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Beshear will sign into law a sweeping rewrite of state's criminal code

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Discussing the bill's passage Monday, Sen. Tom Jensen, R-London, said, "It's not soft on crime. It's smart on crime." ED REINKE — AP

FRANKFORT — The General Assembly gave final approval Monday to a broad overhaul of Kentucky's criminal code in an attempt to cut prison costs by diverting more drug addicts away from prison and toward treatment programs.

Democratic Gov. Steve Beshear said he would sign the bill into law, calling it "an historic piece of legislation" that will serve as a model for other states.

The bill would cut prison and jail populations, saving an estimated \$42 million a year, in part by shifting many non-violent drug offenders into addiction treatment programs and community supervision.

Republican Senate President David Williams of Burkesville, who would like to replace Beshear as governor, stressed that the bill, which several lawmakers called historic, was an initiative of the legislature.

Williams said its passage marked "one of the best days" he's had in his 26 years in the legislature.

Beshear countered by saying House Bill 463 "began when I stood shoulder-to-shoulder with representatives of our legislative and judicial branches, as well as city and county officials, to support the creation of this study and legislation."

The bill was based on recommendations by the Task Force on the Penal Code and Controlled Substances Act, which met throughout last year to address the state's exploding inmate population.

The House gave final approval to an amended version of the bill on a 96-1 vote shortly after the Senate approved it unanimously.

Changes made to the bill in the Senate include dropping to 2 grams from 4 grams the weight of heroin that would trigger heavier drug trafficking charges and adding more exemptions to a rule that would limit when police officers may arrest people — rather than issue citations — after officers see people committing misdemeanors.

Originally, the bill exempted crimes involving sex, violence and weapons. The Senate added drunken driving, incidents in which people pose a physical threat and incidents in which people refuse to comply with an officer's instructions.

After the Senate approved the bill, the two lawmakers who chaired the legislative task force to produce it shook hands on the Senate floor.

"We were very cautious with this," said Senate Judiciary Chairman Tom Jensen, R-London. "It's not soft on crime. It's smart on crime."

Jensen's colleague in the House, Rep. John Tilley, D-Hopkinsville, said the measure was approved because "all the stars aligned" after years of discussion.

He said various parties interested in the bill "worked together to produce what I think is historic legislation."

One-fourth of Kentucky's nearly 21,000 prison inmates are serving time for drug offenses. The state is spending \$460 million this year on its Corrections Department. The Pew Center on the States, which was paid \$200,000 to advise the task force, has helped with similar reform efforts in other states.

Roughly half of Kentucky's savings from the bill would be plowed back into expanded community supervision, including hiring more probation and parole officers and buying electronic monitoring equipment, and addiction treatment programs. One-fourth of the savings would be used to help local jails with their inmate costs.

The bill sets a schedule during the next few years for the addition of services. Its sponsors say its full effects won't be felt until 2014.

The legislation also allows the task force to continue its work for another year.

Jensen said the panel will monitor the bill and consider other changes.

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