

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed*	Effective Date by memo
Authority/References 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), Exec. Order 2019-003 P&P ACA 2C-06	Subject  <p style="text-align: center;"><b>RESTORATION OF CIVIL RIGHTS</b></p>	27-26-01  7  March 04, 2020

## I. DEFINITIONS

“Civil rights” is defined in KRS 196.045.

“Eligible felony offender” is defined in KRS 196.045.

“Discharge” is defined as the release from custody due to expiration of sentence or issuance of final discharge.

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

## II. POLICY and PROCEDURE

It is the policy of Department of Corrections to review individuals for automatic restoration of his or her right to vote and the right to hold public office upon discharge from his or her sentence. It is also the policy of the Department of Corrections to provide a process for the application of the restoration of civil rights. An officer shall provide assistance to any former offender who requests it. Department of Corrections staff shall make appropriate referrals and assist the individual. (2C-06)

### A. Eligible Offenders for Automatic Restoration of Civil Rights

1. Per Executive Order 2019-003 issued on December 12, 2019, the right to vote and the right to hold public office are automatically restored for certain felony offenders upon receipt of final discharge or expiration of sentence.
2. Individuals discharged prior to the issuance of Executive Order 2019-003 may visit [civilrightsrestoration.ky.gov](http://civilrightsrestoration.ky.gov) to review their eligibility status.
3. Pursuant to Executive Order 2019-003 Department of Corrections will automatically review discharged offenders to determine eligibility for automatic restoration of the right to vote and the right to hold public office. Inquiries on qualifications for automatic restoration can be submitted to [civilrights.restoration@ky.gov](mailto:civilrights.restoration@ky.gov).

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4. The following convictions exclude an offender from eligibility for automatic restoration of the right to vote and the right to hold public office under Executive Order 2019-003:

- a. Violent offenses under KRS 439.3401;
- b. KRS 507.020: Murder, KRS 507.030: Manslaughter 1st Degree, KRS 507.040: Manslaughter 2nd Degree, KRS 507.050: Reckless Homicide;
- c. KRS 507A: Fetal Homicide 1st, 2nd, 3rd or 4th degree;
- d. KRS 508.020: Assault in the 2nd degree;
- e. KRS 508.040: Assault under extreme emotional disturbance;
- f. KRS 508.170: Strangulation in the 1st degree;
- g. KRS 529.100: Human trafficking; or
- h. Treason or Bribery in an election.

5. Also excluded from eligibility for automatic restoration of the right to vote and the right to hold public office are the following under Executive Order 2019-003:

- a. Federal convictions or convictions occurring in other states; and
- b. Any pending felony charges or arrests at the time of discharge.

**B. Review Process of Offenders upon Discharge from Incarceration or Supervision**

1. Upon discharge from custody due to expiration of sentence or issuance of final discharge from supervision, Offender Information Services shall review the department serve out and final discharge list to determine which offender's criminal records check in the National Crime Information Center (NCIC) data base will be reviewed for eligibility.

- a. Offender Information Services shall enter the approved or non-eligible offender status into the offender general comments section located within the Offender Management System.
- b. A Notice of Restoration shall be given to the offender at the time of discharge if approved for automatic Restoration of Civil Rights under Executive Order 2019-003.
- c. An Application for Restoration of Civil Rights shall be provided to the offender at the time of discharge if not eligible for automatic Restoration of Civil Rights under Executive Order 2019-003.

2. For Offenders released from felony supervision, Central Office Probation and Parole staff shall review the felony supervision release list to determine which

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offender's criminal records check in the National Crime Information Center (NCIC) data base will be reviewed for eligibility.

- a. Central Office Probation and Parole staff shall enter the approved or non-eligible offender status into the offender general comments section located within the Offender Management System.
- b. Central Office Probation and Parole staff will notify Probation and Parole field staff of approved status to determine which form shall be provided to the offender.
- c. A Notice of Restoration shall be given to the Offender at time of release by the Probation and Parole Officer if offender is approved for automatic Restoration of Civil Rights under Executive Order 2019-003.
- d. An application for Restoration of Civil Rights shall be provided to the offender by the Probation and Parole Officer if not eligible for automatic Restoration of Civil Rights under Executive Order 2019-003.

C. Offenders who do not qualify for Automatic Restoration of Civil Rights

1. Individuals who do not meet criteria for automatic Restoration of Civil Rights under Executive Order 2019-003 may submit an Application for Restoration of Civil Rights directly to the Department of Corrections pursuant to KRS 196.045.
2. 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 the offender with a copy of the Application for Restoration of Civil Rights form.
  - a. Individuals applying for Restoration of Civil Rights may also request an application from the Probation & Parole Office through the Department of Corrections website, [corrections.ky.gov](http://corrections.ky.gov), or through [civilrights.restoration@ky.gov](mailto:civilrights.restoration@ky.gov).
  - b. Upon request for an application and assistance, officers shall be responsible for assisting the applicant with required information or documentation.
3. To apply for restoration of civil rights pursuant to KRS 196.045, applicants shall meet the following eligibility criteria:

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- a. Shall have received a final discharge or expiration of sentence;
  - b. Shall not have any pending charges, outstanding warrants, or indictments; and
  - c. Shall not owe any outstanding restitution ordered by the court or parole board.
4. If convicted in a federal court or a court outside of the Commonwealth of Kentucky, applicants shall provide the following documentation:
    - a. A copy of the conviction and judgment of final sentence;
    - b. Verification of final discharge or expiration; and
    - c. If applicable, verification that restitution has been paid in full.
  5. The Application for Restoration of Civil Rights form shall be submitted to the Department of Corrections through [civilrights.restoration@ky.gov](mailto:civilrights.restoration@ky.gov) or mailed to the Department of Corrections, Attention Civil Rights Restoration, P. O. Box 2400, Frankfort, Kentucky 40602-2400.

D. Type of Rights Restored

Individuals receiving automatic restoration of civil rights and applicants for restoration of civil rights shall be informed that restoration of civil rights by either Executive Order 2019-003 or KRS 196.045 does not restore a convicted felons, right to purchase, own or have in his possession a firearm or deadly weapon.

1. Automatic Restoration of Civil Rights under Executive Order 2019-003 includes the right to vote and the right to hold public office, but does not include the right to serve on a jury or obtain a professional or vocational license.
2. Restoration of Civil Rights under KRS 196.045 includes the right to vote, the right to serve on a jury, the right to hold an elective office and obtain a professional or vocational license.

E. Procedures for processing an Application for Restoration of Civil Rights

1. Upon receipt of an Application for Restoration of Civil Rights, the designated Central Office Probation & Parole staff member shall complete the following:
  - a. Enter receipt of the application in the data tracking system and in the offender general comments section located within the Offender Management System,

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- b. Verify that all information on the application is correct using record checks.
- c. Notify the Commonwealth's Attorney in the county of commitment and the county of residence pursuant to KRS 196.045.
- d. Upon review and verification of an eligible application, submit the application to the Office of the Governor for consideration.
- e. If civil rights are restored, enter documentation of the restoration in the Offender Management System and provide notice to the applicant in the form of a Notice of Restoration generated from the offender management system.

F. Tracking

- 1. The designated Probation & Parole staff member shall maintain a tracking system for review of automatic restoration of civil rights, applications received, and restoration of civil rights issued.
- 2. Probation & Parole shall generate a monthly report of the following:
  - a. Number of individuals reviewed for eligibility of restoration upon discharge of sentence;
  - b. Number of Notices of Restoration issued;
  - c. Number of applications for Restoration of Civil Rights; and
  - d. Number of individuals who are issued Restoration of Civil Rights pursuant to KRS 196.045.



**DIVISION OF PROBATION AND PAROLE**  
**APPLICATION FOR RESTORATION OF CIVIL RIGHTS**

Answer every question that applies to you:

1. Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_  
Name Used at Time of Conviction, if different: \_\_\_\_\_
2. Current Address: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_
3. Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Social Security Number: \_\_\_\_-\_\_\_\_-\_\_\_\_
4. Please list the county/counties of felony conviction. *(Submit a copy of the conviction and judgement of final sentence, verification of final discharge or expiration and if applicable verification that restitution has been paid in full).* \_\_\_\_\_  
\_\_\_\_\_
5. Are you currently under felony supervision? Yes  No  Explain: \_\_\_\_\_  
\_\_\_\_\_
6. Have you ever been convicted of a federal crime or crime in another state? Yes  No  Explain: \_\_\_\_\_  
\_\_\_\_\_
7. Have you ever been convicted of the following?
- |  |   |
|--|---|
| Violent Offense (KRS 439.3401)                               | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
| Murder, Manslaughter, or Reckless Homicide (KRS Chapter 507) | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
| Fetal Homicide (KRS Chapter 507A)                            | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
| Assault 2 <sup>nd</sup> Degree (KRS 508.020)                 | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
| Assault Under Extreme Emotional Disturbance (KRS 508.040)    | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
| Strangulation 1 <sup>st</sup> Degree (KRS 508.170)           | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
| Human Trafficking (KRS 529.100)                              | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
| Treason or Bribery in an Election                            | Yes <input type="checkbox"/> No <input type="checkbox"/> Explain: _____ |
| _____  | _____   |
8. Do you currently have any pending charges, outstanding warrants, or indictments? Yes  No  Explain: \_\_\_\_\_
9. Do you have any unpaid restitution? Yes  No  Explain: \_\_\_\_\_

**Restoration of Civil Rights DOES NOT give a convicted felon the right to purchase, own or have in possession a firearm or other weapon.**

*To the best of my knowledge the above information is correct.*

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

All persons who have been convicted of a felony in any court in this or any other state loses the right to vote and to hold public office. It is the prerogative of the Governor afforded him or her under the Kentucky Constitution to restore these rights.

**Per Executive Order 2019-003 issued on December 12, 2019, the right to vote and the right to hold public office are automatically restored for certain felony offenders upon receipt of final discharge or expiration of sentence.**

➤ **Automatic Restoration of Civil Rights:**

Department of Corrections will automatically review discharged offenders to determine if eligible for automatic restoration of civil rights. Inquiries on qualifications for automatic restoration can be submitted to [civilrights.restoration@ky.gov](mailto:civilrights.restoration@ky.gov).

The following are excluded from automatic restoration of civil rights:

- ✓ Certain felony convictions under KRS 439.3401, KRS Chapter 507, KRS Chapter 507A, KRS 508.020, KRS 508.040, KRS 508.170, KRS 529.100, bribery in an election or treason.
- ✓ Federal convictions or convictions occurring in other states.

➤ **If not qualifying for Automatic Restoration, procedures to submit Application for Restoration of Civil Rights:**

Offenders who do not meet criteria for automatic restoration may submit this application for restoration of civil rights for consideration by the Governor's Office pursuant to KRS 196.045.

To apply for Restoration of Civil Rights under KRS 196.045, applicants shall meet the following eligibility criteria:

- ✓ Received a final discharge or expiration of sentence.
- ✓ Not have any pending charges, outstanding warrants, or indictments,
- ✓ Not owe any outstanding restitution.

➤ **Federal or Out-of-State Convictions:**

If convicted in a federal or court outside of the Commonwealth of Kentucky, provide a copy of the conviction/judgment of final sentence, verification of final discharge or expiration, and, if applicable, verification that restitution has been paid in full.

Registering to vote **prior** to receiving restoration of civil rights is a violation of the law. This violation may impose a maximum penalty of five (5) years in prison.

Submit the completed application to [civilrights.restoration@ky.gov](mailto:civilrights.restoration@ky.gov) or by mail to:

Department of Corrections  
Division of Probation & Parole  
P.O. Box 2400  
Frankfort, KY 40602-2400  
Attn: Restoration of Civil Rights