

**REPORT OF THE TASK FORCE
ON SENTENCES AND SENTENCING PRACTICES**

RESEARCH MEMORANDUM NO. 463

LEGISLATIVE RESEARCH COMMISSION

July, 1992

**REPORT OF THE TASK FORCE
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**Legislative Research Commission
July, 1992**

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MEMORANDUM

TO: Vic Hellard, Jr., Director
Legislative Research Commission

FROM: Norman Lawson, Jr.

SUBJECT: Final Report

DATE: July 17, 1992

Attached is a research memorandum summarizing the activities of the Sentences and Sentencing Practices Task Force for the 1990-91 Interim.

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**FINAL REPORT OF THE
SENTENCES AND SENTENCING PRACTICES TASK FORCE**

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Rep. Ernesto Scorsone
Rep. Lawson Walker
Mr. Mark Bubenzner
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Mr. Bill Monk
Dr. John Runda
Mr. Mike Townsend

LRC STAFF: Norman Lawson, Pat Hopkins, Ann Stewart, Steve McCollum, Barri Christian, and Gail Mathers.

PRESENTED TO THE LEGISLATIVE RESEARCH COMMISSION

TASK FORCE ON SENTENCES AND SENTENCING PRACTICES

COMMITTEE JURISDICTION: the structure of punishments prescribed by the Kentucky Revised Statutes; sentencing, probation and parole trends in Kentucky; the impact of various sentence requirements and sentencing practices upon Kentucky's prison population; disparities in sentences between different jurisdictions in Kentucky and in the treatment of men, women and racial and ethnic minorities; alternatives to incarceration including, but not limited to, intensive and advanced supervision programs and parole for probation, home-incarceration, rehabilitation treatment and counseling, work-release, and community service; and parole options.

PENAL CODE REVIEW

Hon. Ray Larson, Chairman
Senator Kelsey Friend
Mr. Jim Boyd
Mr. William Fortune
Mr. John Gillig
Judge L. T. Grant

NON-PENAL CODE OFFENSES

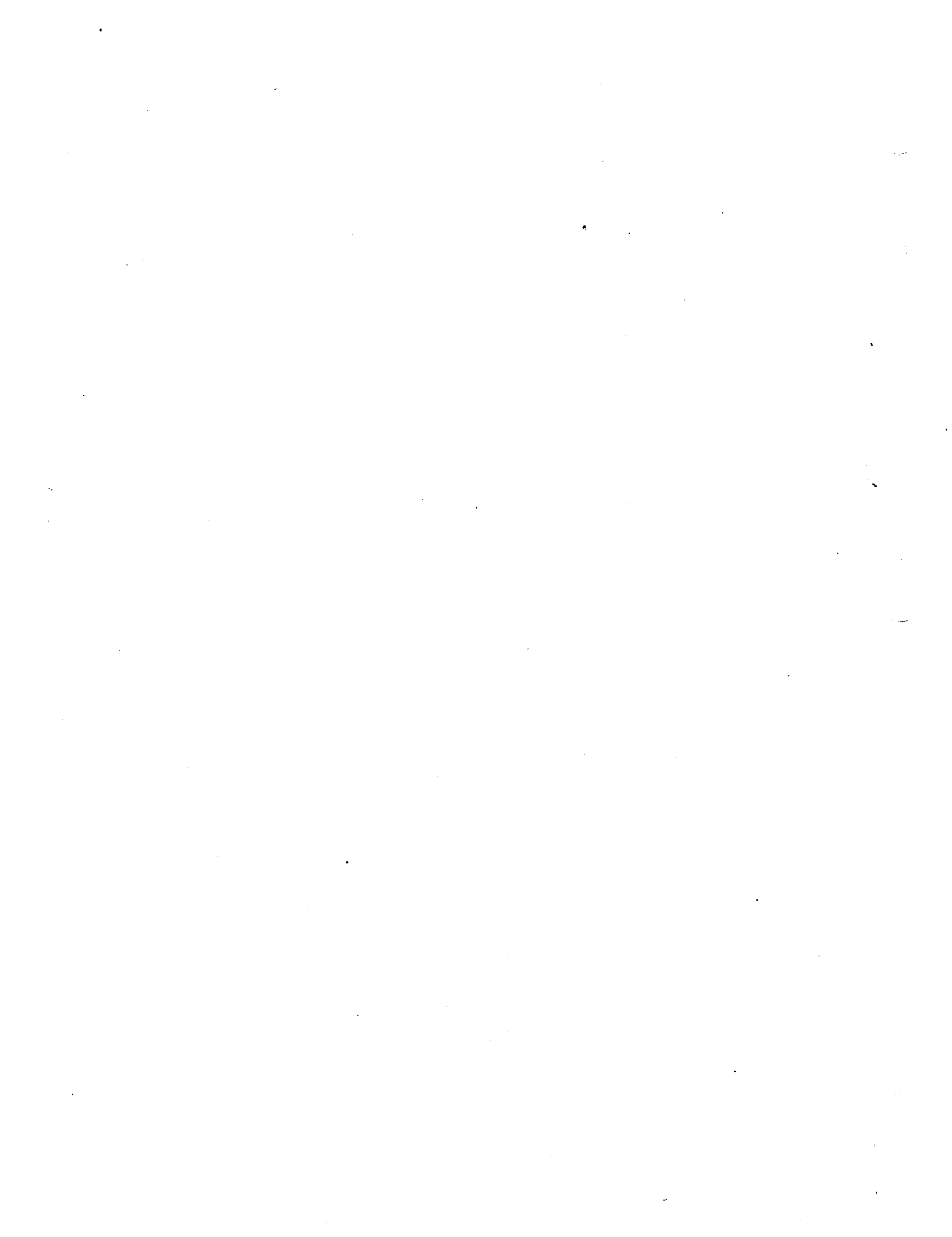
Senator Kelsey Friend, Chairman
Representative Bill Lear
Mr. Mark Bubenzer
Mr. Joe Childs
Mr. Mike Townsend

SENTENCING PRACTICES AND STANDARDS

Rep. Lawson Walker, Chairman
Ms. Libby Harvey
Mr. Paul Isaacs
Mr. Dana Jones
Hon. Ray Larson
Mr. Bill Monk

ALTERNATIVES TO INCARCERATION AT BOTH ENDS OF THE CORRECTIONS SYSTEM (PROBATION AND PAROLE)

Representative Ernesto Scorsone
Mr. Mark Bubenzer
Mr. Paul Isaacs
Mr. Bill Monk
Mr. John Runda
Mr. Mike Townsend



COMMITTEE ACTIVITY

The Task Force held fourteen meetings. During the early deliberations of the Task Force, four subcommittees were created to consider various aspects of sentencing and alternatives to incarceration: These were the Subcommittees on: (1) Penal Code Review; (2) Non-Penal Code Offenses; (3) Sentencing Practices and Standards; and (4) Alternatives to Incarceration at Both Ends of the Corrections System (Probation and Parole). The subcommittees met for several months and then reported several proposals to the full Task Force.

Proposals reported were:

- 92 RS BR 423 AN ACT relating to parole, which specifies that a person sentenced to life imprisonment be eligible for parole after he has served half of his remaining life expectancy at the time of the commission of the offense.
- 92 RS BR 423 (Alternate) AN ACT relating to parole, which is the same as BR 423 with respect to life sentences but applies the same provisions to a person receiving a term of years if that term exceeds half of his remaining life expectancy.
- 92 RS BR 424 AN ACT relating to penalties, which is an omnibus bill converting non-penal code offenses to penal code penalty classifications, with the exception of controlled substances offenses. BR 424 was prefiled by the Task Force.
- 92 RS BR 425/V2 AN ACT relating to crimes and punishments, which sets time limits for the prosecution of criminal cases as follows: Homicide--no limit; other felony--5 years; felony sex offense against child--5 years after child becomes 18; felony by elected officer--five years after leaving office; misdemeanor--2 years.
- 92 RS BR 426 AN ACT relating to crimes and punishments, which consolidates into one statute all offenses in which probation and conditional discharge cannot be granted.
- 92 RS BR 427 AN ACT relating to crimes and punishments, which sets punishment as a goal of the penal code.

The Task Force also considered a proposal for legislation which would set parole eligibility on a life sentence or term of years greater than 30 years

at 15 years.

Proposals were also made to the Task Force by the Justice Cabinet for a rewriting and simplification of the penalty structure for controlled substances offenses and a community corrections act submitted by the Justice Fellowship. The task force also studied the feasibility of utilizing judge sentencing in criminal cases and the necessity for sentencing guidelines if judge sentencing is utilized.

The Task Force approved submission of the following proposals to the General Assembly:

92 RS BR 424, AN ACT relating to penalties, became House Bill 20, which became law;

92 RS BR 427, AN ACT relating to crimes and punishments, became House Bill 109, which did not pass;

92 RS BR 925, AN ACT relating to community corrections programs, became House Bill 123, which became law;

92 RS BR 955, AN ACT relating to sentencing in criminal cases, became House Bill 125, which did not pass;

92 RS BR 1022, AN ACT relating to criminal justice statistics, became House Bill 129, which did not pass;

92 RS BR 1023, AN ACT relating to juvenile records and their use, became House Bill 130, which did not pass;

92 RS BR 1058, AN ACT relating to controlled substances, became House Bill 132, which became law.

The Task Force did not meet after the 1992 Regular Session of the General Assembly.

