

217.993 Penalties.

- (1) Any person violating any provisions of KRS 217.650 to 217.710 shall be guilty of a violation. Each day of violation shall constitute a separate offense.
- (2) Any person violating any provisions of KRS 217.900(2) shall upon conviction be guilty of a Class B misdemeanor.
- (3) Any person found guilty of inhaling a volatile substance in violation of KRS 217.900(2) may be ordered to a facility designated by the secretary of the Cabinet for Health and Family Services, where a program of education, treatment, and rehabilitation not to exceed ninety (90) days in duration shall be prescribed. The person ordered to the facility shall present himself for registration and initiation of a treatment program within five (5) days of the date of sentencing. If, without good cause, the person fails to appear at the designated facility within the specified time, or if, any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment or may order the person subject to the fine or imprisonment, or both, for a Class B misdemeanor. Upon discharge of the person from the facility by the clinical director or his designee prior to the expiration of the ninety (90) day period or upon satisfactory completion of ninety (90) days of treatment, the person shall be deemed finally discharged from sentence. The clinical director or his designee shall notify the sentencing court of the date of such discharge from the facility.
- (4) The secretary of the Cabinet for Health and Family Services or his designee shall inform each court of the identity and location of the facility to which a person may be ordered under this section.
- (5) The sentencing court shall immediately notify the designated facility of the sentence and its effective date.
- (6) Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment by patients and others for services rendered by the Cabinet for Health and Family Services unless the facility shall arrange otherwise.
- (7) None of the provisions of this section shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.
- (8) Any person violating any provision of KRS 217.900(3) shall upon conviction be guilty of a Class D felony.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 523, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 467, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 463, sec. 24, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 138, sec. 2, effective July 15, 1980. -- Created 1960 Ky. Acts ch. 244, sec. 8, effective June 16, 1960.