

1 AN ACT relating to the Justice and Public Safety Cabinet.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 12.020 is amended to read as follows:

4 Departments, program cabinets and their departments, and the respective major  
5 administrative bodies that they include are enumerated in this section. It is not intended  
6 that this enumeration of administrative bodies be all-inclusive. Every authority, board,  
7 bureau, interstate compact, commission, committee, conference, council, office, or any  
8 other form of organization shall be included in or attached to the department or program  
9 cabinet in which they are included or to which they are attached by statute or statutorily  
10 authorized executive order; except in the case of the Personnel Board and where the  
11 attached department or administrative body is headed by a constitutionally elected officer,  
12 the attachment shall be solely for the purpose of dissemination of information and  
13 coordination of activities and shall not include any authority over the functions,  
14 personnel, funds, equipment, facilities, or records of the department or administrative  
15 body.

16 I. Cabinet for General Government - Departments headed by elected officers:

- 17 (1) The Governor.
- 18 (2) Lieutenant Governor.
- 19 (3) Department of State.
- 20 (a) Secretary of State.
- 21 (b) Board of Elections.
- 22 (c) Registry of Election Finance.
- 23 (4) Department of Law.
- 24 (a) Attorney General.
- 25 (5) Department of the Treasury.
- 26 (a) Treasurer.
- 27 (6) Department of Agriculture.

- 1 (a) Commissioner of Agriculture.
- 2 (b) Kentucky Council on Agriculture.
- 3 (7) Auditor of Public Accounts.
- 4 II. Program cabinets headed by appointed officers:
- 5 (1) Justice and Public Safety Cabinet:
- 6 (a) Department of Kentucky State Police.
- 7 (b) Department of Criminal Justice Training.
- 8 (c) Department of Corrections.
- 9 (d) Department of Juvenile Justice.
- 10 (e) Office of the Secretary.
- 11 (f) Office of Drug Control Policy.
- 12 (g) Office of Legal Services.
- 13 (h) Office of the Kentucky State Medical Examiner.
- 14 (i) Parole Board.
- 15 (j) Kentucky State Corrections Commission.
- 16 (k) Office of Legislative and Intergovernmental Services.
- 17 (l) Office of Management and Administrative Services.
- 18 (m) Department ~~of~~ Public Advocacy.
- 19 (2) Education and Workforce Development Cabinet:
- 20 (a) Office of the Secretary.
- 21 1. Governor's Scholars Program.
- 22 2. Governor's School for Entrepreneurs Program.
- 23 (b) Office of Legal and Legislative Services.
- 24 1. Client Assistance Program.
- 25 (c) Office of Communication.
- 26 (d) Office of Budget and Administration.
- 27 1. Division of Human Resources.

- 1                   2.    Division of Administrative Services.
- 2                   (e)   Office of Technology Services.
- 3                   (f)   Office of Educational Programs.
- 4                   (g)   Office for Education and Workforce Statistics.
- 5                   (h)   Board of the Kentucky Center for Education and Workforce Statistics.
- 6                   (i)   Board of Directors for the Center for School Safety.
- 7                   (j)   Department of Education.
  - 8                   1.    Kentucky Board of Education.
  - 9                   2.    Kentucky Technical Education Personnel Board.
- 10                  (k)   Department for Libraries and Archives.
- 11                  (l)   Department of Workforce Investment.
  - 12                  1.    Office for the Blind.
  - 13                  2.    Office of Vocational Rehabilitation.
  - 14                  3.    Office of Employment and Training.
    - 15                  a.    Division of Grant Management and Support.
    - 16                  b.    Division of Workforce and Employment Services.
    - 17                  c.    Division of Unemployment Insurance.
- 18                  (m)   Foundation for Workforce Development.
- 19                  (n)   Kentucky Office for the Blind State Rehabilitation Council.
- 20                  (o)   Kentucky Workforce Investment Board.
- 21                  (p)   Statewide Council for Vocational Rehabilitation.
- 22                  (q)   Unemployment Insurance Commission.
- 23                  (r)   Education Professional Standards Board.
  - 24                  1.    Division of Educator Preparation.
  - 25                  2.    Division of Certification.
  - 26                  3.    Division of Professional Learning and Assessment.
  - 27                  4.    Division of Legal Services.

- 1 (s) Kentucky Commission on the Deaf and Hard of Hearing.
- 2 (t) Kentucky Educational Television.
- 3 (u) Kentucky Environmental Education Council.
- 4 (3) Energy and Environment Cabinet:
- 5 (a) Office of the Secretary.
- 6 1. Office of Legislative and Intergovernmental Affairs.
- 7 2. Office of General Counsel.
- 8 3. Office of Administrative Hearings.
- 9 4. Mine Safety Review Commission.
- 10 5. Kentucky State Nature Preserves Commission.
- 11 6. Kentucky Environmental Quality Commission.
- 12 7. Kentucky Public Service Commission.
- 13 (b) Department for Environmental Protection.
- 14 1. Office of the Commissioner.
- 15 2. Division for Air Quality.
- 16 3. Division of Water.
- 17 4. Division of Environmental Program Support.
- 18 5. Division of Waste Management.
- 19 6. Division of Enforcement.
- 20 7. Division of Compliance Assistance.
- 21 (c) Department for Natural Resources.
- 22 1. Office of the Commissioner.
- 23 2. Division of Technical and Administrative Support.
- 24 3. Division of Mine Permits.
- 25 4. Division of Mine Reclamation and Enforcement.
- 26 5. Division of Abandoned Mine Lands.
- 27 6. Division of Oil and Gas.

- 1                   7.    Division of Mine Safety.
- 2                   8.    Division of Forestry.
- 3                   9.    Division of Conservation.
- 4                   10.   Office of the Reclamation Guaranty Fund.
- 5                   11.   Kentucky Mining Board.
- 6           (d)   Department for Energy Development and Independence.
- 7                   1.    Division of Efficiency and Conservation.
- 8                   2.    Division of Renewable Energy.
- 9                   3.    Division of Biofuels.
- 10                  4.    Division of Energy Generation Transmission and Distribution.
- 11                  5.    Division of Carbon Management.
- 12                  6.    Division of Fossil Energy Development.
- 13    (4)   Public Protection Cabinet.
- 14           (a)   Office of the Secretary.
- 15                  1.    Office of Communications and Public Outreach.
- 16                  2.    Office of Legal Services.
- 17                        a.    Insurance Legal Division.
- 18                        b.    Charitable Gaming Legal Division.
- 19                        c.    Alcoholic Beverage Control Legal Division.
- 20                        d.    Housing, Buildings and Construction Legal Division.
- 21                        e.    Financial Institutions Legal Division.
- 22           (b)   Crime Victims Compensation Board.
- 23           (c)   Board of Claims.
- 24           (d)   Kentucky Board of Tax Appeals.
- 25           (e)   Kentucky Boxing and Wrestling Authority.
- 26           (f)   Kentucky Horse Racing Commission.
- 27                  1.    Division of Licensing.

- 1                   2.    Division of Incentives and Development.
- 2                   3.    Division of Veterinary Services.
- 3                   4.    Division of Security and Enforcement.
- 4                   (g)  Department of Alcoholic Beverage Control.
- 5                   1.    Division of Distilled Spirits.
- 6                   2.    Division of Malt Beverages.
- 7                   3.    Division of Enforcement.
- 8                   (h)  Department of Charitable Gaming.
- 9                   1.    Division of Licensing and Compliance.
- 10                  2.    Division of Enforcement.
- 11                  (i)  Department of Financial Institutions.
- 12                  1.    Division of Depository Institutions.
- 13                  2.    Division of Non-Depository Institutions.
- 14                  3.    Division of Securities.
- 15                  (j)  Department of Housing, Buildings and Construction.
- 16                  1.    Division of Fire Prevention.
- 17                  2.    Division of Plumbing.
- 18                  3.    Division of Heating, Ventilation, and Air Conditioning.
- 19                  4.    Division of Building Code Enforcement.
- 20                  (k)  Department of Insurance.
- 21                  1.    Property and Casualty Division.
- 22                  2.    Health and Life Division.
- 23                  3.    Division of Financial Standards and Examination.
- 24                  4.    Division of Agent Licensing.
- 25                  5.    Division of Insurance Fraud Investigation.
- 26                  6.    Consumer Protection Division.
- 27                  7.    Division of Kentucky Access.

- 1           (l) Office of Occupations and Professions.
- 2           (5) Labor Cabinet.
- 3           (a) Office of the Secretary.
- 4                1. Division of Management Services.
- 5                2. Office of General Counsel.
- 6           (b) Office of General Administration and Program Support for Shared
- 7                Services.
- 8                1. Division of Human Resource Management.
- 9                2. Division of Fiscal Management.
- 10              3. Division of Budgets.
- 11              4. Division of Information Services.
- 12           (c) Office of Inspector General for Shared Services.
- 13           (d) Department of Workplace Standards.
- 14                1. Division of Employment Standards, Apprenticeship, and
- 15                Mediation.
- 16                2. Division of Occupational Safety and Health Compliance.
- 17                3. Division of Occupational Safety and Health Education and
- 18                Training.
- 19                4. Division of Workers' Compensation Funds.
- 20           (e) Department of Workers' Claims.
- 21                1. Office of General Counsel for Workers' Claims.
- 22                2. Office of Administrative Law Judges.
- 23                3. Division of Claims Processing.
- 24                4. Division of Security and Compliance.
- 25                5. Division of Information and Research.
- 26                6. Division of Ombudsman and Workers' Compensation Specialist
- 27                Services.

- 1                   7.    Workers' Compensation Board.
- 2                   8.    Workers' Compensation Advisory Council.
- 3                   9.    Workers' Compensation Nominating Commission.
- 4                   (f)   Workers' Compensation Funding Commission.
- 5                   (g)   Kentucky Labor-Management Advisory Council.
- 6                   (h)   Occupational Safety and Health Standards Board.
- 7                   (i)   Prevailing Wage Review Board.
- 8                   (j)   Apprenticeship and Training Council.
- 9                   (k)   State Labor Relations Board.
- 10                  (l)   Employers' Mutual Insurance Authority.
- 11                  (m)   Kentucky Occupational Safety and Health Review Commission.
- 12                  (6)   Transportation Cabinet:
  - 13                   (a)   Department of Highways.
    - 14                       1.    Office of Project Development.
    - 15                       2.    Office of Project Delivery and Preservation.
    - 16                       3.    Office of Highway Safety.
    - 17                       4.    Highway District Offices One through Twelve.
  - 18                   (b)   Department of Vehicle Regulation.
  - 19                   (c)   Department of Aviation.
  - 20                   (d)   Department of Rural and Municipal Aid.
    - 21                       1.    Office of Local Programs.
    - 22                       2.    Office of Rural and Secondary Roads.
  - 23                   (e)   Office of the Secretary.
    - 24                       1.    Office of Public Affairs.
    - 25                       2.    Office for Civil Rights and Small Business Development.
    - 26                       3.    Office of Budget and Fiscal Management.
    - 27                       4.    Office of Inspector General.



- 1 (f) Office of Support Services.
- 2 (g) Office of Transportation Delivery.
- 3 (h) Office of Audits.
- 4 (i) Office of Human Resource Management.
- 5 (j) Office of Information Technology.
- 6 (k) Office of Legal Services.
- 7 (7) Cabinet for Economic Development:
- 8 (a) Office of the Secretary.
- 9 1. Office of Legal Services.
- 10 2. Department for Business Development.
- 11 a. Office of Entrepreneurship.
- 12 i. Commission on Small Business Advocacy.
- 13 b. Office of Research and Public Affairs.
- 14 c. Bluegrass State Skills Corporation.
- 15 3. Office of Financial Services.
- 16 a. Kentucky Economic Development Finance Authority.
- 17 b. Division of Finance and Personnel.
- 18 c. Division of Network Administration.
- 19 d. Compliance Division.
- 20 e. Incentive Assistance Division.
- 21 (8) Cabinet for Health and Family Services:
- 22 (a) Office of the Secretary.
- 23 (b) Office of Health Policy.
- 24 (c) Office of Legal Services.
- 25 (d) Office of Inspector General.
- 26 (e) Office of Communications and Administrative Review.
- 27 (f) Office of the Ombudsman.

- 1 (g) Office of Policy and Budget.
- 2 (h) Office of Human Resource Management.
- 3 (i) Office of Administrative and Technology Services.
- 4 (j) Department for Public Health.
- 5 (k) Department for Medicaid Services.
- 6 (l) Department for Behavioral Health, Developmental and Intellectual
- 7 Disabilities.
- 8 (m) Department for Aging and Independent Living.
- 9 (n) Department for Community Based Services.
- 10 (o) Department for Income Support.
- 11 (p) Department for Family Resource Centers and Volunteer Services.
- 12 (q) Kentucky Commission on Community Volunteerism and Service.
- 13 (r) Kentucky Commission for Children with Special Health Care Needs.
- 14 (s) Governor's Office of Electronic Health Information.
- 15 (9) Finance and Administration Cabinet:
- 16 (a) Office of General Counsel.
- 17 (b) Office of the Controller.
- 18 (c) Office of Administrative Services.
- 19 (d) Office of Public Information.
- 20 (e) Office of Policy and Audit.
- 21 (f) Department for Facilities and Support Services.
- 22 (g) Department of Revenue.
- 23 (h) Commonwealth Office of Technology.
- 24 (i) State Property and Buildings Commission.
- 25 (j) Office of Equal Employment Opportunity and Contract Compliance.
- 26 (k) Kentucky Employees Retirement Systems.
- 27 (l) Commonwealth Credit Union.

- 1 (m) State Investment Commission.
- 2 (n) Kentucky Housing Corporation.
- 3 (o) Kentucky Local Correctional Facilities Construction Authority.
- 4 (p) Kentucky Turnpike Authority.
- 5 (q) Historic Properties Advisory Commission.
- 6 (r) Kentucky Tobacco Settlement Trust Corporation.
- 7 (s) Kentucky Higher Education Assistance Authority.
- 8 (t) Kentucky River Authority.
- 9 (u) Kentucky Teachers' Retirement System Board of Trustees.
- 10 (v) Executive Branch Ethics Commission.
- 11 (10) Tourism, Arts and Heritage Cabinet:
- 12 (a) Kentucky Department of Travel and Tourism.
- 13 1. Division of Tourism Services.
- 14 2. Division of Marketing and Administration.
- 15 3. Division of Communications and Promotions.
- 16 (b) Kentucky Department of Parks.
- 17 1. Division of Information Technology.
- 18 2. Division of Human Resources.
- 19 3. Division of Financial Operations.
- 20 4. Division of Facilities Management.
- 21 5. Division of Facilities Maintenance.
- 22 6. Division of Customer Services.
- 23 7. Division of Recreation.
- 24 8. Division of Golf Courses.
- 25 9. Division of Food Services.
- 26 10. Division of Rangers.
- 27 11. Division of Resort Parks.

- 1                   12. Division of Recreational Parks and Historic Sites.
- 2                   (c) Department of Fish and Wildlife Resources.
- 3                   1. Division of Law Enforcement.
- 4                   2. Division of Administrative Services.
- 5                   3. Division of Engineering.
- 6                   4. Division of Fisheries.
- 7                   5. Division of Information and Education.
- 8                   6. Division of Wildlife.
- 9                   7. Division of Public Affairs.
- 10                  (d) Kentucky Horse Park.
- 11                  1. Division of Support Services.
- 12                  2. Division of Buildings and Grounds.
- 13                  3. Division of Operational Services.
- 14                  (e) Kentucky State Fair Board.
- 15                  1. Office of Administrative and Information Technology Services.
- 16                  2. Office of Human Resources and Access Control.
- 17                  3. Division of Expositions.
- 18                  4. Division of Kentucky Exposition Center Operations.
- 19                  5. Division of Kentucky International Convention Center.
- 20                  6. Division of Public Relations and Media.
- 21                  7. Division of Venue Services.
- 22                  8. Division of Personnel Management and Staff Development.
- 23                  9. Division of Sales.
- 24                  10. Division of Security and Traffic Control.
- 25                  11. Division of Information Technology.
- 26                  12. Division of the Louisville Arena.
- 27                  13. Division of Fiscal and Contract Management.

- 1                   14. Division of Access Control.
- 2                   (f) Office of the Secretary.
- 3                   1. Office of Finance.
- 4                   2. Office of Research and Administration.
- 5                   3. Office of Governmental Relations and Tourism Development.
- 6                   4. Office of the Sports Authority.
- 7                   5. Kentucky Sports Authority.
- 8                   (g) Office of Legal Affairs.
- 9                   (h) Office of Human Resources.
- 10                  (i) Office of Public Affairs and Constituent Services.
- 11                  (j) Office of Creative Services.
- 12                  (k) Office of Capital Plaza Operations.
- 13                  (l) Office of Arts and Cultural Heritage.
- 14                  (m) Kentucky African-American Heritage Commission.
- 15                  (n) Kentucky Foundation for the Arts.
- 16                  (o) Kentucky Humanities Council.
- 17                  (p) Kentucky Heritage Council.
- 18                  (q) Kentucky Arts Council.
- 19                  (r) Kentucky Historical Society.
- 20                  1. Division of Museums.
- 21                  2. Division of Oral History and Educational Outreach.
- 22                  3. Division of Research and Publications.
- 23                  4. Division of Administration.
- 24                  (s) Kentucky Center for the Arts.
- 25                  1. Division of Governor's School for the Arts.
- 26                  (t) Kentucky Artisans Center at Berea.
- 27                  (u) Northern Kentucky Convention Center.

- 1 (v) Eastern Kentucky Exposition Center.
- 2 (11) Personnel Cabinet:
  - 3 (a) Office of the Secretary.
  - 4 (b) Department of Human Resources Administration.
  - 5 (c) Office of Employee Relations.
  - 6 (d) Kentucky Public Employees Deferred Compensation Authority.
  - 7 (e) Office of Administrative Services.
  - 8 (f) Office of Legal Services.
  - 9 (g) Governmental Services Center.
  - 10 (h) Department of Employee Insurance.
  - 11 (i) Office of Diversity and Equality.
  - 12 (j) Center of Strategic Innovation.

13 III. Other departments headed by appointed officers:

- 14 (1) Council on Postsecondary Education.
- 15 (2) Department of Military Affairs.
- 16 (3) Department for Local Government.
- 17 (4) Kentucky Commission on Human Rights.
- 18 (5) Kentucky Commission on Women.
- 19 (6) Department of Veterans' Affairs.
- 20 (7) Kentucky Commission on Military Affairs.
- 21 (8) Office of Minority Empowerment.
- 22 (9) Governor's Council on Wellness and Physical Activity.

23 ➔Section 2. KRS 15A.020 is amended to read as follows:

24 (1) The Justice and Public Safety Cabinet shall have the following departments:

- 25 (a) Department of Corrections;
- 26 (b) Department of Criminal Justice Training, which shall have the following
- 27 divisions:

- 1           1.    Training Operations Division;
- 2           2.    Administrative Division; and
- 3           3.    Training Support Division;
- 4           (c)   Department of Juvenile Justice, which shall have the following divisions:
- 5           1.    Division of Medical Services;
- 6           2.    Division of Western Region;
- 7           3.    Division of Central Region;
- 8           4.    Division of Eastern Region;
- 9           5.    Division of Southeastern Region;
- 10          6.    Division of Administrative Services;
- 11          7.    Division of Program Services;
- 12          8.    Division of Placement Services;
- 13          9.    Division of Professional Development; and
- 14          10.   Division of Community and Mental Health Services;
- 15          (d)   Department of Kentucky State Police, which shall have the following
- 16          divisions:
- 17          1.    Administrative Division;
- 18          2.    Operations Division;
- 19          3.    Technical Services Division; and
- 20          4.    Commercial Vehicle Enforcement Division; and
- 21          (e)   Department ~~office~~ Public Advocacy, which shall have the following
- 22          divisions:
- 23          1.    Protection and Advocacy Division;
- 24          2.    Division of Law Operations;
- 25          3.    Division of Trial Services;
- 26          4.    Division of Post-Trial Services; and
- 27          5.    Division of Conflict Services.

1 (2) Each department, except for the Department ~~of~~ Public Advocacy, shall be  
2 headed by a commissioner who shall be appointed by the secretary of justice and  
3 public safety with the approval of the Governor as required by KRS 12.040. Each  
4 commissioner shall be directly responsible to the secretary and shall have such  
5 functions, powers, and duties as provided by law and as the secretary may prescribe.  
6 The Department ~~of~~ Public Advocacy shall be headed by the public advocate,  
7 appointed as required by KRS 31.020, who shall be directly responsible to the  
8 Public Advocacy Commission. The Department ~~of~~ Public Advocacy is an  
9 independent state agency which shall be attached to the Justice and Public Safety  
10 Cabinet for administrative purposes only. The Justice and Public Safety Cabinet  
11 shall not have control over the Department ~~of~~ Public Advocacy's information  
12 technology equipment and use unless granted access by court order.

13 (3) The Justice and Public Safety Cabinet shall have the following offices:

14 (a) Office of the Secretary, which shall be headed by a deputy secretary appointed  
15 pursuant to KRS 12.050 and responsible for the direct administrative support  
16 for the secretary and other duties as assigned by the secretary, and which, with  
17 the approval of the secretary, may employ such staff as necessary to perform  
18 the duties, functions, and responsibilities of the office;

19 (b) Office of Management and Administrative Services, which shall be headed by  
20 an executive director appointed pursuant to KRS 12.050 who shall be  
21 responsible to and report to the secretary and be responsible for all matters  
22 relating to human resources, state and federal grants management, including  
23 but not limited to the administration of KRS 15A.060, fiscal functions,  
24 management and daily operations of the information processing activities for  
25 the cabinet, and management and daily administrative services for the cabinet;  
26 and who, with the approval of the secretary, may employ such staff as  
27 necessary to perform the duties, functions, and responsibilities of the office;



1 (c) Office of Legal Services, which shall be headed by an executive director  
2 appointed pursuant to KRS 12.050 and 12.210, that:

- 3 1. Shall provide legal representation and services for the cabinet; and
- 4 2. May investigate all complaints regarding the facilities, staff, treatment of  
5 juveniles, and other matters relating to the operation of the Justice and  
6 Public Safety Cabinet. If it appears that there is a violation of statutes,  
7 administrative regulations, policies, court decisions, the rights of  
8 juveniles who are subject to the orders of the department, or any other  
9 matter relating to the Justice and Public Safety Cabinet, the office shall  
10 report to the secretary of the Justice and Public Safety Cabinet who  
11 shall, if required, refer the matter to a law enforcement agency,  
12 Commonwealth's attorney, county attorney, the Attorney General, or  
13 federal agencies, as appropriate. The office may be used to investigate  
14 matters in which there is a suspicion of violation of written policy,  
15 administrative regulation, or statutory law within the Department ~~of~~  
16 Public Advocacy only when the investigation will have no prejudicial  
17 impact upon a person who has an existing attorney-client relationship  
18 with the Department ~~of~~ Public Advocacy. Notwithstanding the  
19 provisions of this subparagraph, investigation and discipline of KRS  
20 Chapter 16 personnel shall continue to be conducted by the Department  
21 of Kentucky State Police pursuant to KRS Chapter 16. The office shall  
22 conduct no other investigations under the authority granted in this  
23 subparagraph. The secretary may, by administrative order, assign the  
24 investigative functions in this subparagraph to a branch within the  
25 office.

26 The executive director shall be directly responsible to and report to the  
27 secretary and, with the approval of the secretary, may employ such attorneys

1 appointed pursuant to KRS 12.210 and other staff as necessary to perform the  
2 duties, functions, and responsibilities of the office;

3 (d) Office of Legislative and Intergovernmental Services, which shall be headed  
4 by an executive director appointed pursuant to KRS 12.050 who shall be  
5 responsible for all matters relating to the provision of support to the Criminal  
6 Justice Council, legislative liaison services, and functions and duties vested in  
7 the Criminal Justice Council as described in KRS 15A.030. The executive  
8 director shall be directly responsible to and report to the secretary and may  
9 employ such staff as necessary to perform the duties, functions, and  
10 responsibilities of the office;

11 (e) Office of the Kentucky State Medical Examiner, which shall be headed by a  
12 chief medical examiner appointed pursuant to KRS 72.240 who shall be  
13 responsible for all matters relating to forensic pathology and forensic  
14 toxicology and other duties as assigned by the secretary. The executive  
15 director appointed pursuant to KRS 12.050 shall be responsible for all matters  
16 related to the administrative support of the Office of the State Medical  
17 Examiner. The executive director shall report directly to the secretary and with  
18 the approval of the secretary may employ such administrative support staff as  
19 necessary to perform the administrative duties, functions, and responsibilities  
20 of the office. The chief medical examiner shall be directly responsible to and  
21 report to the secretary and may employ such staff as necessary to perform the  
22 forensic duties, functions, and responsibilities of the office; and

23 (f) Office of Drug Control Policy, which shall be headed by an executive director  
24 appointed pursuant to KRS 12.050 who shall be responsible for all matters  
25 relating to the research, coordination, and execution of drug control policy and  
26 for the management of state and federal grants, including but not limited to the  
27 prevention and treatment related to substance abuse. By December 31 of each

1 year, the Office of Drug Control Policy shall review, approve, and coordinate  
2 all current projects of any substance abuse program which is conducted by or  
3 receives funding through agencies of the executive branch. This oversight  
4 shall extend to all substance abuse programs which are principally related to  
5 the prevention or treatment, or otherwise targeted at the reduction, of  
6 substance abuse in the Commonwealth. The Office of Drug Control Policy  
7 shall promulgate administrative regulations consistent with enforcing this  
8 oversight authority. The executive director shall be directly responsible to and  
9 report to the secretary and may employ such staff as necessary to perform the  
10 duties, functions, and responsibilities of the office.

11 ➔Section 3. KRS 15A.065 is amended to read as follows:

- 12 (1) The Department of Juvenile Justice shall be headed by a commissioner and shall  
13 develop and administer programs for:
- 14 (a) Prevention of juvenile crime;
  - 15 (b) Identification of juveniles at risk of becoming status or public offenders and  
16 development of early intervention strategies for these children, and, except for  
17 adjudicated youth, participation in prevention programs shall be voluntary;
  - 18 (c) Providing educational information to law enforcement, prosecution, victims,  
19 defense attorneys, the courts, the educational community, and the public  
20 concerning juvenile crime, its prevention, detection, trial, punishment, and  
21 rehabilitation;
  - 22 (d) The operation of or contracting for the operation of postadjudication treatment  
23 facilities and services for children adjudicated delinquent or found guilty of  
24 public offenses or as youthful offenders;
  - 25 (e) The operation or contracting for the operation, and the encouragement of  
26 operation by others, including local governments, volunteer organizations, and  
27 the private sector, of programs to serve predelinquent and delinquent youth;

- 1 (f) Utilizing outcome-based planning and evaluation of programs to ascertain  
2 which programs are most appropriate and effective in promoting the goals of  
3 this section;
- 4 (g) Conducting research and comparative experiments to find the most effective  
5 means of:
- 6 1. Preventing delinquent behavior;
  - 7 2. Identifying predelinquent youth;
  - 8 3. Preventing predelinquent youth from becoming delinquent;
  - 9 4. Assessing the needs of predelinquent and delinquent youth;
  - 10 5. Providing an effective and efficient program designed to treat and  
11 correct the behavior of delinquent youth and youthful offenders;
  - 12 6. Assessing the success of all programs of the department and those  
13 operated on behalf of the department and making recommendations for  
14 new programs, improvements in existing programs, or the modification,  
15 combination, or elimination of programs as indicated by the assessment  
16 and the research; and
- 17 (h) Seeking funding from public and private sources for demonstration projects,  
18 normal operation of programs, and alterations of programs.
- 19 (2) The Department of Juvenile Justice may contract, with or without reimbursement,  
20 with a city, county, or urban-county government, for the provision of probation,  
21 diversion, and related services by employees of the contracting local government.
- 22 (3) The Department of Juvenile Justice may contract for the provision of services,  
23 treatment, or facilities which the department finds in the best interest of any child,  
24 or for which a similar service, treatment, or facility is either not provided by the  
25 department or not available because the service or facilities of the department are at  
26 their operating capacity and unable to accept new commitments. The department  
27 shall, after consultation with the Finance and Administration Cabinet, promulgate

1 administrative regulations to govern at least the following aspects of this  
2 subsection:

- 3 (a) Bidding process; and
- 4 (b) Emergency acquisition process.

5 (4) The Department of Juvenile Justice shall develop programs to:

- 6 (a) Ensure that youth in state-operated or contracted residential treatment  
7 programs have access to an ombudsman to whom they may report program  
8 problems or concerns;
- 9 (b) Review all treatment programs, state-operated or contracted, for their quality  
10 and effectiveness; and
- 11 (c) Provide mental health services to committed youth according to their needs.

12 (5) (a) The Department of Juvenile Justice shall have an advisory board appointed by  
13 the Governor, which shall serve as the advisory group under the Juvenile  
14 Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, as  
15 amended, and which shall provide a formulation of and recommendations for  
16 meeting the requirements of this section not less than annually to the  
17 Governor, the Justice and Public Safety Cabinet, the Department of Juvenile  
18 Justice, the Cabinet for Health and Family Services, the Interim Joint  
19 Committees on Judiciary and on Appropriations and Revenue of the  
20 Legislative Research Commission when the General Assembly is not in  
21 session, and the Judiciary and the Appropriations and Revenue Committees of  
22 the House of Representatives and the Senate when the General Assembly is in  
23 session. The advisory board shall develop program criteria for early juvenile  
24 intervention, diversion, and prevention projects, develop statewide priorities  
25 for funding, and make recommendations for allocation of funds to the  
26 Commissioner of the Department of Juvenile Justice. The advisory board shall  
27 review grant applications from local juvenile delinquency prevention councils

1 and include in its annual report the activities of the councils. The advisory  
2 board shall meet not less than quarterly.

3 (b) The advisory board shall be chaired by a private citizen member appointed by  
4 the Governor and shall serve a term of two (2) years and thereafter be elected  
5 by the board. The members of the board shall be appointed to staggered terms  
6 and thereafter to four (4) year terms. The membership of the advisory board  
7 shall consist of no fewer than fifteen (15) persons and no more than thirty-  
8 three (33) persons who have training, experience, or special knowledge  
9 concerning the prevention and treatment of juvenile delinquency or the  
10 administration of juvenile justice. A majority of the members shall not be full-  
11 time employees of any federal, state, or local government, and at least one-  
12 fifth (1/5) of the members shall be under the age of twenty-four (24) years at  
13 the time of appointment. On July 15, 2002, any pre-existing appointment of a  
14 member to the Juvenile Justice Advisory Board and the Juvenile Justice  
15 Advisory Committee shall be terminated unless that member has been re-  
16 appointed subsequent to January 1, 2002, in which case that member's  
17 appointment shall continue without interruption. The membership of the board  
18 shall include the following:

- 19 1. Three (3) current or former participants in the juvenile justice system;
- 20 2. An employee of the Department of Juvenile Justice;
- 21 3. An employee of the Cabinet for Health and Family Services;
- 22 4. A person operating alternative detention programs;
- 23 5. An employee of the Department of Education;
- 24 6. An employee of the Department ~~of~~ Public Advocacy;
- 25 7. An employee of the Administrative Office of the Courts;
- 26 8. A representative from a private nonprofit organization with an interest in  
27 youth services;

- 1           9. A representative from a local juvenile delinquency prevention council;
  - 2           10. A member of the Circuit Judges Association;
  - 3           11. A member of the District Judges Association;
  - 4           12. A member of the County Attorneys Association;
  - 5           13. A member of the County Judge/Executives Association;
  - 6           14. A person from the business community not associated with any other
  - 7                 group listed in this paragraph;
  - 8           15. A parent not associated with any other group listed in this paragraph;
  - 9           16. A youth advocate not associated with any other group listed in this
  - 10                 paragraph;
  - 11           17. A victim of a crime committed by a person under the age of eighteen
  - 12                 (18) not associated with any other group listed in this paragraph;
  - 13           18. A local school district special education administrator not associated
  - 14                 with any other group listed in this paragraph;
  - 15           19. A peace officer not associated with any other group listed in this
  - 16                 paragraph; and
  - 17           20. A college or university professor specializing in law, criminology,
  - 18                 corrections, psychology, or similar discipline with an interest in juvenile
  - 19                 corrections programs.
- 20           (c) Failure of any member to attend three (3) meetings within a calendar year
- 21                 shall be deemed a resignation from the board. The board chair shall notify the
- 22                 Governor of any vacancy and submit recommendations for appointment.
- 23           (6) The Department of Juvenile Justice shall, in cooperation with the Department
- 24                 ~~of~~ Public Advocacy, develop a program of legal services for juveniles
- 25                 committed to the department who are placed in state-operated residential treatment
- 26                 facilities and juveniles in the physical custody of the department who are detained
- 27                 in a state-operated detention facility, who have legal claims related to the conditions

1 of their confinement involving violations of federal or state statutory or  
2 constitutional rights. This system may utilize technology to supplement personal  
3 contact. The Department of Juvenile Justice shall promulgate an administrative  
4 regulation to govern at least the following aspects of this subsection:

- 5 (a) Facility access;
- 6 (b) Scheduling; and
- 7 (c) Access to residents' records.

8 (7) The Department of Juvenile Justice may, if space is available and conditioned upon  
9 the department's ability to regain that space as needed, contract with another state or  
10 federal agency to provide services to youth of that agency.

11 ➔Section 4. KRS 15A.160 is amended to read as follows:

12 The secretary may promulgate administrative regulations in accordance with KRS  
13 Chapter 13A and direct proceedings and actions for the administration of all laws and  
14 functions which are vested in the cabinet, except laws and functions vested in the  
15 Department ~~of~~ Public Advocacy.

16 ➔Section 5. KRS 15A.300 is amended to read as follows:

17 (1) The Department of Juvenile Justice or a local organization approved by the  
18 Department of Juvenile Justice may form local juvenile delinquency prevention  
19 councils for the purpose of encouraging the initiation of, or supporting ongoing,  
20 interagency cooperation and collaboration in addressing juvenile crime and juvenile  
21 status offenses.

22 (2) The membership of the local council shall be determined by the Department of  
23 Juvenile Justice and shall include representatives of law enforcement, the school  
24 system, the Department for Community Based Services, the Court of Justice, the  
25 Commonwealth's attorney, the county attorney, a representative of a county juvenile  
26 detention facility, and the Department ~~of~~ Public Advocacy. The members of the  
27 council shall be appointed as provided by the department by administrative



1 regulation and shall be appointed for not longer than four (4) years, but members  
2 may be reappointed for a successive term. A member of the council shall receive no  
3 salary for service as a member of the council but may be reimbursed for expenses in  
4 the same manner as a state employee.

5 (3) The duties and responsibilities of a juvenile delinquency prevention council shall  
6 include but not be limited to:

7 (a) Developing a local juvenile justice plan based upon utilization of the  
8 resources of law enforcement, the school system, the Department of Juvenile  
9 Justice, the Department for Community Based Services, the Administrative  
10 Office of the Courts, and others in a cooperative and collaborative manner to  
11 prevent or discourage juvenile delinquency and to develop meaningful  
12 alternatives to incarceration;

13 (b) Entering into a written local interagency agreement specifying the nature and  
14 extent of contributions that each signatory agency will make in achieving the  
15 goals of the local juvenile justice plan;

16 (c) Sharing of information as authorized by law to carry out the interagency  
17 agreements;

18 (d) Applying for and receiving public or private grants to be administered by one  
19 (1) of the participating cities or counties or other public agencies; and

20 (e) Providing a forum for the presentation of interagency recommendations and  
21 the resolution of disagreements relating to the contents of the interagency  
22 agreement or the performance by the parties of their respective obligations  
23 under the agreement.

24 (4) Training of council members shall be the responsibility of the department.

25 (5) The Department of Juvenile Justice may provide grants to the councils to establish  
26 or enhance prevention programs.

27 (6) To assist in the development of a local juvenile delinquency prevention plan,

1 juvenile delinquency prevention councils shall be entitled to request and receive  
2 statistical information and aggregate data not descriptive of any readily identifiable  
3 person from any public agency, as defined in KRS 61.870.

4 (a) A request for statistical information and aggregate data from the juvenile  
5 delinquency prevention council shall be in writing and signed by the  
6 chairperson of the council, and shall include a statement of why the  
7 information is being requested, why it is needed, and how it will be used by  
8 the council.

9 (b) Any public agency receiving a written request from the chairperson of a  
10 juvenile delinquency prevention council for aggregate data or statistical  
11 information shall provide the requested information or respond to the council  
12 stating reasons why the requested information cannot be provided, within  
13 thirty (30) days of receiving the request.

14 (7) The department shall promulgate administrative regulations in accordance with  
15 KRS Chapter 13A that relate to:

16 (a) The formation of councils;

17 (b) The operation of councils;

18 (c) The duties of councils; and

19 (d) The administration and operation of the grant program.

20 ➔Section 6. KRS 17.131 is amended to read as follows:

21 (1) There is hereby established the Kentucky Unified Criminal Justice Information  
22 System, referred to in this chapter as the "system." The system shall be a joint effort  
23 of the criminal justice agencies, the Courts of Justice, and the Office of Homeland  
24 Security. Notwithstanding any statutes, administrative regulations, and policies to  
25 the contrary, if standards and technologies other than those set by the  
26 Commonwealth Office of Technology are required, the executive director of the  
27 Commonwealth Office of Technology shall review, expedite, and grant appropriate

1 exemptions to effectuate the purposes of the unified criminal justice information  
2 system. Nothing in this section shall be construed to hamper any public officer or  
3 official, agency, or organization of state or local government from furnishing  
4 information or data that they are required or requested to furnish and which they are  
5 allowed to procure by law, to the General Assembly, the Legislative Research  
6 Commission, or a committee of either. For the purposes of this section, "criminal  
7 justice agencies" include all departments of the Justice and Public Safety Cabinet  
8 except the Department ~~of~~ Public Advocacy, the Unified Prosecutorial System,  
9 Commonwealth's attorneys, county attorneys, the Transportation Cabinet, the  
10 Cabinet for Health and Family Services, and any agency with the authority to issue  
11 a citation or make an arrest.

12 (2) The program to design, implement, and maintain the system shall be under the  
13 supervision of the executive director of the Office of Homeland Security, in  
14 consultation with the executive director of the Commonwealth Office of  
15 Technology and the Administrative Office of the Courts.

16 (3) The executive director of the Office of Homeland Security, the executive director of  
17 the Commonwealth Office of Technology, and a representative of the  
18 Administrative Office of the Courts, or their respective designees, shall be  
19 responsible for recommending standards, policies, and other matters to the secretary  
20 of justice and public safety for promulgation of administrative regulations in  
21 accordance with KRS Chapter 13A to implement the policies, standards, and other  
22 matters relating to the system and its operation.

23 (4) The uniform policy shall include a system to enable the criminal justice agencies  
24 and the courts to share data stored in each other's information systems. Initially, the  
25 uniform policy shall maximize the use of existing databases and platforms through  
26 the use of a virtual database created by network linking of existing databases and  
27 platforms among the various departments. The uniform policy shall also develop

1 plans for the new open system platforms before the existing platforms become  
2 obsolete.

3 (5) All criminal justice and participating public safety agencies shall follow the policies  
4 established by administrative regulation for the exchange of data and connection to  
5 the system.

6 (6) The executive director of the Commonwealth Office of Technology shall review  
7 how changes to existing criminal justice agency applications impact the new  
8 integrated network. Changes to criminal justice agency applications that have an  
9 impact on the integrated network shall be coordinated through and approved by the  
10 executive director of the Office of Homeland Security, in consultation with the  
11 Commonwealth Office of Technology.

12 (7) Any future state-funded expenditures by a criminal justice agency for computer  
13 platforms in support of criminal justice applications shall be reviewed by the Office  
14 of Homeland Security and the Commonwealth Office of Technology.

15 (8) As part of the unified criminal justice information system, the executive director of  
16 the Office of Homeland Security, in consultation with the secretary of the Justice  
17 and Public Safety Cabinet, the executive director of the Commonwealth Office of  
18 Technology, and the Administrative Office of the Courts, shall design and  
19 implement an automated warrant system. The automated warrant system shall be  
20 compatible with any similar system required by the federal government for  
21 inclusion of state information in federal criminal justice databases.

22 (9) Any criminal justice and public safety agency that does not participate in the system  
23 may be denied access to state and federal grant funds.

24 ➔Section 7. KRS 17.150 is amended to read as follows:

25 (1) Every sheriff, chief of police, coroner, jailer, prosecuting attorney, probation officer,  
26 parole officer; warden or superintendent of a prison, reformatory, correctional  
27 school, mental hospital, or institution for the intellectually disabled; Department of

1 Kentucky State Police; state fire marshal; Board of Alcoholic Beverage Control;  
2 Cabinet for Health and Family Services; Transportation Cabinet; Department of  
3 Corrections; Department of Juvenile Justice; and every other person or criminal  
4 justice agency, except the Court of Justice and the Department ~~of~~ Public  
5 Advocacy, public or private, dealing with crimes or criminals or with delinquency  
6 or delinquents, when requested by the cabinet, shall:

- 7 (a) Install and maintain records needed for reporting data required by the cabinet;  
8 (b) Report to the cabinet as and when the cabinet requests all data demanded by it,  
9 except that the reports concerning a juvenile delinquent shall not reveal the  
10 juvenile's or the juvenile's parents' identity;  
11 (c) Give the cabinet or its accredited agent access for purpose of inspection; and  
12 (d) Cooperate with the cabinet to the end that its duties may be properly  
13 performed.

14 (2) Intelligence and investigative reports maintained by criminal justice agencies are  
15 subject to public inspection if prosecution is completed or a determination not to  
16 prosecute has been made. However, portions of the records may be withheld from  
17 inspection if the inspection would disclose:

- 18 (a) The name or identity of any confidential informant or information which may  
19 lead to the identity of any confidential informant;  
20 (b) Information of a personal nature, the disclosure of which will not tend to  
21 advance a wholesome public interest or a legitimate private interest;  
22 (c) Information which may endanger the life or physical safety of law  
23 enforcement personnel; or  
24 (d) Information contained in the records to be used in a prospective law  
25 enforcement action.

26 (3) When a demand for the inspection of the records is refused by the custodian of the  
27 record, the burden shall be upon the custodian to justify the refusal of inspection

1 with specificity. Exemptions provided by this section shall not be used by the  
2 custodian of the records to delay or impede the exercise of rights granted by this  
3 section.

4 (4) Centralized criminal history records are not subject to public inspection. Centralized  
5 history records mean information on individuals collected and compiled by the  
6 Justice and Public Safety Cabinet from criminal justice agencies and maintained in  
7 a central location consisting of identifiable descriptions and notations of arrests,  
8 detentions, indictments, information, or other formal criminal charges and any  
9 disposition arising therefrom, including sentencing, correctional supervision, and  
10 release. The information shall be restricted to that recorded as the result of the  
11 initiation of criminal proceedings or any proceeding related thereto. Nothing in this  
12 subsection shall apply to documents maintained by criminal justice agencies which  
13 are the source of information collected by the Justice and Public Safety Cabinet.  
14 Criminal justice agencies shall retain the documents and no official thereof shall  
15 willfully conceal or destroy any record with intent to violate the provisions of this  
16 section.

17 (5) The provisions of KRS Chapter 61 dealing with administrative and judicial  
18 remedies for inspection of public records and penalties for violations thereof shall  
19 be applicable to this section.

20 (6) The secretary of justice and public safety shall adopt the administrative regulations  
21 necessary to carry out the provisions of the criminal history record information  
22 system and to insure the accuracy of the information based upon recommendations  
23 submitted by the commissioner, Department of Kentucky State Police.

24 (7) The Administrative Office of the Courts may, upon suitable agreement between the  
25 Chief Justice and the secretary of justice and public safety, supply criminal justice  
26 information and data to the cabinet. No information, other than that required by  
27 KRS 27A.350 to 27A.420 and 27A.440, shall be solicited from a circuit clerk,

1 justice or judge, court, or agency of the Court of Justice unless the solicitation or  
2 request for information is made pursuant to an agreement which may have been  
3 reached between the Chief Justice and the secretary of justice and public safety.

4 ➔Section 8. KRS 27A.080 is amended to read as follows:

5 (1) The Administrative Office of the Courts shall be the primary repository of court  
6 records of juveniles charged with, arrested for, and against whom complaints have  
7 been filed, involving status offenses, public offenses, and youthful offender  
8 proceedings, together with all court records of the handling and disposition of those  
9 cases, and shall keep and maintain these records.

10 (2) The Administrative Office of the Courts shall make juvenile records available to the  
11 agencies and persons specified by law.

12 (3) All courts, law enforcement agencies, prosecutors, the Department of Juvenile  
13 Justice, the Cabinet for Health and Family Services, the Justice and Public Safety  
14 Cabinet, except the Department ~~of~~ Public Advocacy, and other agencies  
15 holding records coming within the purview of subsection (1) of this section shall  
16 make them available to the Administrative Office of the Courts in the manner and at  
17 the times specified by the Administrative Office of the Courts.

18 ➔Section 9. KRS 31.010 is amended to read as follows:

19 There is hereby established as an independent agency of state government, attached for  
20 administrative purposes to the Justice and Public Safety Cabinet, the Department ~~of~~  
21 Public Advocacy, in order to provide for the establishment, maintenance, and operation of  
22 a state-sponsored and controlled system for:

23 (1) The representation of indigent persons accused of crimes or mental states which  
24 may result in their incarceration or confinement; and

25 (2) The pursuit of legal, administrative, and other appropriate remedies to ensure the  
26 protection of the rights of persons with disabilities, independent of any agency that  
27 provides treatment, services, or rehabilitation to persons with disabilities. For the

1 purposes of this chapter, "persons with disabilities" shall refer to those persons  
2 eligible for protection and advocacy services under Public Laws 99-319, 102-569,  
3 103-218, 106-170, and 106-402 as amended and any other federal enabling statute  
4 hereafter enacted that defines the eligible client base for protection and advocacy  
5 services.

6 ➔Section 10. KRS 31.015 is amended to read as follows:

7 (1) (a) The Public Advocacy Commission shall consist of the following members,  
8 none of whom shall be a prosecutor, law enforcement official, or judge, who  
9 shall serve terms of four (4) years, except the initial terms shall be established  
10 as hereafter provided:

- 11 1. Two (2) members appointed by the Governor;
- 12 2. One (1) member appointed by the Governor. This member shall be a  
13 child advocate or a person with substantial experience in the  
14 representation of children;
- 15 3. Two (2) members appointed by the Kentucky Supreme Court;
- 16 4. Three (3) members, who are licensed to practice law in Kentucky and  
17 have substantial experience in the representation of persons accused of  
18 crime, appointed by the Governor from a list of three (3) persons  
19 submitted to him or her for each individual vacancy by the board of  
20 governors of the Kentucky Bar Association;
- 21 5. The dean, ex officio, of each of the law schools in Kentucky or his or her  
22 designee; and
- 23 6. One (1) member appointed by the Governor from a list of three (3)  
24 persons submitted to him or her by the joint advisory boards of the  
25 Protection and Advocacy Division of the Department ~~of~~ Public  
26 Advocacy.

27 (b) Any member of the commission serving prior to July 15, 2002, shall serve



1           until the expiration of his or her current term of office. Subsequent  
2           appointments shall be for a term of four (4) years from the date of expiration  
3           of the term for which his or her predecessor was appointed.

4       (2) At the first meeting of the commission, a drawing by lot shall be conducted to  
5       determine the length of each original member's term. Initially there shall be four (4)  
6       two (2) year terms, four (4) three (3) year terms, and four (4) four (4) year terms.  
7       Vacancies in the membership of the commission shall be filled in the same manner  
8       as original appointments. Appointments to fill vacancies occurring before the  
9       expiration of a term shall be for the remainder of the unexpired term.

10      (3) The commission shall first meet at the call of the Governor and thereafter as the  
11      commission shall determine on a regular basis, but at least quarterly, and shall be  
12      presided over by a chairperson elected by its members for a one (1) year term. A  
13      majority of commission members shall constitute a quorum, and decisions shall  
14      require the majority vote of those present; except that a recommendation to the  
15      Governor pertaining to the appointment, renewal of the appointment, or removal of  
16      the public advocate shall require a majority vote of the commission. Each member  
17      of the commission shall have one (1) vote, and voting by proxy shall be prohibited.

18      (4) The public advocate shall, upon appointment or renewal, be an ex officio member  
19      of the commission without the power to vote, shall serve as secretary of the  
20      commission, and shall be entitled to attend and participate in all meetings of the  
21      commission except discussions relating to renewal of his or her term or his or her  
22      removal.

23      (5) Commission members shall be reimbursed for reasonable and necessary expenses  
24      incurred while engaged in carrying out the duties of the commission and shall  
25      receive one hundred dollars (\$100) per day for each meeting attended unless  
26      prohibited by law from receiving such compensation.

27      (6) The commission shall:

- 1 (a) Receive applications, interview, and recommend to the Governor three (3)  
2 attorneys as nominees for appointment as the public advocate;
- 3 (b) Assist the public advocate in drawing up procedures for the selection of his or  
4 her staff;
- 5 (c) Review the performance of the public advocacy system and provide general  
6 supervision of the public advocate;
- 7 (d) Assist the Department ~~of~~ Public Advocacy in ensuring its independence  
8 through public education regarding the purposes of the public advocacy  
9 system; and
- 10 (e) Review and adopt an annual budget prepared by the public advocate for the  
11 system and provide support for budgetary requests to the General Assembly.
- 12 (7) In no event shall the commission or its members interfere with the discretion,  
13 judgment, or advocacy of employees of the Department ~~of~~ Public Advocacy in  
14 their handling of individual cases.
- 15 ➔Section 11. KRS 42.320 is amended to read as follows:
- 16 (1) There is hereby established the court cost distribution fund, which is created to  
17 provide a central account into which the court costs collected by all circuit clerks,  
18 under KRS 23A.205(1) and 24A.175(1), shall be paid.
- 19 (2) The fund shall be administered by the Finance and Administration Cabinet, which  
20 shall make monthly disbursements from the fund according to the following  
21 schedule:
- 22 (a) Forty-nine percent (49%) of each court cost shall be paid into the general  
23 fund;
- 24 (b) Ten and eight-tenths percent (10.8%) of each court cost, up to five million  
25 four hundred thousand dollars (\$5,400,000), shall be paid into the State  
26 Treasury for the benefit and use of the Kentucky Local Correctional Facilities  
27 Construction Authority under KRS 441.605 to 441.695;

- 1 (c) Six and one-half percent (6.5%) of each court cost, up to three million two  
2 hundred fifty thousand dollars (\$3,250,000), shall be paid into the spinal cord  
3 and head injury research trust fund created in KRS 211.504;
- 4 (d) Five and one-half percent (5.5%) of each court cost, up to two million seven  
5 hundred fifty thousand dollars (\$2,750,000), shall be paid into the traumatic  
6 brain injury trust fund created in KRS 211.476;
- 7 (e) Five percent (5%) of each court cost, up to two million five hundred thousand  
8 dollars (\$2,500,000), shall be paid into a trust and agency account with the  
9 Administrative Office of the Courts and is to be used by the circuit clerks to  
10 hire additional deputy clerks and to enhance deputy clerk salaries;
- 11 (f) Three and one-half percent (3.5%) of each court cost, up to one million seven  
12 hundred fifty thousand dollars (\$1,750,000), shall be paid to a special trust  
13 and agency account that shall not lapse for the Department ~~of~~ Public  
14 Advocacy;
- 15 (g) Three and four-tenths percent (3.4%) of each court cost, up to one million  
16 seven hundred thousand dollars (\$1,700,000), shall be paid into the crime  
17 victims' compensation fund created in KRS 346.185;
- 18 (h) Seven-tenths of one percent (0.7%) of each court cost, up to three hundred  
19 fifty thousand dollars (\$350,000), shall be paid to the Justice and Public  
20 Safety Cabinet to defray the costs of conducting record checks on prospective  
21 firearms purchasers pursuant to the Brady Handgun Violence Prevention Act  
22 and for the collection, testing, and storing of DNA samples;
- 23 (i) Ten and one-tenth percent (10.1%) of each court cost, up to five million fifty  
24 thousand dollars (\$5,050,000), deposited in the fund shall be paid to the  
25 county sheriff in the county from which the court cost was received; and
- 26 (j) Five and one-half percent (5.5%) of each court cost, up to two million seven  
27 hundred fifty thousand dollars (\$2,750,000), deposited in the fund shall be

1           paid to the county treasurer in the county from which the court cost was  
2           received and shall be used by the fiscal court in that county for the purposes of  
3           defraying the costs of operation of the county jail and the transportation of  
4           prisoners.

5       (3) Any moneys remaining in the fund after the monthly disbursements in subsection  
6       (2) of this section shall be paid into the general fund.

7       (4) Any moneys collected above the prescribed amount shall be paid into the general  
8       fund.

9       ➔Section 12. KRS 189A.050 is amended to read as follows:

10      (1) All persons convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall  
11      be sentenced to pay a service fee of three hundred seventy-five dollars (\$375),  
12      which shall be in addition to all other penalties authorized by law.

13      (2) The fee shall be imposed in all cases but shall be subject to the provisions of KRS  
14      534.020 relating to the method of imposition and KRS 534.060 as to remedies for  
15      nonpayment of the fee.

16      (3) The first fifty dollars (\$50) of each service fee imposed by this section shall be paid  
17      into the general fund, and the remainder of the revenue collected from the service  
18      fee imposed by this section shall be utilized as follows:

19      (a) Twelve percent (12%) of the amount collected shall be transferred to the  
20      Department of Kentucky State Police forensic laboratory for the acquisition,  
21      maintenance, testing, and calibration of alcohol concentration testing  
22      instruments and the training of laboratory personnel to perform these tasks;

23      (b) Twenty percent (20%) of the service fee collected pursuant to this section  
24      shall be allocated to the Department ~~of~~for Public Advocacy;

25      (c) One percent (1%) shall be transferred to the Prosecutor's Advisory Council for  
26      training of prosecutors for the prosecution of persons charged with violations  
27      of this chapter and for obtaining expert witnesses in cases involving the

1 prosecution of persons charged with violations of this chapter or any other  
2 offense in which driving under the influence is a factor in the commission of  
3 the offense charged;

4 (d) Sixteen percent (16%) of the amount collected shall be transferred as follows:

5 1. Fifty percent (50%) shall be credited to the traumatic brain injury trust  
6 fund established under KRS 211.476; and

7 2. Fifty percent (50%) shall be credited to the Cabinet for Health and  
8 Family Services, Department for Behavioral Health, Developmental and  
9 Intellectual Disabilities, for the purposes of providing direct services to  
10 individuals with brain injuries that may include long-term supportive  
11 services and training and consultation to professionals working with  
12 individuals with brain injuries. As funding becomes available under this  
13 subparagraph, the cabinet may promulgate administrative regulations  
14 pursuant to KRS Chapter 13A to implement the services permitted by  
15 this subparagraph;

16 (e) Any amount specified by a specific statute shall be transferred as provided in  
17 that statute;

18 (f) Forty-six percent (46%) of the amount collected shall be transferred to be  
19 utilized to fund enforcement of this chapter and for the support of jails,  
20 recordkeeping, treatment, and educational programs authorized by this chapter  
21 and by the Department ~~of~~for Public Advocacy; and

22 (g) The remainder of the amount collected shall be transferred to the general fund.

23 (4) The amounts specified in subsection (3)(a), (b), (c), and (d) of this section shall be  
24 placed in trust and agency accounts that shall not lapse.

25 ➔Section 13. KRS 194A.624 is amended to read as follows:

26 (1) The Advisory Council on Autism Spectrum Disorders is hereby created and shall be  
27 attached to the Office of Autism within the Cabinet for Health and Family Services

1 for administrative purposes.

- 2 (2) The Advisory Council on Autism Spectrum Disorders shall consist of the following  
3 members appointed by the Governor:
- 4 (a) One (1) representative from the Department for Public Health;
  - 5 (b) One (1) representative from the Department for Medicaid Services;
  - 6 (c) One (1) representative from the Department for Community Based Services;
  - 7 (d) One (1) representative from the Department ~~of~~for Public Advocacy;
  - 8 (e) One (1) representative from the Department of Education;
  - 9 (f) One (1) representative from the Department of Juvenile Justice;
  - 10 (g) One (1) representative from the Department for Behavioral Health,  
11 Developmental and Intellectual Disabilities;
  - 12 (h) One (1) representative from the Commission for Children with Special Health  
13 Care Needs;
  - 14 (i) One (1) parent or youth representative from the Commonwealth Council on  
15 Developmental Disabilities;
  - 16 (j) One (1) representative from the Kentucky Autism Training Center;
  - 17 (k) One (1) representative from the Office of Vocational Rehabilitation;
  - 18 (l) One (1) representative from the University of Louisville;
  - 19 (m) One (1) representative from the University of Kentucky Human Development  
20 Institute;
  - 21 (n) One (1) representative from the University of Kentucky;
  - 22 (o) One (1) representative from the Center for Autism Spectrum Evaluation,  
23 Service, and Research;
  - 24 (p) One (1) representative from the Education Professional Standards Board;
  - 25 (q) One (1) pediatrician representative;
  - 26 (r) One (1) representative from the Weisskopf Child Evaluation Center;
  - 27 (s) One (1) representative from the First Steps Program;

- 1 (t) One (1) representative from the Arc of Kentucky;
- 2 (u) The director of the Office of Autism;
- 3 (v) At least one (1) consumer representative, an adult with a diagnosis on the  
4 autism spectrum; and
- 5 (w) Five (5) citizen-at-large members.
- 6 (3) The co-chairs of the Advisory Council on Autism Spectrum Disorders shall be the  
7 representatives appointed by the Governor from the University of Kentucky and the  
8 University of Louisville.
- 9 (4) The Advisory Council on Autism Spectrum Disorders may invite individuals who  
10 are not members to serve on committees and workgroups.
- 11 (5) Appointed members of the Advisory Council on Autism Spectrum Disorders shall  
12 serve without compensation, but shall be reimbursed for actual expenses incurred in  
13 the performance of duties in accordance with KRS 45.101 and administrative  
14 regulations promulgated thereunder. Members of the council shall initially be  
15 appointed to serve staggered terms and thereafter shall be appointed to serve a term  
16 of four (4) years.
- 17 (6) The Cabinet for Health and Family Services, the Personnel Cabinet, the Finance and  
18 Administration Cabinet, and the Office of the State Budget Director shall take all  
19 necessary actions to effectuate this section.
- 20 (7) The Advisory Council on Autism Spectrum Disorders shall be responsible for:
- 21 (a) Promoting the vision for Kentucky's services and supports to persons on the  
22 autism spectrum and their families and advocating for improved quality and  
23 evidence-based practices for persons on the autism spectrum and their  
24 families;
- 25 (b) Promoting the early screening, identification, early intervention, and  
26 appropriate use of evidence-based practices and standards of care for persons  
27 on the autism spectrum across the lifespan;

- 1 (c) Strengthening state, regional, and local level collaboration and coordination  
2 with families, self-advocates, support groups, and state agencies to further  
3 coordinate, develop, and enhance the service delivery system for persons on  
4 the autism spectrum across the lifespan;
- 5 (d) Gathering and analyzing research and data to assess the quality and  
6 availability of programs and services for persons on the autism spectrum and  
7 providing recommendations on assessments, interventions, and treatment  
8 modalities across the lifespan;
- 9 (e) Developing recommendations for:
- 10 1. Increasing participation in existing federal, state, and local programs that  
11 serve children, youth, and adults on the autism spectrum;
- 12 2. Enhancing the current professional development and planning for future  
13 workforce development to incorporate research and evidence-based  
14 practices;
- 15 3. Establishing standards of care and undertaking efforts to ensure  
16 promotion of these standards statewide; and
- 17 4. Promoting the development of services and supports to transition youth  
18 and adults on the autism spectrum;
- 19 (f) Assessing the capacity and effectiveness of institutes of higher education in  
20 the state toward supporting the development of the workforce for persons on  
21 the autism spectrum;
- 22 (g) Requesting and utilizing federal, state, and private funds, including funds  
23 from philanthropic sources;
- 24 (h) Improving procedures for ensuring accountability and measuring success of  
25 programs that receive state, federal, and philanthropic funds;
- 26 (i) Obtaining reports and issuing progress updates on state and federally funded  
27 services that impact the quality of Kentucky's system of care for persons on



1 the autism spectrum;

2 (j) Completing a biennial report with the Office of Autism and submitting it to  
3 the Commonwealth Council on Developmental Disabilities, the Governor, and  
4 the Legislative Research Commission. The first report shall be due on or  
5 before September 30, 2017, and subsequent reports shall be due each  
6 September 30 in odd-numbered years thereafter; and

7 (k) Other duties and responsibilities as designated by the Governor.

8 ➔Section 14. KRS 196.288 is amended to read as follows:

9 (1) The department shall measure and document cost savings resulting from  
10 amendments to or creation of statutes in KRS Chapters 27A, 196, 197, 431, 439,  
11 532, 533, and 534 contained in 2011 Ky. Acts ch. 2. Measured and documented  
12 savings shall be reinvested or distributed as provided in this section.

13 (2) The department shall establish a baseline for measurement using the average  
14 number of inmates incarcerated at each type of penitentiary as defined in KRS  
15 197.010 and at local jails in fiscal year 2010-2011.

16 (3) The department shall determine the average cost of:

17 (a) Incarceration for each type of penitentiary as defined in KRS 197.010 and for  
18 local jails, including health care costs, transportation costs, and other related  
19 costs, for one (1) inmate for one (1) year for the immediately preceding fiscal  
20 year;

21 (b) Providing probation and parole services for one (1) parolee for one (1) year  
22 for the immediately preceding fiscal year; and

23 (c) Reentry services and peer support as a condition of parole for those with  
24 opiate addiction and other substance abuse disorders.

25 (4) Beginning with the budget request for the 2012-2014 fiscal biennium, savings shall  
26 be estimated from the baseline established in subsection (2) of this section as  
27 follows:

- 1 (a) The estimated average reduction of inmates due to mandatory reentry  
2 supervision as required by KRS 439.3406 multiplied by the appropriate  
3 average cost as determined in subsection (3)(a) of this section;
- 4 (b) The estimated average reduction of inmates due to accelerated parole hearings  
5 as required by KRS 439.340 multiplied by the appropriate average cost as  
6 determined in subsection (3)(a) of this section;
- 7 (c) The estimated average increase of parolees due to paragraphs (a) and (b) of  
8 this subsection multiplied by the average cost as determined in subsection  
9 (3)(b) of this section; and
- 10 (d) The estimated average reduction of parolees due to parole credit for good  
11 behavior as provided in KRS 439.345 multiplied by the average cost as  
12 determined in subsection (3)(b) of this section.
- 13 (5) The following amounts shall be allocated or distributed from the estimated amount  
14 of savings that would otherwise remain in the general fund:
- 15 (a) Twenty-five percent (25%) shall be distributed to the local corrections  
16 assistance fund established by KRS 441.207;
- 17 (b) Fifty percent (50%) shall be distributed for the following purposes:
- 18 1. To the department to provide or to contract for the provision of  
19 substance abuse treatment in county jails, regional jails, or other local  
20 detention centers that employ evidence-based practices in behavioral  
21 health treatment or medically assisted treatment for nonstate inmates  
22 with opiate addiction or other substance abuse disorders;
- 23 2. For KY-ASAP programs operating under KRS Chapter 15A in county  
24 jails or in facilities under the supervision of county jails that employ  
25 evidence-based behavioral health treatment or medically assisted  
26 treatment for inmates with opiate addiction or other substance abuse  
27 disorders;

- 1           3. To KY-ASAP to provide supplemental grant funding to community  
2           mental health centers for the purpose of offering additional substance  
3           abuse treatment resources through programs that employ evidence-based  
4           behavioral health treatment or medically assisted treatment;
  - 5           4. To KY-ASAP to address neonatal abstinence syndrome by providing  
6           supplemental grant funding to community substance abuse treatment  
7           providers to offer residential treatment services to pregnant women  
8           through programs that employ evidence-based behavioral health  
9           treatment or medically assisted treatment;
  - 10          5. To provide supplemental funding for traditional KY-ASAP substance  
11          abuse programming under KRS Chapter 15A;
  - 12          6. To the department for the purchase of an FDA-approved extended-  
13          release treatment for the prevention of relapse to opiate dependence with  
14          a minimum of fourteen (14) days' effectiveness with an opioid  
15          antagonist function for use as a component of evidence-based medically  
16          assisted treatment for inmates with opiate addiction or substance abuse  
17          disorders participating in a substance abuse treatment program operated  
18          or supervised by the department;
  - 19          7. To the Department ~~of~~<sup>for</sup> Public Advocacy to provide supplemental  
20          funding to the Social Worker Program for the purpose of creating  
21          additional social worker positions to develop individualized alternative  
22          sentencing plans; and
  - 23          8. To the Prosecutors Advisory Council to enhance the use of rocket  
24          docket prosecutions in controlled substance cases; and
- 25          (c) In enacting the budget for the department and the judicial branch, beginning in  
26          the 2012-2014 fiscal biennium and each fiscal biennium thereafter, the  
27          General Assembly shall:

- 1           1. Determine the estimated amount necessary for reinvestment in:
  - 2           a. Expanded treatment programs and expanded probation and parole
  - 3           services provided by or through the department; and
  - 4           b. Additional pretrial services and drug court case specialists
  - 5           provided by or through the Administrative Office of the Courts;
  - 6           and
- 7           2. Shall allocate and appropriate sufficient amounts to fully fund these
- 8           reinvestment programs.

9 (6) The amount of savings shall be estimated each year of the 2012-2014 fiscal  
10 biennium, and for each year of each fiscal biennium thereafter, as specified in  
11 subsection (4) of this section.

12 (7) (a) In submitting its budget request for the 2012-2014 fiscal biennium and each  
13 fiscal biennium thereafter, the department shall estimate the amount of  
14 savings measured under this section and shall request the amount necessary to  
15 distribute or allocate those savings as provided in subsection (5) of this  
16 section.

17 (b) In submitting its budget request for the 2012-2014 fiscal biennium and each  
18 fiscal biennium thereafter, the judicial branch shall request the amount  
19 necessary to distribute or allocate those savings as provided in subsection (5)  
20 of this section.

21 ➔Section 15. KRS 210.502 is amended to read as follows:

22 (1) There is created the Kentucky Commission on Services and Supports for  
23 Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual  
24 Diagnoses. The commission shall consist of:

25 (a) The secretary of the Cabinet for Health and Family Services;

26 (b) The secretary of the Justice and Public Safety Cabinet;

27 (c) The commissioner of the Department for Behavioral Health, Developmental

- 1                   and Intellectual Disabilities;
- 2           (d) The commissioner of the Department for Medicaid Services;
- 3           (e) The commissioner of the Department of Corrections;
- 4           (f) The commissioner of the Department of Juvenile Justice;
- 5           (g) The commissioner of the Department of Education;
- 6           (h) The executive director of the Office of Vocational Rehabilitation;
- 7           (i) The director of the Protection and Advocacy Division of the Department
- 8           ~~of~~ Public Advocacy;
- 9           (j) The director of the Division of Family Resource and Youth Services Centers;
- 10          (k) The commissioner of the Department for Aging and Independent Living of the
- 11          Cabinet for Health and Family Services;
- 12          (l) The executive director of the Office of Drug Control Policy;
- 13          (m) The director of the Administrative Office of the Courts;
- 14          (n) The chief executive officer of the Kentucky Housing Corporation;
- 15          (o) The executive director of the Office of Transportation Delivery of the
- 16          Transportation Cabinet;
- 17          (p) The commissioner of the Department of Public Health;
- 18          (q) Three (3) members of the House of Representatives who are members of the
- 19          Health and Welfare Committee or the Appropriations and Revenue
- 20          Committee, appointed by the Speaker of the House;
- 21          (r) Three (3) members of the Senate who are members of the Health and Welfare
- 22          Committee or the Appropriations and Revenue Committee, appointed by the
- 23          Senate President;
- 24          (s) A chairperson and one (1) alternate who is a chairperson of a regional
- 25          planning council appointed by the secretary of the Cabinet for Health and
- 26          Family Services from a list of five (5) chairpersons submitted by the Kentucky
- 27          Association of Regional Programs;

1 (t) A consumer and one (1) alternate who is a consumer of mental health or  
2 substance abuse services, who is over age eighteen (18), appointed by the  
3 secretary of the Cabinet for Health and Family Services from a list of up to  
4 three (3) consumers submitted by any consumer advocacy organization  
5 operating within Kentucky or submitted by any regional planning council  
6 established under KRS 210.506; and

7 (u) An adult family member and one (1) alternate who is an adult family member  
8 of a consumer of mental health or substance abuse services appointed by the  
9 secretary of the Cabinet for Health and Family Services from a list of up to  
10 three (3) persons submitted by any family advocacy organization operating  
11 within Kentucky or submitted by any regional planning council established  
12 under KRS 210.506.

13 (2) The secretary of the Cabinet for Health and Family Services and one (1) member of  
14 the General Assembly appointed to the commission shall serve as co-chairs of the  
15 commission.

16 (3) Members designated in subsection (1)(a) to (r) of this section shall serve during  
17 their terms of office.

18 (4) Members and alternates designated in subsection (1)(s) to (u) of this section shall  
19 serve a term of two (2) years and may be reappointed for one (1) additional term.  
20 These members may be reimbursed for travel expenses in accordance with  
21 administrative regulations governing reimbursement for travel for state employees.

22 ➔Section 16. KRS 387.860 is amended to read as follows:

23 The following definitions apply with respect to KRS 387.855 to 387.910:

24 (1) "Special needs person" means a person who, by reason of his or her disability,  
25 qualifies as a disabled individual under 42 U.S.C. sec. 1396p and whose disability is  
26 the basis for the exemption from Medicaid or Supplemental Security Income (SSI)  
27 transfer penalties, or both, either as an individual or as a special needs trust

1 beneficiary under 42 U.S.C. sec. 1396p;

2 (2) "Grantor" means an individual who is expressly empowered under 42 U.S.C. sec.  
3 1396p, or this chapter, to establish a special needs trust for a special needs person,  
4 and thus qualifies as a grantor. Further, any individual with standing to petition the  
5 court under KRS 387.865 may also serve as a grantor of a special needs trust;

6 (3) "Special needs trust" means a trust described in 42 U.S.C. sec. 1396p(d)(4)(A) or  
7 (C) which may receive assets of a special needs person or another person on behalf  
8 of the special needs person;

9 (4) "The court," for the purposes of KRS 387.855 to 387.910, means:

10 (a) Where the special needs person has acquired, or will be acquiring, assets  
11 which are the subject of any judicial proceedings, the court where such  
12 proceedings had been brought, or where such proceedings are pending; and

13 (b) In all other cases, in the District Court in the county where the special needs  
14 person resides; and

15 (5) "Interested parties," for the purposes of this chapter, means:

16 (a) Any individual who would have standing to petition the court for appointment  
17 as a legal guardian or conservator under this chapter;

18 (b) Any fiduciary of the special needs person, including but not limited to his or  
19 her legal guardian, conservator, attorney-in-fact, or trustee whether corporate  
20 or individual;

21 (c) If the special needs person is a ward of the state, the Protection and Advocacy  
22 Division of the Department ~~of~~ Public Advocacy; and

23 (d) If there is, or is believed to be, a Medicare or Medicaid lien, or subrogation  
24 rights with respect to the special needs person which have not been fully  
25 satisfied or discharged at the time the petition is filed, then the appropriate  
26 agency or other holder of such rights or claims.

27 ➔Section 17. KRS 422.285 is amended to read as follows:

- 1 (1) (a) Except as provided in paragraph (b) of this subsection, a person who was  
2 convicted of a capital offense, a Class A felony, a Class B felony, or any  
3 offense designated a violent offense under KRS 439.3401 and who meets the  
4 requirements of this section may at any time request the forensic  
5 deoxyribonucleic acid (DNA) testing and analysis of any evidence that is in  
6 the possession or control of the court or Commonwealth, that is related to the  
7 investigation or prosecution that resulted in the judgment of conviction and  
8 that may contain biological evidence.
- 9 (b) This subsection shall not apply to offenses under KRS Chapter 218A, unless  
10 the offense was accompanied by another offense outside of that chapter for  
11 which testing is authorized by paragraph (a) of this subsection.
- 12 (2) Upon receipt of a request under this section accompanied by a supporting affidavit  
13 containing sufficient factual averments to support the request from a person who  
14 meets the requirements of subsection (5)(f) of this section at the time the request is  
15 made for an offense to which the DNA relates, the court shall:
- 16 (a) If the petitioner is not represented by counsel, appoint the Department ~~of~~  
17 Public Advocacy to represent the petitioner for purposes of the request,  
18 pursuant to KRS 31.110(2)(c); or
- 19 (b) If the petitioner is represented by counsel or waives appointment of counsel in  
20 writing or if the Department ~~of~~ Public Advocacy has previously  
21 withdrawn from representation of the petitioner for purposes of the request,  
22 require the petitioner to deposit an amount certain with the court sufficient to  
23 cover the reasonable costs of the testing being requested.
- 24 (3) Counsel representing the petitioner shall be provided a reasonable opportunity to  
25 investigate the petitioner's request and shall be permitted to supplement the request.  
26 Pursuant to KRS 31.110(2)(c), the petitioner shall have no further right to counsel  
27 provided by the Department ~~of~~ Public Advocacy on the matter if counsel



1 determines that it is not a proceeding that a reasonable person with adequate means  
2 would be willing to bring at his or her own expense. If the Department ~~of~~for  
3 Public Advocacy moves to withdraw as counsel for petitioner and the court grants  
4 the motion, the court shall proceed as directed under subsection (2)(b) of this  
5 section.

6 (4) Upon receipt of the deposit required under subsection (2)(b) of this section or a  
7 motion from counsel provided by the Department ~~of~~for Public Advocacy to  
8 proceed, the court shall provide notice to the prosecutor and an opportunity to  
9 respond to the petitioner's request.

10 (5) After due consideration of the request and any supplements and responses thereto,  
11 the court shall order DNA testing and analysis if the court finds that all of the  
12 following apply:

13 (a) A reasonable probability exists that the petitioner would not have been  
14 prosecuted or convicted if exculpatory results had been obtained through  
15 DNA testing and analysis;

16 (b) The evidence is still in existence and is in a condition that allows DNA testing  
17 and analysis to be conducted;

18 (c) The evidence was not previously subjected to DNA testing and analysis or  
19 was not subjected to the testing and analysis that is now requested and may  
20 resolve an issue not previously resolved by the previous testing and analysis;

21 (d) Except for a petitioner sentenced to death, the petitioner was convicted of the  
22 offense after a trial or after entering an Alford plea;

23 (e) Except for a petitioner sentenced to death, the testing is not sought for touch  
24 DNA, meaning casual or limited contact DNA; and

25 (f) The petitioner is still incarcerated or on probation, parole, or other form of  
26 correctional supervision, monitoring, or registration for the offense to which  
27 the DNA relates.

- 1 (6) After due consideration of the request and any supplements and responses thereto,  
2 the court may order DNA testing and analysis if the court finds that all of the  
3 following apply:
- 4 (a) A reasonable probability exists that either:
- 5 1. The petitioner's verdict or sentence would have been more favorable if  
6 the results of DNA testing and analysis had been available at the trial  
7 leading to the judgment of conviction; or
- 8 2. DNA testing and analysis will produce exculpatory evidence;
- 9 (b) The evidence is still in existence and is in a condition that allows DNA testing  
10 and analysis to be conducted;
- 11 (c) The evidence was not previously subject to DNA testing and analysis or was  
12 not subjected to the testing and analysis that is now requested and that may  
13 resolve an issue not previously resolved by the previous testing and analysis;
- 14 (d) Except for a petitioner sentenced to death, the petitioner was convicted of the  
15 offense after a trial or after entering an Alford plea;
- 16 (e) Except for a petitioner sentenced to death, the testing is not sought for touch  
17 DNA, meaning casual or limited contact DNA; and
- 18 (f) The petitioner is still incarcerated or on probation, parole, or other form of  
19 correctional supervision, monitoring, or registration for the offense to which  
20 the DNA relates.
- 21 (7) The provisions of KRS 17.176 to the contrary notwithstanding, the petitioner shall  
22 pay the costs of all testing and analysis ordered under this section. If the court  
23 determines that the petitioner is a needy person using the standards set out in KRS  
24 31.120 and the Department ~~of~~ Public Advocacy so moves, the court shall treat  
25 the costs of testing and analysis as a direct expense of the defense for the purposes  
26 of authorizing payment under KRS 31.185.
- 27 (8) If the prosecutor or defense counsel has previously subjected evidence to DNA

1 testing and analysis, the court shall order the prosecutor or defense counsel to  
2 provide all the parties and the court with access to the laboratory reports that were  
3 prepared in connection with the testing and analysis, including underlying data and  
4 laboratory notes. If the court orders DNA testing and analysis pursuant to this  
5 section, the court shall order the production of any laboratory reports that are  
6 prepared in connection with the testing and analysis and may order the production  
7 of any underlying data and laboratory notes.

8 (9) If a petition is filed pursuant to this section, the court shall order the state to  
9 preserve during the pendency of the proceeding all evidence in the state's possession  
10 or control that could be subjected to DNA testing and analysis. The state shall  
11 prepare an inventory of the evidence and shall submit a copy of the inventory to the  
12 defense and the court. If the evidence is intentionally destroyed after the court  
13 orders its preservation, the court may impose appropriate sanctions, including  
14 criminal contempt.

15 (10) The court may make any other orders that the court deems appropriate, including  
16 designating any of the following:

17 (a) The preservation of some of the sample for replicating the testing and  
18 analysis; and

19 (b) Elimination samples from third parties.

20 (11) If the results of the DNA testing and analysis are not favorable to the petitioner, the  
21 court shall dismiss the petition. The court may make further orders as it deems  
22 appropriate, including any of the following:

23 (a) Notifying the Department of Corrections and the Parole Board;

24 (b) Requesting that the petitioner's sample be added to the Department of  
25 Kentucky State Police database; and

26 (c) Providing notification to the victim or family of the victim.

27 (12) Notwithstanding any other provision of law that would bar a hearing as untimely, if

1 the results of the DNA testing and analysis are favorable to the petitioner, the court  
2 shall order a hearing and make any further orders that are required pursuant to this  
3 section or the Kentucky Rules of Criminal Procedure.

4 ➔Section 18. KRS 605.035 is amended to read as follows:

- 5 (1) There is hereby created in each judicial district a family accountability, intervention,  
6 and response team that shall develop enhanced case management plans and  
7 opportunities for services for children referred to the team. The family  
8 accountability, intervention, and response team shall consist of not more than  
9 fifteen (15) persons.
- 10 (2) The membership of the team shall include the following representatives as  
11 appointed by their agencies or organizations:
- 12 (a) A court-designated worker in that judicial circuit or district;
  - 13 (b) The members of the regional interagency council specified in KRS  
14 200.509(1)(a) to (d) and (f), or corresponding members of the local  
15 interagency council if one exists;
  - 16 (c) A representative from the cabinet knowledgeable about services available  
17 through the cabinet and authorized to facilitate access to services;
  - 18 (d) A representative from the office of a county attorney within the judicial  
19 district;
  - 20 (e) A representative from the Department ~~of~~ Public Advocacy;
  - 21 (f) A representative from a local public school within the judicial district;
  - 22 (g) A representative of law enforcement; and
  - 23 (h) Other persons interested in juvenile justice issues, as identified by the family  
24 accountability, intervention, and response team, who are necessary for a  
25 complete representation of resources within each judicial circuit or district.
- 26 (3) A court-designated worker from within the judicial circuit or district shall lead the  
27 team and be responsible for convening and staffing the team.

- 1 (4) The team shall adopt a case management approach and process for reviewing:
- 2 (a) Referrals from the court-designated worker involving cases in which a child
- 3 has failed to appear for a preliminary intake inquiry, declined to enter into a
- 4 diversion agreement, or failed to complete the terms of the agreement; and
- 5 (b) Status offense cases if the court-designated worker, after reviewing the
- 6 complaint, has determined that no further action is necessary.
- 7 (5) After reviewing the actions taken by the court-designated worker, including
- 8 referrals made for the child and his or her family, efforts to address barriers to
- 9 successful completion, and whether other appropriate services are available to
- 10 address the needs of the child and his or her family, the team may:
- 11 (a) Refer the case back to the court-designated worker to take further action as
- 12 recommended by the team; or
- 13 (b) Advise the court-designated worker to refer the case to the county attorney if
- 14 the team has no further recommendations to offer.
- 15 ➔Section 19. The General Assembly hereby confirms Executive Order 2016-901,
- 16 dated December 19, 2016, to the extent it is not otherwise confirmed or superseded by
- 17 this Act.
- 18 ➔Section 20. KRS 439.550 is amended to read as follows:
- 19 (1) If any District Court places a person on probation following a conviction of crime,
- 20 either upon verdict or plea, the court may request~~direct~~ that the defendant be
- 21 under the supervision of the Department of Corrections.
- 22 (2) In counties containing an urban-county form of government, the urban-county
- 23 council shall provide for supervision of a person placed on probation or work
- 24 release by the District Court of the county following a conviction of crime, either
- 25 upon a verdict or plea, under the supervision of an adult misdemeanor probation
- 26 and work release agency of the urban-county government. The employees of the
- 27 agency shall be classified civil service employees of a correctional services division

1           created under KRS 67A.028 and shall be subject to the direction of the judges of the  
2           District Court in the performance of their duties. There shall be the number of  
3           employees of said agency, including clerical personnel, as necessary for the  
4           operation of the agency, and they shall receive reasonable salaries to be fixed by the  
5           urban-county council which salaries shall be paid out of the urban-county treasury.

6           ➔Section 21. 2017 Regular Session SB 120/EN is amended as follows:

7           On page 50, lines 14 and 15, delete "*Kentucky State Corrections Commission*" and  
8           insert "*Labor Cabinet*" in lieu thereof.