

**640.040 Capital punishment and other prohibited dispositions.**

- (1) No youthful offender who has been convicted of a capital offense who was under the age of sixteen (16) years at the time of the commission of the offense shall be sentenced to capital punishment. A youthful offender may be sentenced to capital punishment if he was sixteen (16) years of age or older at the time of the commission of the offense. A youthful offender convicted of a capital offense regardless of age may be sentenced to a term of imprisonment appropriate for one who has committed a Class A felony and may be sentenced to life imprisonment without benefit of parole for twenty-five (25) years.
- (2) No youthful offender shall be subject to persistent felony offender sentencing under the provisions of KRS 532.080 for offenses committed before the age of eighteen (18) years.
- (3) No youthful offender shall be subject to limitations on probation, parole or conditional discharge as provided for in KRS 533.060.
- (4) Any youthful offender convicted of a misdemeanor or any felony offense which would exempt him from KRS 635.020(2), (3), (4), (5), (6), (7), or (8) shall be disposed of by the Circuit Court in accordance with the provisions of KRS 635.060.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 606, sec. 187, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 396, sec. 14, effective July 15, 1994. -- Created 1986 Ky. Acts ch. 423, sec. 137, effective July 1, 1987.