

**510.015 Treatment of third or subsequent misdemeanor under KRS Chapter 510 as Class D felony.**

Unless a higher penalty is otherwise prescribed and notwithstanding any provision of this chapter to the contrary, a person who commits a third or subsequent misdemeanor offense under this chapter, except for violations of KRS 510.150, may be convicted of a Class D felony. If the Commonwealth desires to utilize the provisions of this section, the Commonwealth shall indict the defendant and the case shall be tried in the Circuit Court as a felony case. The jury, or judge if the trial is without a jury, may decline to assess a felony penalty in a case under this section and may convict the defendant of a misdemeanor.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 401, sec. 6, effective July 14, 2000.