

1 AN ACT relating to juvenile justice and making an appropriation therefor.

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

3 ➔Section 1. KRS 15A.020 is amended to read as follows:

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

5 (a) Department of Corrections;

6 (b) Department of Criminal Justice Training, which shall have the following  
7 divisions:

8 1. Training Operations Division; and

9 2. Administrative Division;

10 (c) Department of Juvenile Justice, which shall have the following offices ***and***  
11 ***divisions:***

12 1. Office of Program Operations, which shall have the following divisions:

13 a. Division of Western Region;

14 b. Division of Eastern Region; and

15 c. Division of Placement Services;

16 2. Office of Support Services, which shall have the following divisions:

17 a. Division of Administrative Services;

18 b. Division of Program Services; and

19 c. ***Division of Professional Development***~~Division of Medical~~  
20 ~~Services~~; and

21 3. Office of Community and Mental Health Services, which shall have the  
22 following ***division***~~divisions~~:

23 a.~~Division of Professional Development; and~~

24 b.~~Division of Community and Mental Health Services;~~

25 **4. Office of Detention, which shall have the following division:**

26 **a. Division of Transportation; and**

27 **5. Division of Compliance;**

- 1 (d) Department of Kentucky State Police, which shall have the following offices  
2 and divisions:
- 3 1. Office of Administrative Services, which shall be headed by an  
4 executive director who shall be appointed by the commissioner of the  
5 Department of Kentucky State Police and who shall report to the  
6 commissioner;
- 7 a. Division of Operational Support, which shall be headed by a  
8 director who shall be appointed by the commissioner of the  
9 Department of Kentucky State Police and who shall report to the  
10 executive director of the Office of Administrative Services; and
- 11 b. Division of Management Services, which shall be headed by a  
12 director who shall be appointed by the commissioner of the  
13 Department of Kentucky State Police and who shall report to the  
14 executive director of the Office of Administrative Services;
- 15 2. Office of Operations, which shall be headed by an executive director  
16 who shall be appointed by the commissioner of the Department of  
17 Kentucky State Police and who shall report to the commissioner;
- 18 a. Division of West Troops, which shall be headed by a director who  
19 shall be appointed by the commissioner of the Department of  
20 Kentucky State Police and who shall report to the executive  
21 director of the Office of Operations;
- 22 b. Division of East Troops, which shall be headed by a director who  
23 shall be appointed by the commissioner of the Department of  
24 Kentucky State Police and who shall report to the executive  
25 director of the Office of Operations;
- 26 c. Division of Special Enforcement, which shall be headed by a  
27 director who shall be appointed by the commissioner of the

- 1 Department of Kentucky State Police and who shall report to the  
2 executive director of the Office of Operations; and
- 3 d. Division of Commercial Vehicle Enforcement, which shall be  
4 headed by a director who shall be appointed by the commissioner  
5 of the Department of Kentucky State Police and who shall report  
6 to the executive director of the Office of Operations; and
- 7 3. Office of Technical Services, which shall be headed by an executive  
8 director who shall be appointed by the commissioner of the Department  
9 of Kentucky State Police and who shall report to the commissioner;
- 10 a. Division of Forensic Services, which shall be headed by a director  
11 who shall have a minimum of a bachelor's degree in a natural  
12 science and at least seven (7) years of experience in an accredited  
13 forensic laboratory, who shall be appointed by the commissioner  
14 of the Department of Kentucky State Police, and who shall report  
15 to the executive director of the Office of Technical Services; and
- 16 b. Division of Information Technology, which shall be headed by a  
17 director who shall be appointed by the commissioner of the  
18 Department of Kentucky State Police and who shall report to the  
19 executive director of the Office of Technical Services; and
- 20 (e) Department of Public Advocacy, which shall have the following divisions:
- 21 1. Protection and Advocacy Division;  
22 2. Division of Law Operations;  
23 3. Division of Trial Services;  
24 4. Division of Post-Trial Services; and  
25 5. Division of Conflict Services.
- 26 (2) Each department, except for the Department of Public Advocacy, shall be headed  
27 by a commissioner who shall be appointed by the secretary of the Justice and Public

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

11 (3) The Justice and Public Safety Cabinet shall have the following offices and  
12 divisions:

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

19 (b) Office of Human Resource Management, which shall be headed by an  
20 executive director appointed pursuant to KRS 12.050 who shall be responsible  
21 to and report to the secretary and be responsible for all matters relating to  
22 human resources, and who, with the approval of the secretary, may employ  
23 such staff as necessary to perform the duties, functions, and responsibilities of  
24 the office;

25 1. Division of Human Resource Administration, which shall be headed by  
26 a director appointed pursuant to KRS 12.050 who shall report to the  
27 executive director of the Office of Human Resource Management; and

- 1           2.    Division of Employee Management, which shall be headed by a director  
2                    appointed pursuant to KRS 12.050 who shall report to the executive  
3                    director of the Office of Human Resource Management;
- 4           (c)   Office of Legal Services, which shall be headed by an executive director  
5                    appointed pursuant to KRS 12.050 and 12.210, that:
- 6                    1.    Shall provide legal representation and services for the cabinet; and  
7                    2.    May investigate all complaints regarding the facilities, staff, treatment  
8                            of juveniles, and other matters relating to the operation of the Justice  
9                            and Public Safety Cabinet. If it appears that there is a violation of  
10                           statutes, administrative regulations, policies, court decisions, the rights  
11                           of juveniles who are subject to the orders of the department, or any other  
12                           matter relating to the Justice and Public Safety Cabinet, the office shall  
13                           report to the secretary of the Justice and Public Safety Cabinet who  
14                           shall, if required, refer the matter to a law enforcement agency,  
15                           Commonwealth's attorney, county attorney, the Attorney General, or  
16                           federal agencies, as appropriate. The office may be used to investigate  
17                           matters in which there is a suspicion of violation of written policy,  
18                           administrative regulation, or statutory law within the Department of  
19                           Public Advocacy only when the investigation will have no prejudicial  
20                           impact upon a person who has an existing attorney-client relationship  
21                           with the Department of Public Advocacy. Notwithstanding the  
22                           provisions of this subparagraph, investigation and discipline of KRS  
23                           Chapter 16 personnel shall continue to be conducted by the Department  
24                           of Kentucky State Police pursuant to KRS Chapter 16. The office shall  
25                           conduct no other investigations under the authority granted in this  
26                           subparagraph. The secretary may, by administrative order, assign the  
27                           investigative functions in this subparagraph to a branch within the

1 office.

2 The executive director shall be directly responsible to and report to the  
3 secretary and, with the approval of the secretary, may employ such attorneys  
4 appointed pursuant to KRS 12.210 and other staff as necessary to perform the  
5 duties, functions, and responsibilities of the office;

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

14 (e) Office of Communications, which shall be headed by an executive director  
15 appointed by the secretary of the Justice and Public Safety Cabinet pursuant to  
16 KRS 12.050 who shall be responsible to report to the secretary and be  
17 responsible for all matters relating to communications, and who, with the  
18 approval of the secretary, may employ such staff as necessary to perform the  
19 duties, functions, and responsibilities of the office;

20 1. Information and Technology Services Division, which shall be headed  
21 by a director appointed by the secretary of the Justice and Public Safety  
22 Cabinet pursuant to KRS 12.050 who shall report to the executive  
23 director of the Office of Communications;

24 (f) Office of Financial Management Services, which shall be headed by an  
25 executive director appointed by the secretary of the Justice and Public Safety  
26 Cabinet pursuant to KRS 12.050 who shall be responsible to report to the  
27 secretary and be responsible for all matters relating to fiscal functions, and

1           who, with the approval of the secretary, may employ such staff as necessary  
2           to perform the duties, functions, and responsibilities of the office;

3           1.    Division of Financial Management, which shall be headed by a director  
4           appointed by the secretary of the Justice and Public Safety Cabinet  
5           pursuant to KRS 12.050 who shall report to the executive director of the  
6           Office of Financial Management Services;

7           (g)   Grants Management Division, which shall be headed by a director appointed  
8           by the secretary of the Justice and Public Safety Cabinet pursuant to KRS  
9           12.050 who shall be responsible to report to the secretary and be responsible  
10          for all matters relating to state and federal grants management, and who, with  
11          the approval of the secretary, may employ such staff as necessary to perform  
12          the duties, functions, and responsibilities of the office;

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

26          (i)   Office of Drug Control Policy, which shall be headed by an executive director  
27          appointed pursuant to KRS 12.050 who shall be responsible for all matters

1 relating to the research, coordination, and execution of drug control policy  
2 and for the management of state and federal grants, including but not limited  
3 to the prevention and treatment related to substance abuse. By December 31  
4 of each year, the Office of Drug Control Policy shall review, approve, and  
5 coordinate all current projects of any substance abuse program which is  
6 conducted by or receives funding through agencies of the executive branch.  
7 This oversight shall extend to all substance abuse programs which are  
8 principally related to the prevention or treatment, or otherwise targeted at the  
9 reduction, of substance abuse in the Commonwealth. The Office of Drug  
10 Control Policy shall promulgate administrative regulations consistent with  
11 enforcing this oversight authority. The executive director shall be directly  
12 responsible to and report to the secretary and may employ such staff as  
13 necessary to perform the duties, functions, and responsibilities of the office.

14 ➔Section 2. KRS 610.190 is amended to read as follows:

- 15 (1) The law relating to the persons by whom and the circumstances under which a  
16 person may be arrested for a public offense shall be applicable to children, but the  
17 taking of a child into custody under such law shall not be termed an arrest until the  
18 court has made the decision to try the child in Circuit or District Court as an adult.  
19 The law relating to bail shall ~~not~~ be applicable to children detained in accordance  
20 with this chapter ~~unless the child is subject to being tried in Circuit or District~~  
21 ~~Court as an adult~~.
- 22 (2) A peace officer may take a child into protective custody if the officer suspects the  
23 child to be a runaway. A child taken into protective custody under this subsection  
24 shall not be considered to have been arrested and may be held at the locations  
25 specified in KRS 610.220(1), after which the officer shall proceed with an initial  
26 investigation as provided for in KRS 610.200.
- 27 (3) When a child is taken into custody by a person other than a peace officer, such



1 person shall as soon as possible place the child in the custody of a peace officer.

2 ➔Section 3. KRS 610.200 is amended to read as follows:

3 (1) When a peace officer has taken or received a child into custody on a charge of  
4 committing an offense, the officer shall immediately inform the child of his  
5 constitutional rights and afford him the protections required thereunder, notify the  
6 parent, or if the child is committed, the Department of Juvenile Justice or the  
7 cabinet, as appropriate, and if the parent is not available, then a relative, guardian,  
8 or person exercising custodial control or supervision of the child, that the child has  
9 been taken into custody, give an account of specific charges against the child,  
10 including the specific statute alleged to have been violated, and the reasons for  
11 taking the child into custody.

12 (2) (a) When a peace officer has taken or received a child into protective custody on  
13 suspicion of being a runaway, the officer shall immediately notify:

14 1. The child's parent, guardian, or person exercising custodial control or  
15 supervision of the child, if determined;

16 2. The cabinet or Department of Juvenile Justice, if appropriate; and

17 3. The court-designated worker.

18 (b) If the parent, guardian, or other person exercising custodial control or  
19 supervision is identified and notified, the peace officer may retain custody of  
20 the child for a reasonable period to allow the person notified the opportunity  
21 to arrive at the officer's location and collect the child.

22 (c) If the parent, guardian, or other person exercising custodial control or  
23 supervision cannot be identified or located, the peace officer may retain  
24 custody of the child for a period of time not to exceed two (2) hours to  
25 continue his or her investigation.

26 (d) If, at the conclusion of the peace officer's investigation, the parent, guardian,  
27 or person exercising custodial control or supervision of the child is identified

1 and notified, the peace officer shall return the child to the custody of that  
2 person and shall file a status offense case with the court-designated worker.

3 (e) If, at the conclusion of the peace officer's investigation, the parent, guardian,  
4 or person exercising custodial control or supervision of the child cannot be  
5 identified or located, or that person refuses to collect the child, the peace  
6 officer shall file a complaint pursuant to KRS 610.012.

7 (3) Unless the child is subject to trial as an adult or unless the nature of the offense or  
8 other circumstances are such as to indicate the necessity of retaining the child in  
9 custody, the officer shall release the child to the custody of his parent or if the child  
10 is committed, the Department of Juvenile Justice or the cabinet, as appropriate; or if  
11 the parent is not available, then a relative, guardian, or person exercising custodial  
12 control or supervision or other responsible person or agency approved by the court  
13 upon the written promise, signed by such person or agency, to bring the child to the  
14 court at a stated time or at such time as the court may order. The written promise,  
15 accompanied by a written report by the officer, shall be submitted forthwith to the  
16 court or court-designated worker and shall detail the reasons for having taken  
17 custody of the child, the release of the child, the person to whom the child was  
18 released, and the reasons for the release.

19 (4) (a) If the person fails to produce the child as agreed or upon notice from the  
20 Court as provided in subsection (3) of this section, **a summons shall be issued**  
21 **to the person to show cause why that person failed to produce the child; or,**  
22 **if the child is accused of committing a public offense,** a summons, warrant,  
23 or custody order may be issued for the apprehension of the person or of the  
24 child, or both.

25 (b) If the person notified to collect a suspected runaway pursuant to subsection  
26 (2)(a) of this section fails or refuses to collect the child, the peace officer shall  
27 notify the county attorney, who may file a charge of endangering the welfare

1 of a minor, and the cabinet.

2 (5) The release of a child pursuant to this section shall not preclude a peace officer  
3 from proceeding with a complaint against a child or any other person.

4 (6) Unless the child is subject to trial as an adult, if the child is not released, the peace  
5 officer shall contact the court-designated worker who may:

6 (a) Release the child to his parents;

7 (b) Release the child to such other persons or organizations as are authorized by  
8 law;

9 (c) Release the child to either of the above subject to stated conditions; or

10 (d) Except as provided in subsection (7) of this section, authorize the peace  
11 officer to retain custody of the child for an additional period not to exceed  
12 twelve (12) hours during which the peace officer may transport the child to a  
13 secure juvenile detention facility or a nonsecure facility. If the child is  
14 retained in custody, the court-designated worker shall give notice to the  
15 child's parents or person exercising custodial control or supervision of the fact  
16 that the child is being retained in custody.

17 (7) (a) Except as provided in paragraph (b) of this subsection, no child ten (10) years  
18 of age or under shall be taken to or placed in a juvenile detention facility.

19 (b) Any child ten (10) years of age or under who has been charged with the  
20 commission of a capital offense or with an offense designated as a Class A or  
21 Class B felony may be taken to or placed in a secure juvenile detention  
22 facility or youth alternative center when there is no available less restrictive  
23 alternative.

24 ➔Section 4. KRS 610.265 is amended to read as follows:

25 (1) (a) Any child who is alleged to be a status offender or who is accused of being in  
26 contempt of court on an underlying finding that the child is a status offender  
27 **shall not be detained pending a detention hearing.**

- 1       **(b) Any child who is alleged to have committed a public offense that would be a**  
 2       **Class B misdemeanor if committed by an adult or who is accused of being**  
 3       **in contempt of court on an underlying public offense that would be a Class**  
 4       **B misdemeanor if committed by an adult shall not be detained pending a**  
 5       **detention hearing.** ~~[may be detained in a nonsecure facility or a secure~~  
 6       ~~juvenile detention facility for a period of time not to exceed twenty-four (24)~~  
 7       ~~hours, exclusive of weekends and holidays, pending a detention hearing.]~~
- 8       **(c) Any child who is accused of committing a public offense *that would be a***  
 9       **Class A misdemeanor or a felony if committed by an adult** or of being in  
 10       contempt of court on an underlying public offense **that would be a Class A**  
 11       **misdemeanor or a felony if committed by an adult** may be detained in a  
 12       secure juvenile detention facility or a nonsecure setting approved by the  
 13       Department of Juvenile Justice for a period of time not to exceed forty-eight  
 14       (48) hours, exclusive of weekends and holidays, pending a detention hearing.
- 15       (2) Within the period of detention described in subsection (1) of this section, exclusive  
 16       of weekends and holidays, a detention hearing shall be held by the judge or trial  
 17       commissioner of the court for the purpose of determining whether the child shall be  
 18       further detained. At the hearing held pursuant to this subsection, the court shall  
 19       consider the nature of the offense, the child's background and history, and other  
 20       information relevant to the child's conduct or condition.
- 21       (3) If the court orders a child detained further, that detention shall be served as follows:
- 22       (a) If the child is charged with a capital offense, Class A felony, or Class B  
 23       felony, detention shall occur in a secure juvenile detention facility pending the  
 24       child's next court appearance subject to the court's review of the detention  
 25       order prior to that court appearance;
- 26       (b) Except as provided in KRS 630.080**(1)**~~[(2)]~~, if it is alleged that the child is a  
 27       status offender, the child **shall not**~~[may]~~ be detained~~[ in a secure juvenile~~

1           detention facility for a period not to exceed twenty four (24) hours after which  
2           detention shall occur in a nonsecure setting approved by the Department of  
3           Juvenile Justice pending the child's next court appearance subject to the  
4           court's review of the detention order prior to the next court appearance];

5           (c) If a status offender or a child alleged to be a status offender is charged with  
6           violating a valid court order, the child ***shall not***[may] be detained[ in a secure  
7           juvenile detention facility, or in a nonsecure setting approved by the  
8           Department of Juvenile Justice, for a period not to exceed forty eight (48)  
9           hours, exclusive of weekends and holidays, pending the child's next court  
10          appearance;

11          (d) ~~Prior to ordering a status offender or alleged status offender who is subject to~~  
12          ~~a valid court order securely detained because the child violated the valid court~~  
13          ~~order, the court shall:~~

14           1. ~~Affirm that the requirements for a valid court order were met at the time~~  
15           ~~the original order was issued;~~

16           2. ~~Make a determination during the adjudicatory hearing that the child~~  
17           ~~violated the valid court order; and~~

18           3. ~~Within forty eight (48) hours after the adjudicatory hearing on the~~  
19           ~~violation of a valid court order by the child, exclusive of weekends and~~  
20           ~~holidays, receive and review a written report prepared by an appropriate~~  
21           ~~public agency that reviews the behavior of the child and the~~  
22           ~~circumstances under which the child was brought before the court,~~  
23           ~~determines the reasons for the child's behavior, and determines whether~~  
24           ~~all dispositions other than secure detention have been exhausted or are~~  
25           ~~inappropriate. If a prior written report is included in the child's file, that~~  
26           ~~report shall not be used to satisfy this requirement. The child may be~~  
27           ~~securely detained for a period not to exceed forty eight (48) hours,~~

1                   ~~exclusive of weekends and holidays, pending receipt and review of the~~  
 2                   ~~report by the court. The hearing shall be conducted in accordance with~~  
 3                   ~~the provisions of KRS 610.060. The findings required by this subsection~~  
 4                   ~~shall be included in any order issued by the court which results in the~~  
 5                   ~~secure or nonsecure detention of a status offender]; and~~

6           (d)(e) If the child is charged with a public offense **that would be a Class A**  
 7                   **misdemeanor or felony if committed by an adult**, or contempt on a public  
 8                   offense **that would be a Class A misdemeanor or felony if committed by an**  
 9                   **adult**,~~[ and the county in which the case is before the court is served by a state~~  
 10                   ~~operated secure detention facility under the statewide detention plan,] the~~  
 11                   child shall be referred to the Department of Juvenile Justice for a security  
 12                   assessment and placement in an approved detention facility or program  
 13                   pending the child's next court appearance.

14 (4) If, at the hearing conducted under subsection (2) of this section, the court conducts  
 15                   an adjudicatory hearing on the merits of a violation of a valid court order, that  
 16                   hearing shall conform to the requirements of KRS 630.080.

17 (5) If the detention hearing is not held as provided in subsection ~~(2)~~(1) of this section,  
 18                   the child shall be released as provided in KRS 610.290.

19 (6) If the child is not released, the court-designated worker shall notify the parent,  
 20                   person exercising custodial control or supervision, a relative, guardian, or other  
 21                   responsible adult, and the Department of Juvenile Justice or the cabinet, as  
 22                   appropriate.

23           ➔Section 5. KRS 610.266 is amended to read as follows:

24           The following persons shall not be detained in a secure juvenile detention facility:

25           (1) A nonoffender; ~~{or}~~

26           (2) Any child charged with a violation of a statute or local ordinance pertaining to  
 27                   curfew;

1 (3) Any child alleged to have committed a status offense; or

2 (4) Any child alleged to have committed a public offense that would be a Class B  
 3 misdemeanor if committed by an adult.

4 ➔Section 6. KRS 630.010 is amended to read as follows:

5 In addition to those purposes set forth in KRS 600.010, this chapter shall be interpreted  
 6 and construed to effectuate the following purposes regarding status offenders:

- 7 (1) The Commonwealth's courts shall utilize a separate and distinct set of guidelines for  
 8 status offenders which reflect their individual needs;
- 9 (2) It shall be declared to be the policy of this Commonwealth that all its efforts and  
 10 resources be directed at involving the child and the family in remedying the  
 11 problem for which they have been referred;
- 12 (3) Status offenders shall not be detained~~[ in secure juvenile detention facilities or~~  
 13 ~~juvenile holding facilities after the initial detention hearing unless the child is~~  
 14 ~~accused of, or has an adjudication that the child has violated a valid court order, in~~  
 15 ~~which case the child may be securely detained for up to forty eight (48) hours,~~  
 16 ~~exclusive of weekends and holidays, pending receipt of the written report required~~  
 17 ~~under KRS 630.080(4). Any period of secure detention prior to the detention~~  
 18 ~~hearing shall not exceed twenty four (24) hours, exclusive of weekends and~~  
 19 ~~holidays];~~
- 20 (4) Status offenders accused of violating a valid court order shall not be ~~[securely~~  
 21 ~~]detained[ in intermittent holding facilities];~~ and
- 22 (5) Status offenders accused of or found guilty of violating a valid court order shall not  
 23 be converted into public offenders by virtue of this conduct.

24 ➔Section 7. KRS 630.030 is amended to read as follows:

25 Under the provisions of this chapter a child may be taken into custody by any peace  
 26 officer~~[-~~

27 ~~(1) Pursuant to an order of the court for failure to appear before the court for a previous~~

1 ~~status offense; or~~

2 ~~(2)~~ if there are reasonable grounds to believe that the child has been an habitual  
3 runaway from his parent or person exercising custodial control or supervision of the  
4 child.

5 ➔Section 8. KRS 630.040 is amended to read as follows:

6 Any person taking a child into custody, with all reasonable speed, shall in this sequence:

7 (1) Deliver the child suffering from a physical condition or illness which requires  
8 prompt medical treatment to a medical facility or physician. Children suspected of  
9 having a mental or emotional illness shall be evaluated in accordance with the  
10 provisions of KRS Chapter 645;

11 (2) Contact a court designated worker who shall have the responsibility for determining  
12 appropriate placement pursuant to subsection (6) of Section 3 of this Act~~KRS~~  
13 ~~610.200(5)~~;

14 ~~(3) If the court designated worker determines that the placements designated in KRS~~  
15 ~~610.200(5) and subsection (1) of this section have been exhausted or are not~~  
16 ~~appropriate, a child may be delivered to a secure juvenile detention facility, a~~  
17 ~~juvenile holding facility, or a nonsecure setting approved by the Department of~~  
18 ~~Juvenile Justice pending the detention hearing;~~

19 ~~(4)~~ When the child has not been released to his parents or person exercising custodial  
20 control or supervision, the person taking the child into custody shall make a  
21 reasonable effort promptly to give oral notice to the parent or person exercising  
22 custodial control or supervision of the child;

23 ~~(4)~~~~(5)~~ In all instances the peace officer taking a child into custody shall provide a  
24 written statement to the court designated worker of the reasons for taking the child  
25 into custody;

26 ~~(5)~~~~(6)~~ If the child is placed in an emergency shelter or medical facility, during the  
27 adjudication and disposition of his case, the court may order his parents to be



1 responsible for the expense of his care; and

2 ~~(6)~~~~(7)~~ The peace officer taking the child into custody shall within three (3) hours of  
3 taking a child into custody file a complaint with the court, stating the basis for  
4 taking the child into custody and the reason why the child was not released to the  
5 parent or other adult exercising custodial control or supervision of the child, relative  
6 or other responsible adult, a court designated agency, an emergency shelter or  
7 medical facility. Pending further disposition of the case, the court or the court  
8 designated worker may release the child to the custody of any responsible adult  
9 who can provide adequate care and supervision.

10 ➔Section 9. KRS 630.070 is amended to read as follows:

11 No status offender shall be placed in a ~~secure~~ juvenile detention facility or juvenile  
12 holding facility as a means or form of punishment ***including for***~~except following~~ a  
13 finding that the status offender has violated a valid court order.

14 ➔Section 10. KRS 630.080 is amended to read as follows:

15 (1) ~~In order for the court to detain a child after the detention hearing, the~~  
16 ~~Commonwealth shall establish probable cause at the detention hearing that the child~~  
17 ~~is a status offender and that further detention of the child is necessary for the~~  
18 ~~protection of the child or the community. If the Commonwealth fails to establish~~  
19 ~~probable cause that the child is a status offender, the complaint shall be dismissed~~  
20 ~~and the child shall be released. If the Commonwealth establishes probable cause~~  
21 ~~that the child is a status offender, but that further detention of the child is not~~  
22 ~~necessary for the protection of the child or the community, the child shall be~~  
23 ~~released to the parent or person exercising custodial control or supervision of the~~  
24 ~~child. If grounds are established that the child is a status offender, and that further~~  
25 ~~detention is necessary, the child may be placed in a nonsecure setting approved by~~  
26 ~~the Department of Juvenile Justice;~~

27 ~~(2)~~ A status offender may be securely detained if the cabinet has initiated or intends to

1 initiate transfer of the youth by competent document under the provisions of the  
2 interstate compact pursuant to KRS Chapter 615~~;~~

3 ~~(3) The appropriate public agency shall:~~

4 ~~(a) Within twenty four (24) hours, exclusive of weekends and holidays, of~~  
5 ~~receiving notification, as provided in KRS 15A.305(3), that a status offender~~  
6 ~~or alleged status offender has been detained on the allegation that the child~~  
7 ~~has violated a valid court order, meet with and interview the child; and~~

8 ~~(b) Within forty eight (48) hours, exclusive of weekend and holidays, of the~~  
9 ~~detention hearing required under KRS 610.265, prepare and deliver to the~~  
10 ~~court the completed written report required by subsection (4) of this section~~  
11 ~~and KRS 610.265 if the child remains in detention after the detention hearing,~~  
12 ~~and prior to the disposition hearing if the child has not been detained; and~~

13 ~~(4) A status offender or alleged status offender who is subject to a valid court order~~  
14 ~~may be securely detained upon a finding that the child violated the valid court order~~  
15 ~~if the court does the following prior to ordering that detention:~~

16 ~~(a) Affirms that the requirements for a valid court order were met at the time the~~  
17 ~~original order was issued;~~

18 ~~(b) Makes a determination during the adjudicatory hearing that the child violated~~  
19 ~~the valid court order; and~~

20 ~~(c) Within forty eight (48) hours after the adjudicatory hearing on the violation of~~  
21 ~~a valid court order by the child, exclusive of weekends and holidays, the court~~  
22 ~~receives and reviews a written report prepared by an appropriate public~~  
23 ~~agency that reviews the behavior of the child and the circumstances under~~  
24 ~~which the child was brought before the court, determines the reasons for the~~  
25 ~~child's behavior, and determines whether all dispositions other than secure~~  
26 ~~detention have been exhausted or are inappropriate. If a prior written report is~~  
27 ~~included in the child's file, that report shall not be used to satisfy this~~

1            requirement. The child may be securely detained for a period not to exceed  
2            forty-eight (48) hours, exclusive of weekends and holidays, pending receipt  
3            and review of the report by the court. The hearing shall be conducted in  
4            accordance with the provisions of KRS 610.060. The findings required by this  
5            subsection shall be included in any order issued by the court which results in  
6            the secure or nonsecure detention of a status offender].

7            ➔ Section 11. KRS 630.100 is amended to read as follows:

8            ~~[Except as otherwise provided in this chapter and KRS Chapter 610,]~~ No child alleged to  
9            be or adjudicated as a status offender shall be ~~[securely]~~ detained.

10           ➔ Section 12. KRS 635.055 is amended to read as follows:

11           **(1)** No child who is found to be in contempt of court shall be committed as a public  
12           offender as a result of such finding, nor detained because of such finding in a  
13           facility other than a secure juvenile detention facility, youth alternative center, an  
14           alternative to detention program approved by the Department of Juvenile Justice, or  
15           a nonsecure detention alternative. An order of detention for a child found in  
16           contempt shall not exceed thirty (30) days.

17           **(2)** *Any child who is accused of being in contempt of court on an underlying finding*  
18           *that the child is a status offender shall not be detained.*

19           **(3)** *Any child who is accused of being in contempt of court on an underlying public*  
20           *offense that would be a Class B misdemeanor if committed by an adult shall not*  
21           *be detained.*

22           ➔ Section 13. KRS 635.060 is amended to read as follows:

23           If in its decree the juvenile court finds that the child comes within the purview of this  
24           chapter, the court, at the dispositional hearing, may impose any combination of the  
25           following, except that the court shall, if a validated risk and needs assessment tool is  
26           available, consider the validated risk and needs assessment submitted to the court and  
27           parties by the Department of Juvenile Justice or other agency before imposing any

1 disposition:

2 (1) Order the child or his parents, guardian, or person exercising custodial control to  
3 make restitution or reparation to any injured person to the extent, in the sum and  
4 upon the conditions as the court determines. However, no parent, guardian, or  
5 person exercising custodial control shall be ordered to make restitution or  
6 reparation unless the court has provided notice of the hearing, provided opportunity  
7 to be heard, and made a finding that the person's failure to exercise reasonable  
8 control or supervision was a substantial factor in the child's delinquency;

9 (2) (a) Place the child:

10 1. Under parental supervision in the child's own home or in a suitable  
11 home or boarding home, upon the conditions that the court shall  
12 determine, or

13 2. On probation under conditions that the court shall determine.

14 (b) 1. At the time the child is placed on probation, the court shall explain to  
15 the child the sanctions which may be imposed if the court's conditions  
16 are violated, and shall include notice of those sanctions as part of its  
17 written order of probation. A child placed on probation shall be subject  
18 to the visitation and supervision of a probation officer or an employee of  
19 the Department of Juvenile Justice.

20 2. The conditions of probation shall include authorization for the use of  
21 graduated sanctions prior to a court review for the imposition of a term  
22 of detention. If the court has previously imposed graduated sanctions for  
23 a violation of conditions of supervision by a child monitored by the  
24 court, or makes a finding that the graduated sanctions have previously  
25 been imposed for a child on probation, then the court may impose a  
26 sanction of up to thirty (30) days' detention for a violation of the  
27 conditions of supervision or probation, unless the child has been

1                    *adjudicated for an offense that would be a Class B misdemeanor if*  
2                    *committed by an adult.* A court may not impose detention prior to use  
3                    of graduated sanctions unless there is clear and convincing evidence that  
4                    there are no graduated sanctions available that are appropriate for the  
5                    child and the child is an immediate threat to himself or others. *A court*  
6                    *shall not impose detention if the child was placed on probation for an*  
7                    *offense that would be a Class B misdemeanor if committed by an*  
8                    *adult. A court shall not impose detention for a probation violation for*  
9                    *an individual older than eighteen (18) years and four (4) months.*

10                  Except where commitment has been probated pursuant to subsection (5)  
11                  of this section, a child may not be committed or recommitted to the  
12                  Department of Juvenile Justice for a violation of a condition of  
13                  probation.

14                  (c) A child placed on probation or supervision with court monitoring shall remain  
15                  subject to the jurisdiction of the court as follows, except that if a person is  
16                  placed on probation after the person reaches the age of seventeen (17) years  
17                  and six (6) months, the probation shall be for a period not to exceed one (1)  
18                  year:

19                  1. If the child was adjudicated for an offense that would be a violation if  
20                  committed by an adult, the period of probation or supervision shall not  
21                  exceed thirty (30) days, except that the court may order up to three (3)  
22                  months of supervision if the court-ordered treatment includes a program  
23                  that requires longer than thirty (30) days to complete;

24                  2. If the child was adjudicated for an offense that would be a misdemeanor  
25                  if committed by an adult, other than an offense for which a child has  
26                  been declared a juvenile sex offender under KRS 635.510 or an offense  
27                  involving a deadly weapon, the period of probation or supervision shall

1 not exceed six (6) months, except that the court may order up to twelve  
2 (12) months of supervision if the court-ordered substance abuse or  
3 mental health treatment includes a program that requires longer than six  
4 (6) months to complete;

5 3. If the child was adjudicated for an offense that would be a Class D  
6 felony if committed by an adult, other than an offense for which a child  
7 has been declared a juvenile sex offender under KRS 635.510 or an  
8 offense involving a deadly weapon, the period of probation or  
9 supervision shall not exceed twelve (12) months; or

10 4. If the child was adjudicated for an offense that would be a felony  
11 offense if committed by an adult, other than a Class D felony offense, or  
12 for an offense involving a deadly weapon, or for an offense in which the  
13 child has not been declared a sexual offender pursuant to KRS 635.510,  
14 the child may be placed on probation up to age eighteen (18);

15 (3) (a) If the child was adjudicated for an offense other than an offense that would be  
16 a violation or Class B misdemeanor if committed by an adult, order the child  
17 confined in an approved secure detention facility or detention program, as  
18 authorized by KRS Chapter 15A, as follows:

19 1. If the child is fourteen (14) years of age but less than sixteen (16) years  
20 of age, the child may be confined for a period of time not to exceed  
21 forty-five (45) days; or

22 2. If the child is sixteen (16) years of age or older, the child may be  
23 confined for a period of time not to exceed ninety (90) days.

24 No child shall be confined beyond the age of eighteen (18) years and five (5)  
25 months pursuant to this subsection.

26 (b) The Department of Juvenile Justice shall pay for the confinement of children  
27 confined pursuant to this subsection~~[ in accordance with the statewide~~

1 ~~detention plan and administrative regulations implementing the plan];~~

2 (4) (a) Order the child to be committed or recommitted to the custody of the  
3 Department of Juvenile Justice, grant guardianship to a child-caring facility or  
4 a child-placing agency authorized to care for the child, or place the child  
5 under the custody and supervision of a suitable person if:

6 1. The child was adjudicated for an offense that would be a misdemeanor  
7 or Class D felony if committed by an adult and the child has at least  
8 three (3) prior adjudications, excluding prior adjudications of offenses  
9 designated as a violation, or at least four (4) prior adjudications of  
10 violations, which do not arise from the same course of conduct; or

11 2. The child was adjudicated for an offense involving a deadly weapon, an  
12 offense in which the child has been declared a juvenile sexual offender  
13 under KRS 635.510, or an offense that would be a felony offense if  
14 committed by an adult, other than a Class D felony.

15 (b) The commitment shall be for the following term, subject to KRS 635.070 and  
16 the power of the court to terminate the order and discharge the child prior  
17 thereto:

18 1. If the child was adjudicated for an offense that would be a misdemeanor  
19 if committed by an adult, other than an offense for which a child has  
20 been declared a juvenile sex offender under KRS 635.510 or an offense  
21 involving a deadly weapon, the child may be committed for a period not  
22 to exceed twelve (12) months, including all time spent in the treatment  
23 plan established pursuant to KRS 15A.0652;

24 2. If the child was adjudicated for an offense that would be a Class D  
25 felony if committed by an adult, other than an offense for which a child  
26 has been declared a juvenile sex offender under KRS 635.510 or an  
27 offense involving a deadly weapon, the child may be committed for a

- 1 period not to exceed eighteen (18) months, including all time spent in  
2 the treatment plan established pursuant to KRS 15A.0652;
- 3 3. If the child was adjudicated for an offense that would be a felony  
4 offense if committed by an adult, other than a Class D felony offense, or  
5 an offense involving a deadly weapon, the child may be committed up to  
6 age eighteen (18);
- 7 4. If the child was adjudicated for an offense that results in the child being  
8 declared a juvenile sexual offender, the commitment shall be as  
9 provided in KRS 635.515;
- 10 5. The court, in its discretion, upon motion by the child and with the  
11 concurrence of the Department of Juvenile Justice, may authorize an  
12 extension of commitment up to age twenty-one (21) to permit the  
13 Department of Juvenile Justice to assist the child in establishing  
14 independent living arrangements; and
- 15 6. If a child is committed after the child reaches the age of seventeen (17)  
16 years and six (6) months, and except as provided in subparagraph 4. of  
17 this paragraph, the commitment shall be for a period not to exceed one  
18 (1) year.
- 19 (c) The Department of Juvenile Justice shall:
- 20 1. Accept physical custody of a child who is detained in an approved  
21 secure juvenile detention facility in accordance with KRS 15A.200 to  
22 15A.240 at the time the child is committed or recommitted to the  
23 custody of the Department of Juvenile Justice. The Department of  
24 Juvenile Justice shall remove the child from the approved secure  
25 juvenile detention facility and secure appropriate placement as soon as  
26 possible but not to exceed thirty-five (35) days of the time of  
27 commitment or recommitment; and



- 1           2. Pay for the cost of detention from the date of commitment or  
2           recommitment, on the current charge, until the child is removed from  
3           the detention facility and placed.
- 4           (d) All orders of commitment may include advisory recommendations the court  
5           may deem proper in the best interests of the child and of the public.~~[-]~~
- 6           **(e) The court shall not order commitment for a person who is eighteen (18)**  
7           **years of age or older;** or
- 8           (5) (a) The court may probate or suspend a commitment ordered pursuant to  
9           subsection (4) of this section, except that if a court probates or suspends a  
10          commitment in conjunction with any other dispositional alternative, that fact  
11          shall be explained to the juvenile and contained in a written order.
- 12          (b) Any probation or suspension imposed shall not exceed the time limitations  
13          established under subsection (2) of this section.
- 14          (c) If the child successfully completes the conditions of probation, the court shall  
15          terminate the case.
- 16          (d) 1. The court may, for violations of the conditions of probation, revoke the  
17          probation or suspension ordered under this section and order the child  
18          committed.
- 19          2. The period of the commitment shall not exceed the terms established  
20          under subsection (4) of this section.
- 21          3. Any time a child has spent in out-of-home placement as a result of a  
22          violation of a condition of probation or suspension under this section  
23          shall be credited toward the period of commitment.
- 24          4. If a commitment is probated or suspended after a child reaches the age  
25          of seventeen (17) years and six (6) months, the period of the suspension,  
26          and commitment if revoked, shall be for a period not to exceed one (1)  
27          year, but not to exceed age **eighteen (18) years and five (5)**

1                    months~~[nineteen (19)]~~.

2            ➔Section 14. KRS 630.120 is amended to read as follows:

3        (1) All dispositional hearings conducted under this chapter shall be conducted in  
4        accordance with the provisions of KRS 610.060 and 610.070. In addition, the court  
5        shall, at the time the dispositional order is issued:

6            (a) Give the child adequate and fair written warning of the consequences of the  
7            violation of the order; and

8            (b) Provide the child and the child's attorney, and parent, or legal guardian a  
9            written statement setting forth the conditions of the order and the  
10           consequences for violating the order.

11        An order issued pursuant to this section is a valid court order and any child  
12        violating that order may be sanctioned subject to the limitations of this  
13        chapter~~[provisions of KRS 630.080(4)]~~.

14        (2) The court shall consider all appropriate local remedies to aid the child and the  
15        child's family subject to the following conditions:

16            (a) Residential and nonresidential treatment programs for status offenders shall  
17            be community-based and nonsecure; and

18            (b) With the approval of the education agency, the court may place the child in a  
19            nonsecure public or private education agency accredited by the Department of  
20            Education.

21        (3) At the disposition of a child adjudicated on a petition brought pursuant to this  
22        chapter, all information helpful in making a proper disposition, including oral and  
23        written reports, shall be received by the court provided that the child, the child's  
24        parents, their counsel, the prosecuting attorney, the child's counsel, or other  
25        interested parties as determined by the judge shall be afforded an opportunity to  
26        examine and controvert the reports. For good cause, the court may allow the  
27        admission of hearsay evidence.

- 1 (4) The court shall affirmatively determine that all appropriate remedies have been  
2 considered and exhausted to assure that the least restrictive alternative method of  
3 treatment is utilized.
- 4 (5) The court may order the child and the child's family to participate in any programs  
5 which are necessary to effectuate a change in the child and the family.
- 6 (6) When all appropriate resources have been reviewed and considered insufficient to  
7 adequately address the needs of the child and the child's family, the court may,  
8 except as provided in subsection (7) of this section, commit the child to the cabinet  
9 for such services as may be necessary. The cabinet shall consider all appropriate  
10 local remedies to aid the child and the child's family subject to the following  
11 conditions:
- 12 (a) Treatment programs for status offenders shall be, unless excepted by federal  
13 law, community-based and nonsecure;
- 14 (b) The cabinet may place the child in a nonsecure public or private education  
15 agency accredited by the department of education;
- 16 (c) The cabinet may initiate proceedings pursuant to KRS 610.160 when the  
17 parents fail to participate in the cabinet's treatment programs; and
- 18 (d) The cabinet may discharge the child from commitment after providing ten  
19 (10) days' prior written notice to the committing court which may object to  
20 such discharge by holding court review of the commitment under KRS  
21 610.120.
- 22 (7) No child adjudicated guilty of an alcohol offense under KRS 244.085 or a tobacco  
23 offense under KRS 438.305 to 438.340 shall be committed as a result of that  
24 adjudication.
- 25 ➔Section 15. There is hereby appropriated General Fund moneys in the amount  
26 of \$18,860,000 in fiscal year 2023-2024 to the Juvenile Justice budget unit to sustain the  
27 fiscal year 2022-2023 to the Juvenile Justice budget unit salary increases for detention

1 center staff, to expand transportation services, to hire additional detention center staff,  
2 and for operating expenses of a new youth offender management system.

3 ➔Section 16. There is hereby appropriated General Fund moneys in the amount  
4 of \$4,800,000 in fiscal year 2022-2023 to the Juvenile Justice budget unit for a capital  
5 project to construct perimeter fencing at the detention center facilities.

6 ➔Section 17. There is hereby appropriated General Fund moneys in the amount  
7 of \$4,000,000 in fiscal year 2022-2023 to the Juvenile Justice budget unit for a capital  
8 project to construct security entrance posts at the detention center facilities.

9 ➔Section 18. There is hereby appropriated General Fund moneys in the amount  
10 of \$4,000,000 in fiscal year 2022-2023 to the Juvenile Justice budget unit for a capital  
11 project to provide other security upgrades at the detention center facilities.

12 ➔Section 19. There is hereby appropriated General Fund moneys in the amount  
13 of \$4,500,000 in fiscal year 2022-2023 to the Juvenile Justice budget unit for a capital  
14 project to renovate and improve the current Jefferson County detention center facility  
15 located in Lyndon, Kentucky.

16 ➔Section 20. There is hereby appropriated General Fund moneys in the amount  
17 of \$9,000,000 in fiscal year 2022-2023 to the Juvenile Justice budget unit for a capital  
18 project to design two new juvenile detention centers.

19 ➔Section 21. Whereas the security and well-being of youth in detention is of  
20 critical importance to the Commonwealth and the Department of Juvenile Justice requires  
21 immediate budgetary investment and reorganization to support measures intended to  
22 improve staffing and enhance security, an emergency is declared to exist, and Sections 1,  
23 16, 17, 18, 19, and 20 of this Act take effect upon its passage and approval by the  
24 Governor or upon its otherwise becoming a law.