

**532.210 Petition -- Study of record -- Order.**

- (1) Any misdemeanor or a felon who has not been convicted of, pled guilty to, or entered an Alford plea to a violent felony offense may petition the sentencing court for an order directing that all or a portion of a sentence of imprisonment in the county jail be served under conditions of home incarceration. Such petitions may be considered and ruled upon by the sentencing court prior to and throughout the term of the defendant's sentence.
- (2) The sentencing judge shall study the record of all persons petitioning for home incarceration and, in his discretion, may:
  - (a) Cause additional background or character information to be collected or reduced to writing by the county jailer or misdemeanor supervision department;
  - (b) Conduct hearings on the desirability of granting home incarceration;
  - (c) Impose on the home incarcerated such conditions as are fit, including restitution;
  - (d) Order that all or a portion of a sentence of imprisonment in the county jail be served under conditions of home incarceration at whatever time or intervals, consecutive or nonconsecutive, as the court shall determine. The time actually spent in home incarceration pursuant to this provision shall not exceed six (6) months or the maximum term of imprisonment assessed pursuant to this chapter whichever is the shorter;
  - (e) Issue warrants for persons when there is reason to believe they have violated the conditions of home incarceration, conduct hearings on such matters, and order reimprisonment in the county jail upon proof of violation; and
  - (f) Grant final discharge from incarceration.
- (3) All home incarcerated shall execute a written agreement with the court setting forth all of the conditions of home incarceration. The order of home incarceration shall incorporate that agreement and order compliance with its terms. The order and agreement shall be transmitted to the supervising authority and to the appropriate jail official.
- (4) Time spent in home incarceration under this subsection shall be credited against the maximum term of imprisonment assessed for the defendant pursuant to this chapter.
- (5) Home incarcerated shall be under the supervision of the county jailer except in counties establishing misdemeanor supervision departments, wherein they shall be under the supervision of such departments. Home incarcerated shall be subject to the decisions of such authorities during the period of supervision. Fees for supervision or equipment usage shall be paid directly to the supervising authority.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 606, sec. 81, effective July 15, 1998. -- Created 1986 Ky. Acts ch. 243, sec. 2, effective July 15, 1986.