

Supreme Court of Kentucky

2022-57

ORDER

IN RE: Authorization for Release of Information Pursuant to RCr 4.08(f)

Kentucky Acts Chapter 230 (Senate Bill 90, 2022 Regular Session) establishes the Behavioral Health Conditional Dismissal Program as an alternative to incarceration for eligible persons with a behavioral health disorder who have been charged with a qualifying offense.

RCr 4.08 provides that information supplied by a defendant to a representative of Kentucky Pretrial Services during the defendant's initial interview or subsequent contacts, or information obtained by Kentucky Pretrial Services as a result of the interview or subsequent contacts, shall be deemed confidential and shall not be subject to disclosure. Subsection (f) of the rule provides that "any person conducting an evaluation of the pre-trial release program may have access to all completed interview forms upon order of the Supreme Court."

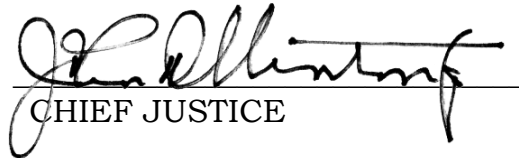
Kentucky Pretrial Services has requested an exception under RCr 4.08 to share relevant information gathered during pretrial interviews with defendants to evaluate the efficacy of the Behavioral Health Conditional Dismissal Program, provide for evaluation of eligible persons, assist providers performing clinical assessments and providing treatment, and to comply with reporting requirements in the legislation.

Upon consideration of Kentucky Pretrial Services' request to share information, and based on the authority given under RCr 4.08(f), the Supreme Court hereby authorizes the release of necessary information to implement the Behavioral Health Conditional Dismissal Program.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 8th day of December 2022.

All sitting; all concur.


CHIEF JUSTICE