

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References	Subject	
KRS 196.035, 196.045, 439.470, 532.043 18 U.S.C. Chapter 40 & 44, 18 U.S.C. 922(d)(g), 925(c), 845(b) P&P ACA 2C-06	<p style="text-align: center;">ASSISTANCE TO FORMER OFFENDERS AND DISCHARGEES</p>	

I. DEFINITIONS

“Civil rights” is defined in KRS 196.045.

“Dischargee” means a person released by conditional release or expiration of sentence from an institution, parole, or probation by expiration of sentence or termination of sentence.

“Eligible felony offender” is defined in KRS 196.045.

“Former offender” means a person formerly on probation or parole.

II. POLICY and PROCEDURE

It is the policy of Corrections to assist former offenders and dischargees upon request, and to encourage an eligible felony offender to apply for restoration of civil rights. (2C-06)

- A. An officer shall provide assistance to any former offender or dischargee who requests it. Corrections shall make appropriate referrals and assist the dischargee.
- B. The Department of Corrections shall follow the procedures established in KRS 196.045 by informing the eligible offender of the process for restoration of civil rights and by providing him with a copy of the “Division of Probation and Parole, Application for Restoration of Civil Rights.”
 1. Any eligible offender may submit an application for the restoration of his civil rights to the Department of Corrections for processing. The eligible felony offender, may apply upon release from an institution, having reached the expiration date of his sentence or received a final discharge from the Parole Board. The eligible felony offender shall sign the application if he wishes to have the Department of Corrections initiate the restoration process.

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2. An eligible offender, who is required under KRS 532.043 to serve a postincarceration supervision sentence following release from either incarceration upon expiration of sentence or completion of parole, may apply upon having reached the expiration date.

3. Request for Application

Upon request for an application and assistance the officer shall be responsible for the following:

a. Verify that the applicant is an eligible felony offender pursuant to KRS 196.045 and complete a criminal record check on the applicant.

b. Verify and list all dates requested on the application including: (1) date received at the institution; (2) date probated, date paroled, date of final discharge or sentence expiration; (3) institution or probation number; and (4) crime and sentence.

c. Verify and list any previous felony conviction giving the same required information as listed above under subparagraph b. of this section.

d. For a felony offender convicted in a federal or out-of-state court, attaching to the application a copy of the conviction or judgment of final sentence, documentation attesting to the final discharge and proof of a fine and restitution ordered.

e. On all convictions from the Commonwealth of Kentucky, verification shall be provided that restitution is paid in full.

4. Any information required on an application that is not available to the officer is the responsibility of the applicant to obtain before submitting the application for processing.

5. The officer shall instruct the applicant where to mail the application. The application shall be mailed to the Department of Corrections, Attention Civil Rights Restoration, P. O. Box 2400, Frankfort, Kentucky 40602-2400.

6. The applicant shall be informed that restoration of civil rights does not restore a convicted felon's right to purchase, own or have in his possession a firearm or deadly weapon.

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7. The officer shall instruct the applicant that to expedite the process, the applicant may obtain a letter from the Commonwealth Attorney stating there are no pending charges and no objections to a restoration of civil rights at this time.