

**532.260 Home incarceration or conditional release for certain Class C or Class D felons -- Eligibility -- Consequence of violation -- Administrative regulations.**

- (1) Any Class C or Class D felon who is serving a sentence in a state-operated prison, contract facility, or county jail shall, at the discretion of the commissioner, be eligible to serve the remainder of his or her sentence outside the walls of the detention facility under terms of home incarceration or conditional release to an appropriate housing alternative specified by KRS 532.262 using an approved monitoring device as defined in KRS 532.200, if the felon:
  - (a)
    1. Has not been convicted of, pled guilty to, or entered an Alford plea to a violent felony as defined by the Department of Corrections classification system; or
    2. Has not been convicted of, pled guilty to, or entered an Alford plea to a sex crime as defined in KRS 17.500;
  - (b) Has nine (9) months or less to serve on his or her sentence;
  - (c) Has voluntarily participated in a discharge planning process with the department to address his or her:
    1. Education;
    2. Employment, technical, and vocational skills;
    3. Housing, medical, and mental health needs; and
    4. Criminal risk factors; and
  - (d) Has needs that may be adequately met in the community where he or she will reside upon release.
- (2) A person who is placed under terms of home incarceration pursuant to subsection (1) of this section shall remain in the custody of the Department of Corrections. Any unauthorized departure from the terms of home incarceration may be prosecuted as an escape pursuant to KRS Chapter 520 and shall result in the person being returned to prison.
- (3) The Department of Corrections shall promulgate administrative regulations to implement the provisions of this section.

**Effective:** June 8, 2011

**History:** Amended 2011 Ky. Acts ch. 2, sec. 43, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 107, sec. 11, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 252, Pt. XXII, sec. 1, effective April 25, 2006. -- Created 2005 Ky. Acts ch. 173, Pt. I, I.2.b.(1), sec. 1, effective March 20, 2005.

**2010-2012 Budget Reference.** See State/Executive Branch Budget, 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Pt. I, H, 5, c, (6) at 46.