

439.320 Parole board -- Members' qualifications, terms, compensation -- Chairperson -- Administrative regulations -- Quorum -- Part-time members -- Executive director.

- (1) The Governor shall appoint a Parole Board consisting of nine (9) full-time members to be confirmed by the Senate in accordance with KRS 11.160. The Governor shall make each appointment from a list of three (3) names given to him or her by the Kentucky State Corrections Commission. Each member appointed to the board shall have had at least five (5) years of actual experience in the field of penology, correction work, law enforcement, sociology, law, education, social work, medicine, or a combination thereof, or have served at least five (5) years previously on the Parole Board. No more than six (6) board members shall be of the same political party. The board shall be attached to the Justice and Public Safety Cabinet for administrative purposes only. The Department of Corrections shall provide any clerical, stenographic, administrative, and expert staff assistance the board deems necessary to carry out its duties.
- (2) The Governor shall designate one (1) member as chairperson of the board. The member designated as chairperson shall serve in that capacity at the pleasure of the Governor or until his or her term expires.
- (3) The members of the board shall give full time to the duties of their office and shall receive necessary traveling expenses and a salary to be determined pursuant to KRS 64.640(2), except the chairperson of the board shall receive additional compensation of one thousand dollars (\$1,000) per year for his or her services. Their terms of office shall be four (4) years and until their successors are appointed and have qualified. Their successors shall be appointed thereafter as provided in this section for terms of four (4) years, and a vacancy occurring before expiration of the term of office shall be similarly filled for the unexpired term.
- (4) The organization of the board shall be determined by the chairperson and shall be consistent with administrative regulations promulgated pursuant to KRS 439.340. For policy and procedural matters, five (5) members shall constitute a quorum. Parole and final parole revocation hearings may be done by panels of the board, subject to the following requirements:
 - (a) If a two (2) member panel is utilized, both members of the panel shall agree on the decision or the matter shall be referred to the full board;
 - (b) If a three (3) member panel is utilized, two (2) of the three (3) members of the panel shall agree on a decision or the matter shall be referred to the full board; and
 - (c) If a panel of four (4) or more members is utilized, a majority of the panel shall agree on a decision or the matter shall be referred to the full board.
- (5) The Governor may not remove any member of the board except for disability, inefficiency, neglect of duty, or malfeasance in office. Before removal, he or she shall give the member a written copy of the charges against him or her and shall fix the time when he or she can be heard in his or her defense, which shall not be less than ten (10) days thereafter. Upon removal, the Governor shall file in the office of

the Secretary of State a complete statement of all charges made against the member and the findings thereupon with a record of the proceedings.

- (6) Upon the expiration of the terms of office of the two (2) full-time board members whose terms expire May 23, 1994, the Governor shall appoint two (2) full-time members to serve terms which will expire June 30, 1995. Thereafter, appointments to these two (2) full-time terms shall be for four (4) years and shall be filled as provided for in subsection (3) of this section. The Governor may reappoint present members if they meet the qualifications set forth in subsection (1) of this section.
- (7) The part-time members of the board, whose terms have not expired upon July 15, 2010, shall serve until their terms expire and may participate in considering the grant or revocation of parole at the request of the chairperson. No more than one (1) part-time Parole Board member shall serve on any panel of the board as set forth in subsection (4) of this section. The part-time Parole Board member called upon to serve shall be paid at a per diem rate equal to the per diem rate for the salary of a newly appointed full-time member and shall receive necessary travel expenses.
- (8) The Office of Executive Director of the Parole Board is created. The office shall be headed by an executive director who shall be appointed by and directly responsible to the secretary of the Justice and Public Safety Cabinet in matters relating to administration. The executive director shall be responsible for the support services to the Parole Board in the area of financial, personnel, and facilities management; shall provide recommendations on administrative issues affecting the board to the secretary of the Justice and Public Safety Cabinet, the chairperson of the Parole Board, and Parole Board members; shall review and draft legislation and promulgate administrative regulations for the board; and shall review parole data and conduct long-range planning as relevant to the planning needs of the board.

Effective: July 15, 2010

History: Repealed, reenacted, and amended 2010 Ky. Acts ch. 107, sec. 4, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 158, sec. 1, effective July 1, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 319, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 129, sec. 1, effective March 18, 2005. -- Amended 2000 Ky. Acts ch. 298, sec. 1, effective July 14, 2000; and ch. 456, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 541, sec. 1, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 179, sec. 3, effective July 15, 1994; and ch. 227, sec. 11, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 211, sec. 96, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 412, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 92, sec. 1, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 344, sec. 42, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 155, sec. 159, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 83, sec. 14, effective March 29, 1976. -- Amended 1972 Ky. Acts ch. 291, sec. 1. -- Amended 1963 (2nd Extra. Sess.) Ky. Acts ch. 4, sec. 4. -- Created 1956 Ky. Acts ch. 101, sec. 8, effective May 18, 1956.

Legislative Research Commission Note (7/15/2010). 2008 Ky. Acts ch. 107, sec. 12, provides that "The intent of the General Assembly in repealing and reenacting KRS 439.320, 439.340, and 532.200 in Sections 4, 5, and 10 of this Act is to affirm the amendments made to these sections in 2008 Ky. Acts ch. 158. The specific textual provisions of Sections 4, 5, and 10 of this Act which reflect amendments made to those sections by 2008 Ky. Acts ch. 158 shall be deemed effective as of April 24, 2008, and those provisions are hereby made expressly retroactive to that date, with

the remainder of the text from those sections being unaffected by the provisions of this section." This statute is affected by that language.