motion, be entitled to a review by the court which imposed the
 19 condition; or

20 (9) If at any time following release of a defendant and before he or she is required to
 21 appear for scheduled court appearances~~[trial]~~, the court is advised of a material
 22 change in the defendant's circumstances or that he or she has not complied with all
 23 conditions imposed upon his or her release, the court having jurisdiction may:

24 (a) Order the arrest of the defendant;

25 (b) Enter an order requiring the defendant, his or her surety or sureties to appear
 26 and show cause why the bail bond should not be forfeited or the conditions of
 27 his or her release be changed; or

1 (c) Both.

2 A copy of said order shall be served upon the defendant, his or her surety or
3 sureties. If the defendant fails to appear before the court as ordered or if, after
4 hearing, the court finds the conditions of release have not been complied with, the
5 court may change the conditions imposed or forfeit the bail bond or any portion
6 thereof and enter a judgment for the Commonwealth against the defendant and his
7 or her surety or sureties for the amount of the bail bond or any portion thereof and
8 cost of the proceedings.

9 ➔Section 3. KRS 431.525 is amended to read as follows:

10 (1) When the court finds by a preponderance of the evidence that the defendant
11 constitutes a risk of failing to appear or danger to others, the amount of the bail
12 shall be:

- 13 (a) Sufficient to insure compliance with the conditions of release set by the court;
14 (b) Not oppressive;
15 (c) Commensurate with the nature of the offense charged;
16 (d) Considerate of the past criminal acts and the reasonably anticipated conduct of
17 the defendant if released; and
18 (e) Considerate of the financial ability of the defendant.

19 (2) When a person is charged with an offense punishable by fine only and the court
20 finds by a preponderance of the evidence that the defendant constitutes a risk of
21 failing to appear or danger to others, the amount of the bail bond set shall not
22 exceed the amount of the maximum penalty and costs.

23 (3) When a person has been convicted of an offense and only a fine has been imposed
24 and the court finds by a preponderance of the evidence that the defendant
25 constitutes a risk of failing to appear or danger to others, the amount of the bail
26 shall not exceed the amount of the fine.

27 (4) When a person has been charged with one (1) or more misdemeanors and the court

- 1 *finds by a preponderance of the evidence that the defendant constitutes a risk of*
2 *failing to appear or danger to others*, the amount of the bail for all charges shall be
3 encompassed by a single amount of bail that shall not exceed the amount of the fine
4 and court costs for the one (1) highest misdemeanor charged. This subsection shall
5 apply only to misdemeanor offenses not involving physical injury or sexual contact.
- 6 (5) When a person has been convicted of a misdemeanor offense and a sentence of jail,
7 probation, conditional discharge, or sentence other than a fine only has been
8 imposed *and the court finds by a preponderance of the evidence that the*
9 *defendant constitutes a risk of failing to appear or danger to others*, the amount of
10 bail for release on appeal shall not exceed double the amount of the maximum fine
11 that could have been imposed for the one (1) highest misdemeanor offense for
12 which the person was convicted. This subsection shall apply only to misdemeanors
13 not involving physical injury or sexual contact.
- 14 (6) ~~[The provisions of this section shall not apply to a defendant who is found by the~~
15 ~~court to present a flight risk or to be a danger to others.~~
- 16 (7) ~~If a court determines that a defendant shall not be released pursuant to subsection~~
17 ~~(6) of this section, the court shall document the reasons for denying the release in a~~
18 ~~written order.~~
- 19 (8) ~~]~~The Administrative Office of the Courts shall establish pilot projects to implement
20 controlled substance or alcohol abuse testing as specified under this subsection. If
21 the person's record indicates a history of controlled substance or alcohol abuse, the
22 court may order the person to submit to periodic testing for use of controlled
23 substances or alcohol and to pay a reasonable fee, not to exceed the actual cost of
24 the test and analysis, as determined by the court, with the fee to be collected by the
25 circuit clerk, held in an agency account, and disbursed, on court order, solely to the
26 agency or agencies responsible for testing and analysis as compensation for the cost
27 of the testing and analysis performed under this subsection. If the person is declared

1 indigent, the testing fee may be waived by the court. If the court finds the conditions
2 of release have not been complied with, the court may change the conditions
3 imposed or forfeit the bail bond or any portion thereof and enter a judgment for the
4 Commonwealth against the person and his surety or sureties for the amount of the
5 bail bond or any portion thereof and the cost of the proceedings.

6 ➔Section 4. KRS 218A.135 is amended to read as follows:

7 (1) Any statute to the contrary notwithstanding, a defendant charged with an offense
8 under this chapter for which a conviction may result in presumptive probation shall
9 be placed on pretrial release on his or her own recognizance or on unsecured bond
10 by the court subject to any conditions, other than bail, specified in KRS 431.515 to
11 431.550.

12 (2) The provisions of this section shall not apply to a defendant who is found by the
13 court to constitute~~present~~ a ~~flight~~ risk of failing to appear or ~~to be a~~ danger to
14 others.

15 (3) If a court determines that a defendant shall not be released pursuant to subsection
16 (2) of this section, the court shall document the reasons for denying the release in a
17 written order.

18 ➔Section 5. KRS 222.204 is amended to read as follows:

19 (1) A person who has been arrested and placed in jail prior to trial for violation of KRS
20 222.202 and has not had two (2) prior convictions in the previous twelve (12)
21 months for violation of KRS 222.202 shall be released~~as set forth by the Supreme~~
22 ~~Court Rule of Criminal Procedure uniform schedule of bail~~:

23 (a) To an adult who is willing to accept responsibility for the defendant through a
24 signature verification on a form determined by the Administrative Office of
25 the Courts;

26 (b) If the court found by a preponderance of the evidence that the defendant
27 constitutes a risk of failing to appear or danger to others, when he or she

1 pays the requisite amount of bail~~[on a bail schedule issued by the court]~~;

2 (c) At such time as he is able to safely care for himself but in no event shall he be
3 detained for more than eight (8) hours following his arrest;

4 (d) If he is ordered released by a court of competent jurisdiction; or

5 (e) Unless such person's release is precluded by other provisions of law.

6 (2) The jail or facility authorized by county or city ordinance agreeing to care for the
7 person releasing the defendant shall be considered as acting in good faith and shall
8 not be liable for subsequent acts of the defendant upon release.

9 ➔Section 6. KRS 610.340 is amended to read as follows:

10 (1) (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise,
11 all juvenile court records of any nature generated pursuant to KRS Chapters
12 600 to 645 by any agency or instrumentality, public or private, shall be
13 deemed to be confidential and shall not be disclosed except to the child,
14 parent, victims, or other persons authorized to attend a juvenile court hearing
15 pursuant to KRS 610.070 unless ordered by the court for good cause.

16 (b) Juvenile court records which contain information pertaining to arrests,
17 petitions, adjudications, and dispositions of a child may be disclosed to
18 victims or other persons authorized to attend a juvenile court hearing pursuant
19 to KRS 610.070.

20 (c) Release of the child's treatment, medical, mental, or psychological records is
21 prohibited unless presented as evidence in Circuit Court. Any records
22 resulting from the child's prior abuse and neglect under Title IV-E or Title IV-
23 B of the Federal Social Security Act shall not be disclosed to victims or other
24 persons authorized to attend a juvenile court hearing pursuant to KRS
25 610.070.

26 (d) Victim access under this subsection to juvenile court records shall include
27 access to records of adjudications that occurred prior to July 15, 1998.

- 1 (2) The provisions of this section shall not apply to public officers or employees
2 engaged in the investigation of and in the prosecution of cases under KRS Chapters
3 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained
4 pursuant to this subsection shall be used for official use only, shall not be disclosed
5 publicly, and shall be exempt from disclosure under the Open Records Act, KRS
6 61.870 to 61.884.
- 7 (3) The provisions of this section shall not apply to any peace officer, as defined in
8 KRS 446.010, who is engaged in the investigation or prosecution of cases under
9 KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any
10 record obtained pursuant to this subsection shall be used for official use only, shall
11 not be disclosed publicly, and shall be exempt from disclosure under the Open
12 Records Act, KRS 61.870 to 61.884.
- 13 (4) The provisions of this section shall not apply to employees of the Department of
14 Juvenile Justice or cabinet or its designees responsible for any services under KRS
15 Chapters 600 to 645 or to attorneys for parties involved in actions relating to KRS
16 Chapters 600 to 645 or other prosecutions authorized by the Kentucky Revised
17 Statutes.
- 18 (5) The provisions of this section shall not apply to records disclosed pursuant to KRS
19 610.320 or to public or private elementary and secondary school administrative,
20 transportation, and counseling personnel, to any teacher or school employee with
21 whom the student may come in contact, or to persons entitled to have juvenile
22 records under KRS 610.345, if the possession and use of the records is in
23 compliance with the provisions of KRS 610.345 and this section.
- 24 (6) **The provisions of this section shall not apply to pretrial services or to a judge who**
25 **accesses the juvenile court history of a person in considering pretrial release and**
26 **bail pursuant to Section 1 of this Act for that person upon arrest.**
- 27 (7) No person, including school personnel, shall disclose any confidential record or any

1 information contained therein except as permitted by this section or other specific
2 section of KRS Chapters 600 to 645, or except as permitted by specific order of the
3 court.

4 ~~(8)~~~~(7)~~ No person, including school personnel, authorized to obtain records pursuant
5 to KRS Chapters 600 to 645 shall obtain or attempt to obtain confidential records to
6 which he is not entitled or for purposes for which he is not permitted to obtain them
7 pursuant to KRS Chapters 600 to 645.

8 ~~(9)~~~~(8)~~ No person, including school personnel, not authorized to obtain records
9 pursuant to KRS Chapters 600 to 645 shall obtain or attempt to obtain records
10 which are made confidential pursuant to KRS Chapters 600 to 645 except upon
11 proper motion to a court of competent jurisdiction.

12 ~~(10)~~~~(9)~~ No person shall destroy or attempt to destroy any record required to be kept
13 pursuant to KRS Chapters 600 to 645 unless the destruction is permitted pursuant to
14 KRS Chapters 600 to 645 and is authorized by the court upon proper motion and
15 good cause for the destruction being shown.

16 ~~(11)~~~~(10)~~ As used in this section the term "KRS Chapters 600 to 645" includes any
17 administrative regulations which are lawfully promulgated pursuant to KRS
18 Chapters 600 to 645.

19 ~~(12)~~~~(11)~~ Nothing in this section shall be construed to prohibit a crime victim from
20 speaking publicly after the adjudication about his or her case on matters within his
21 or her knowledge or on matters disclosed to the victim during any aspect of a
22 juvenile court proceeding.

23 ➔Section 7. KRS 67.372 is amended to read as follows:

24 Any county or combination of counties may operate a global positioning monitoring
25 system program subject to the following conditions:

26 (1) The program shall be assigned by ordinance to a county department or county
27 agency that agrees to operate or supervise the program continuously, twenty-four

- 1 (24) hours per day, seven (7) days per week;
- 2 (2) Each county shall identify a law enforcement agency or agencies with jurisdiction in
3 the county to assist a petitioner, victim, or witness when a person ordered to wear a
4 monitoring device violates the provisions of the court's order and is in need of
5 assistance;
- 6 (3) A county or counties electing to contract with an entity providing a global
7 positioning monitoring system and devices shall meet not less than all of the
8 requirements of this section and KRS 403.761 and 456.100;
- 9 (4) Each county shall monitor the performance of the entity providing the global
10 positioning system and devices and shall have a provision in the contract with the
11 monitoring entity agreeing to the termination of the contract in the event of serious
12 or continued violations of the contract;
- 13 (5) Any system chosen shall use the most appropriate global positioning technology to
14 track the person ordered to wear the monitoring device and shall include technology
15 that:
- 16 (a) In a domestic violence case under KRS 403.715 to 403.785 or any case under
17 KRS Chapter 456:
- 18 1. Notifies law enforcement or other monitors of any breach of the court-
19 ordered boundaries;
- 20 2. Notifies the petitioner in a timely manner of any breach; and
- 21 3. Allows monitors to communicate directly with the person ordered to
22 wear the monitoring device; and
- 23 (b) In other situations in which monitoring is authorized by KRS 67.374, 431.517,
24 431.518, 431.520, 456.100, 533.030, and 533.250 the contracting county or
25 combination of counties shall, in the contract, specify the type and level of
26 global positioning monitoring system services desired;
- 27 (6) (a) The monitoring entity shall agree to a price for monitoring during the duration

1 of the contract which shall not be increased but may be reduced during the
2 duration of the contract.

3 **(b)** The contract shall provide that reduced payments shall be accepted by the
4 vendor as a full payment for all purposes from persons determined to be
5 indigent by a court or other authority ordering the use of monitoring. In
6 bidding for the contract the vendor may take into account that some monitored
7 persons will not be able to pay the full cost of the monitoring or may not be
8 able to pay any cost for the monitoring.

9 **(c) 1. Except as provided in subparagraph 2. of this paragraph,** the contract
10 shall specify that no unit of state or local government and no public
11 officer or employee shall be liable for the costs of monitoring under the
12 contract. Notwithstanding the provisions of this
13 **subparagraph**~~[subsection]~~, a county or counties may agree to pay all or
14 a part of the monitoring fee to the monitoring entity if the county would
15 have otherwise been required by a court to place a person in jail at
16 county expense and the cost of the monitoring is less than the cost of
17 placing the person in jail;

18 **2. For contracts entered into on or after the effective date of this Act, a**
19 **county or counties shall pay all of the monitoring fee to the**
20 **monitoring entity for a person on pretrial release who is at or below**
21 **two hundred percent (200%) of the federal poverty guidelines;**

22 (7) Agreements between counties for monitoring services may, with the approval of
23 their governing bodies, be consummated by a contract signed by all counties party
24 thereto or by an interlocal cooperation agreement;

25 (8) **(a) Except as provided in paragraph (b) of this subsection,** a county utilizing a
26 global positioning monitoring system program may charge an administrative
27 fee to a person ordered to participate in a global positioning monitoring

1 program to provide for the county's cost in administering the monitoring
2 program. The fee shall be set by ordinance and shall be in addition to the fee
3 charged by the entity contracted to provide the monitoring;

4 **(b) A county utilizing a global positioning monitoring system program shall not**
5 **charge an administrative fee to a person on pretrial release who is at or**
6 **below two hundred percent (200%) of the federal poverty guidelines;** and

7 (9) KRS Chapter 456 and KRS 403.715 to 403.785 shall not apply to a person ordered
8 to participate in a global positioning monitoring system under KRS 431.517,
9 431.518, 431.520, 533.030, and 533.250. The provisions of a court order that relate
10 to a person ordered to participate in a global positioning monitoring system
11 pursuant to KRS 431.517, 431.518, 431.520, 533.030, and 533.250 shall govern
12 that person's conduct and any reporting or other requirements ordered by the court.

13 ➔Section 8. KRS 431.517 is amended to read as follows:

14 (1) Except as provided in this section, home incarceration may be ordered as a form of
15 pretrial release, subject to the conditions imposed by the provisions of KRS 532.200
16 to 532.250.

17 (2) No defendant charged with an offense under KRS Chapter 507 may be released on
18 home incarceration unless the court makes a finding that the defendant would not
19 pose a threat to society.

20 (3) A court ordering home incarceration as a form of pretrial release pursuant to this
21 section may order the defendant to participate in a global positioning monitoring
22 system program during all or part of the time of pretrial release through the use of a
23 county-operated program pursuant to KRS 67.372 and 67.374 and not a program
24 operated by the Department of Corrections pursuant to KRS 532.210 to 532.250.

25 (4) A court ordering global positioning monitoring system program participation for a
26 defendant pursuant to this section shall:

27 (a) Require ~~a~~the defendant **who is above two hundred percent (200%) of the**

1 *federal poverty guidelines, or the county if the defendant is at or below two*
 2 *hundred percent (200%) of the federal poverty guidelines,* to pay all ~~or the~~
 3 part] of the monitoring costs ~~based on the sliding scale adopted by the~~
 4 ~~Supreme Court of Kentucky as specified in KRS 403.761]~~ and administrative
 5 costs for participating in the system;

6 (b) Provide the monitoring system with a written or electronic copy of the
 7 conditions of release; and

8 (c) Provide the monitoring system with a contact at the office of the circuit clerk,
 9 Commonwealth's attorney, or county attorney, as appropriate, or pretrial
 10 release services for reporting violations of the monitoring order.

11 (5) A person, county, or other organization may voluntarily agree to pay all or a portion
 12 of any~~a]~~ defendant's monitoring costs ~~specified in KRS 403.761]~~.

13 ➔Section 9. The following KRS section is repealed:

14 431.540 Uniform schedule of amounts of bail in designated nonviolent Class D felonies,
 15 misdemeanors, and violations.