

**439.3406 Mandatory reentry supervision for inmate not granted discretionary parole six months prior to expiration of sentence -- Exceptions -- Report. (Effective January 1, 2012)**

- (1) The board shall order mandatory reentry supervision and the terms of supervision, which may include electronic monitoring, for an inmate who has not been granted discretionary parole six (6) months prior to the inmate's minimum expiration of sentence.
- (2) The provisions of subsection (1) of this section shall not apply to an inmate who:
  - (a) Is not eligible for parole by statute;
  - (b) Has been convicted of a capital offense or a Class A felony;
  - (c) Has a maximum or close security classification as defined by administrative regulations promulgated by the department;
  - (d) Has been sentenced to two (2) years or less of incarceration;
  - (e) Is subject to the provisions of KRS 532.043; or
  - (f) Has six (6) months or less to be served after his or her sentencing by a court or recommitment to prison for a violation of probation, shock probation, parole, or conditional discharge.
- (3) An inmate granted mandatory reentry supervision pursuant to this section may be returned by the board to prison for violation of the conditions of supervision and shall not again be eligible for mandatory reentry supervision during the same period of incarceration.
- (4) An inmate released to mandatory reentry supervision shall be considered to be released on parole.
- (5) Mandatory reentry supervision is not a commutation of sentence or any other form of clemency.
- (6) The board shall consider an inmate's risk and needs assessment results when setting the terms and conditions of mandatory reentry supervision.
- (7) Subject to subsection (3) of this section, the period of mandatory reentry supervision shall conclude upon completion of the individual's minimum expiration of sentence.
- (8) The department shall report the results of the mandatory reentry supervision program to the Interim Joint Committee on Judiciary by February 1, 2015.

**Effective:** January 1, 2012

**History:** Created 2011 Ky. Acts ch. 2, sec. 34, effective January 1, 2012.