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Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
KRS 532.210; 532.220



AGREEMENT AND ORDER OF HOME INCARCERATION

Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY
VS.

PLAINTIFF

DEFENDANT

Address: _____

Date of Birth: _____ Social Security Number: _____

On Motion of Defendant, and the Court being sufficiently advised:

IT IS HEREBY ORDERED, pursuant to KRS 532.210, that Defendant serve, under conditions of home incarceration, a sentence of imprisonment in jail of _____ days. The Court hereby Orders, and Defendant agrees to comply with, all conditions of home incarceration as listed below. Defendant is placed under supervision of _____ (Supervising Authority) which shall monitor Defendant's compliance with the following conditions during the period of home incarceration.

1. Defendant shall be **CONFINED TO THE HOME AT ALL TIMES** except when, **with prior written approval from the Court**, he/she is:

- (a) Working at employment or traveling directly to and from such employment;
- (b) Seeking employment;
- (c) Undergoing available medical, psychiatric, or mental health treatment or approved counseling and after care programs;
- (d) Attending an approved educational institution or program;
- (e) Attending a regularly scheduled religious service at a place of worship;
- (f) Participating in an approved community work service program;
- (g) Other: _____

SUPERVISING AUTHORITY INFORMATION

Contact Person: _____

Address: _____

Telephone Number: _____

The Supervising Authority shall be available 24 hours per day. Defendant may call the Supervising Authority at anytime with questions or concerns at the telephone number listed. This telephone number is provided for the Defendant's convenience and may change without advance notice.

2. Defendant shall reside in a home located within the physical boundaries of _____ County, Kentucky, as a requirement for participation in the home incarceration program. Defendant shall not change the home incarceration residence without first receiving written approval from the Supervising Authority. In the event of eviction, flood, fire or other emergency circumstance, Defendant shall immediately contact the Supervising Authority and shall immediately report to the Supervising Authority.
3. Defendant shall obey the written schedule prepared by Supervising Authority. The schedule specifies times Defendant may be away from home and the approved locations away from the home to which Defendant may travel. Defendant shall not alter the written schedule without first receiving written approval from Supervising Authority.
4. Defendant shall immediately notify Supervising Authority and request approval if unable to attend any scheduled event with a preset departure time (e.g., work, AA meetings and counseling programs). Defendant shall immediately notify Supervising Authority if terminated from any scheduled event, and shall immediately report to the Supervising Authority if terminated from employment.
5. In the event of an emergency, Defendant shall first contact the Supervising Authority for approval to deviate from the written schedule. Defendant shall notify the Supervising Authority at the earliest possible time in the event a medical emergency requires Defendant to be transported to a hospital. Upon release from the hospital, Defendant shall immediately report to the Supervising Authority with documentation of medical treatment. A court order authorizing medical release privileges will be required for any follow up treatment.
6. Every person 18 years or older who will share Defendant's home during the term of home incarceration shall file with the Supervising Authority a written and notarized consent agreement. All consent agreements shall be filed with the Supervising Authority within _____ hours of Defendant being placed on home incarceration.
7. Unless a waiver is granted, Defendant will be charged a registration fee to be placed in the program. To remain in the program, Defendant will be charged an additional fee to offset costs of home incarceration supervision and an approved monitoring device. Payments must be made by _____, 2_____, in the form of cash money order other _____ and made payable to _____
Date

All payments shall be made at _____
Location

Failure to pay required registration or supervision/monitoring fee shall result in Defendant's home incarceration being suspended and Defendant being immediately returned to jail.

8. Supervising Authority may telephone and visit Defendant at his/her home residence and workplace at any time.
9. Consumption, use, or possession of alcohol and illegal drugs is prohibited. Defendant shall not use any substance containing alcohol, such as cough syrups and mouthwashes. Upon request by the Supervising Authority, Defendant shall submit to drug and alcohol tests and provide a breath sample and urine specimen.
10. Defendant shall not commit another offense during the period of time he/she is subject to home incarceration.
11. While on home incarceration, Defendant shall be responsible for all food, housing, clothing, and medical expenses.
12. Defendant shall maintain:
 - home telephone service;
 - _____ approved monitoring device in the home; and/or
 - _____ approved monitoring device on his/her person at all times during the entire period of participation in the program.
13. **Removal of or tampering with an approved monitoring device will be construed as an escape.**
14. Violation of any condition contained in this Agreement and Order may result in Defendant's imprisonment in jail. Additionally, Defendant may be subject to prosecution for **second-degree escape**, a Class D Felony described in KRS 520.030, which is punishable by 1 to 5 years in the penitentiary.

15. Even after Defendant completes the sentence of imprisonment in jail or under conditions of home incarceration, Defendant shall, within the time allowed and in the amount designated by this Court, pay any outstanding restitution and home incarceration fees owed. **Further, Defendant understands this Court may use its contempt sanctions to enforce its order.** Defendant shall personally report to Supervising Authority when sentence ends to return all monitoring equipment. Defendant shall pay replacement cost of damaged or missing monitoring equipment. Failure to make required disposition of all monitoring equipment may subject Defendant to criminal prosecution under KRS 514.070.

GUIDELINES GOVERNING USE OF ELECTRONIC ANKLET

If the approved monitoring device is an **electronic anklet**, Defendant shall:

- a. Have a home incarceration electronic monitoring device connected to his/her home telephone continuously 24 hours per day during the entire period of participation in the program;
- b. Remove call-waiting, call-forwarding, caller-ID, 3-way-calling, answering machines or services, cordless telephone(s), and any other telephone option, feature, or device which may be construed as an attempt to defeat the monitoring process. All such items must be removed within 24 hours of being placed on home incarceration;
- c. Provide a telephone bill to Supervising Authority for verification of telephone services;
- d. Allow authorized officials to enter Defendant's home, at any time, to maintain and inspect the telephone electronic monitoring device and electronic anklet;
- e. Immediately contact Supervising Authority in the event of monitoring equipment failure, interruptions in telephone service, power outage, fire, flood, or any other problem preventing electronic monitoring;
- f. Immediately report in person to the Supervising Authority Office with the complete monitoring device if home telephone service has been disconnected;
- g. Limit all telephone conversations to a maximum of _____ minutes per telephone call;
- h. Immediately hang up the phone to allow for communication between the monitoring device and the central computer if Defendant hears a screeching sound being emitted from the telephone; and
- i. Other: _____

Defendant understands Supervising Authority will electronically monitor Defendant's participation in the program 24 hours a day. Defendant also understands and agrees a signal received by the monitoring system that does not provide verification of Defendant's incarceration will be considered evidence of a violation. Defendant further agrees the computer-generated printout will be used as evidence against Defendant that a violation has occurred.

The above conditions have been read by me and/or explained to me, and I, Defendant, agree to abide by all of the conditions of this Agreement and Order of Home Incarceration. KRS 532.210(3)

_____, 2_____
Date

Defendant's Signature

_____, 2_____
Date

Defense Attorney Signature

_____, 2_____
Date

Judge