

1 AN ACT relating to public safety, making an appropriation therefor, and declaring
2 an emergency.

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

4 → Section 1. KRS 15A.020 is amended to read as follows:

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

6 (a) Department of Corrections;

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

9 1. Training Operations Division; and

10 2. Administrative Division;

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

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

14 a. Division of Western Region;

15 b. Division of Eastern Region; and

16 c. Division of Placement Services;

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

18 a. Division of Administrative Services;

19 b. Division of Program Services; and

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

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

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

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

26 ***4. Office of Detention, which shall require that all detention centers***
27 ***report to one (1) supervisor who reports directly to the commissioner,***

1 **and which shall have the following division:**

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

3 **5. Division of Compliance;**

4 (d) Department of Kentucky State Police, which shall have the following offices
5 and divisions:

6 1. Office of Administrative Services, which shall be headed by an
7 executive director who shall be appointed by the commissioner of the
8 Department of Kentucky State Police and who shall report to the
9 commissioner;

10 a. Division of Operational Support, which shall be headed by a
11 director who shall be appointed by the commissioner of the
12 Department of Kentucky State Police and who shall report to the
13 executive director of the Office of Administrative Services; and

14 b. Division of Management Services, which shall be headed by a
15 director who shall be appointed by the commissioner of the
16 Department of Kentucky State Police and who shall report to the
17 executive director of the Office of Administrative Services;

18 2. Office of Operations, which shall be headed by an executive director
19 who shall be appointed by the commissioner of the Department of
20 Kentucky State Police and who shall report to the commissioner;

21 a. Division of West Troops, which shall be headed by a director who
22 shall be appointed by the commissioner of the Department of
23 Kentucky State Police and who shall report to the executive
24 director of the Office of Operations;

25 b. Division of East Troops, which shall be headed by a director who
26 shall be appointed by the commissioner of the Department of
27 Kentucky State Police and who shall report to the executive

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

1 5. Division of Conflict Services.

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

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

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

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

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

1 conduct no other investigations under the authority granted in this
2 subparagraph. The secretary may, by administrative order, assign the
3 investigative functions in this subparagraph to a branch within the
4 office.

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

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

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

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

27 (f) Office of Financial Management Services, which shall be headed by an

1 executive director appointed by the secretary of the Justice and Public Safety
2 Cabinet pursuant to KRS 12.050 who shall be responsible to report to the
3 secretary and be responsible for all matters relating to fiscal functions, and
4 who, with the approval of the secretary, may employ such staff as necessary
5 to perform the duties, functions, and responsibilities of the office;

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

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

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

1 office; and

2 (i) Office of Drug Control Policy, which shall be headed by an executive director
 3 appointed pursuant to KRS 12.050 who shall be responsible for all matters
 4 relating to the research, coordination, and execution of drug control policy
 5 and for the management of state and federal grants, including but not limited
 6 to the prevention and treatment related to substance abuse. By December 31
 7 of each year, the Office of Drug Control Policy shall review, approve, and
 8 coordinate all current projects of any substance abuse program which is
 9 conducted by or receives funding through agencies of the executive branch.
 10 This oversight shall extend to all substance abuse programs which are
 11 principally related to the prevention or treatment, or otherwise targeted at the
 12 reduction, of substance abuse in the Commonwealth. The Office of Drug
 13 Control Policy shall promulgate administrative regulations consistent with
 14 enforcing this oversight authority. The executive director shall be directly
 15 responsible to and report to the secretary and may employ such staff as
 16 necessary to perform the duties, functions, and responsibilities of the office.

17 → Section 2. KRS 15A.061 is amended to read as follows:

18 **(1) The cabinet shall maintain a comprehensive, centralized data tracking system for**
 19 **the Department of Juvenile Justice.**

20 **(2)** The cabinet shall ensure that all departments within the cabinet collaborate to
 21 develop procedures to allow collection and sharing of data necessary to analyze
 22 juvenile recidivism. Recidivism includes an adjudication of delinquency by a
 23 juvenile court, or a conviction by a District Court or Circuit Court, for an offense
 24 committed within three (3) years of release from the custody or control of the
 25 Department of Juvenile Justice.

26 → Section 3. KRS 15A.063 is amended to read as follows:

27 (1) The Juvenile Justice Oversight Council is created for the purpose of providing

1 independent review of the state juvenile justice system and providing
 2 recommendations to the General Assembly. The council ~~shall~~^{is to} actively
 3 ~~engage in~~ review the implementation of ~~all~~^{the} juvenile justice reforms enacted
 4 by the General Assembly~~[in 2014 Ky. Acts ch. 132]~~, collect and review
 5 performance measurement data, and continue to review the juvenile justice system
 6 for changes that improve public safety, hold youth accountable, provide better
 7 outcomes for children and families, and control juvenile justice costs.

8 (2) (a) The membership of the council shall include the following:

- 9 1. The secretary of the Justice and Public Safety Cabinet, ex officio;
- 10 2. The commissioner of the Department for Behavioral Health,
 11 Developmental and Intellectual Disabilities, ex officio;
- 12 3. The commissioner of the Department for Community Based Services, ex
 13 officio;
- 14 4. The commissioner of the Department of Juvenile Justice, ex officio;
- 15 5. The commissioner of the Department of Education, ex officio;
- 16 6. The director of the Administrative Office of the Courts, ex officio;
- 17 7. The Public Advocate, ex officio;
- 18 8. The Senate chair of the Committee on Judiciary, nonvoting ex officio;
- 19 9. The House chair of the Committee on Judiciary, nonvoting ex officio;

20 10. One (1) member of the Senate appointed by the President of the
 21 Senate, and one (1) member of the minority party in the Senate
 22 appointed by the Minority Floor Leader in the Senate, who shall serve
 23 as ex officio, nonvoting members for the duration of the terms for
 24 which they were elected;

25 11. One (1) member of the House of Representatives appointed by the
 26 Speaker of the House of Representatives, and one (1) member of the
 27 minority party in the House of Representatives appointed by the

1 *Minority Floor Leader in the House of Representatives, who shall*
 2 *serve as ex officio, nonvoting members for the duration of the terms*
 3 *for which they were elected;* and

4 ~~12.10.~~ Five (5) at-large members appointed by the Governor, as follows:

- 5 a. One (1) member representing public schools or an education group
- 6 or organization;
- 7 b. One (1) District Judge nominated by the Chief Justice of the
- 8 Kentucky Supreme Court;
- 9 c. One (1) member representing law enforcement;
- 10 d. One (1) member of the County Attorneys' Association nominated
- 11 by the Attorney General; and
- 12 e. One (1) member representing community-based organizations,
- 13 whether for-profit or nonprofit, with experience in programs for
- 14 juveniles, including substance abuse prevention and treatment,
- 15 case management, mental health, or counseling.

16 (b) The chairs of the House and Senate Judiciary Committees shall serve as co-

17 chairs.

18 (c) At-large members shall be appointed by August 1, 2022, shall serve a term of

19 two (2) years, and may be reappointed.

20 (d) Each ex officio member, except for legislative members, may designate a

21 proxy by written notice to the council prior to call of order of each meeting,

22 and the proxy shall be entitled to participate as a full voting member.

23 (e) Except as otherwise provided by law, members shall not be compensated for

24 being members of the council but shall be reimbursed for ordinary travel

25 expenses, including meals and lodging, incurred while performing council

26 business.

27 (f) The council shall meet at least quarterly. A quorum, consisting of a majority

1 of the membership of the council, shall be required for the transaction of
 2 business. Meetings shall be held at the call of the chair, or upon the written
 3 request of two (2) members to the chair.

4 (3) The council shall:

5 (a) **Review**~~[Oversee]~~ the implementation of the reforms **enacted by the General**
 6 **Assembly;**~~[contained in 2014 Ky. Acts ch. 132, including:]~~

7 ~~(b)[1.]~~ Review~~[of the]~~ performance measures~~[to be adopted]~~ and recommend
 8 modifications;

9 ~~(c)[2.]~~ **Review**~~[Ensure]~~ all policies **to confirm implementation as**~~[are~~
 10 ~~implemented in accordance with the time frames]~~ established **by legislation**
 11 **enacted by the General Assembly and administrative regulations**
 12 **promulgated thereunder;**

13 ~~(d)[3.]~~ **Review**~~[Ensure]~~ the fiscal incentive program established pursuant to
 14 KRS 15A.062~~[is implemented and continue to review the program; and~~
 15 ~~4. Review the Department of Juvenile Justice facilities plan submitted~~
 16 ~~following a reduction of population and make recommendations to the~~
 17 ~~General Assembly as to the plan and any changes to the reinvestment of~~
 18 ~~savings achieved from the closure of any facilities];~~

19 ~~(e)[(b)]~~ Collect and review performance data and recommend any additional
 20 performance measures needed to identify outcomes in the juvenile justice
 21 system;

22 ~~(f)[(e)]~~ Review the information received from the Department of Education
 23 pursuant to KRS 156.095, and determine whether any action is necessary,
 24 including additional performance measures, funding, or legislation;

25 ~~(g)[(d)]~~ Continue review of juvenile justice areas determined appropriate by the
 26 council, including:

27 1. Status offense reform;

- 1 2. Necessary training for school resource officers as defined in KRS
- 2 158.441, in juvenile justice best practices, research, and impacts on
- 3 recidivism and long-term outcomes;
- 4 3. Graduated sanctions protocols in public schools, including their current
- 5 use and their development statewide;
- 6 4. A minimum age of criminal responsibility;
- 7 5. Competency;
- 8 6. Reforms to the family resource and youth service centers in the Cabinet
- 9 for Health and Family Services;
- 10 7. Population levels in Department of Juvenile Justice facilities, and the
- 11 potential for closure of facilities while maintaining staffing ratios
- 12 necessary to comply with applicable accreditation standards; and
- 13 8. Whether juvenile court hearings should be open to the public; ~~and~~

14 **(h) Review and make recommendations regarding:**

15 **1. The structure and staffing of the Department of Juvenile Justice;**

16 **2. Training of juvenile justice staff;**

17 **3. The adequacy of current programs and facilities operated by the**
 18 **Department of Juvenile Justice;**

19 **4. Best practices in juvenile justice programs and facilities; and**

20 **5. Other topics as determined by the council; and**

21 ~~(i)(e)~~ Report by **December 1, 2023**~~[November 2014]~~, and by **December**
 22 **1**~~[November]~~ of each year thereafter, to the Interim Joint Committee on
 23 Judiciary and the Governor and make recommendations to the General
 24 Assembly for any additional legislative changes the council determines
 25 appropriate.

- 26 (4) The council shall be attached to the **Legislative Research Commission**~~[Justice and~~
 27 **Public Safety Cabinet** for administrative purposes.

1 (5) The council shall terminate on July 1, 2030, unless the General Assembly extends
2 the term of the council.

3 → Section 4. KRS 15A.305 is amended to read as follows:

4 (1) The Department of Juvenile Justice shall~~[, with available funds,]~~ develop and
5 administer a statewide detention program and, as each regional facility is
6 constructed and ready for occupancy, shall~~[, within appropriation limitations,]~~
7 provide for:

8 (a) The operation of preadjudication detention facilities for children charged with
9 public offenses; and

10 (b) The operation of postadjudication detention facilities for children adjudicated
11 delinquent or found guilty of public offenses.

12 (2) In each region in which the Department of Juvenile Justice operates or contracts for
13 the operation of a detention facility, the department shall~~[, within appropriation~~
14 ~~limitations,]~~ develop and administer a program for alternatives to secure detention
15 that shall provide for:

16 (a) The operation of or contracting for the operation of preadjudication
17 alternatives to secure detention and follow-up programs for juveniles who are
18 before the court or who enter pretrial diversion or informal adjustment
19 programs; and

20 (b) The operation of or contracting for the operation of postadjudication
21 alternatives to secure detention and follow-up programs, including but not
22 limited to community-based programs, mentoring, counseling, and other
23 programs designed to limit the unnecessary use of secure detention and ensure
24 public safety.

25 (3) The department shall develop and implement a system to immediately notify the
26 Cabinet for Health and Family Services when a status offender or child alleged to
27 be a status offender has been detained for the alleged violation of a valid court

1 order.

2 (4) The department may, except as provided in KRS 635.060, charge counties,
3 consolidated local governments, and urban-county governments a per diem not to
4 exceed ninety-four dollars (\$94) for lodging juveniles in state-owned or contracted
5 facilities.

6 (5) Detention rates charged by contracting detention facilities shall not exceed the rate
7 in effect on July 1, 1997, subject to increases approved by the department.

8 (6) No juvenile detention facility, as defined in KRS 15A.200, shall be taken over,
9 purchased, or leased by the Commonwealth without prior approval of the fiscal
10 court upon consultation with the jailer in the county where the facility is located.
11 The county, upon consultation with the jailer, may enter into contracts with the
12 Commonwealth for the holding, detention, and transportation of juveniles.

13 **(7) The Department of Juvenile Justice shall enter into sufficient contracts to ensure**
14 **the availability of institutional treatment for children with severe emotional**
15 **disturbance or mental illness as soon as practicable.**

16 **(8) The Department of Juvenile Justice shall, for any facility operated pursuant to**
17 **subsection (1) of this section, require that the facility:**

18 **(a) Provide children in crisis who are residing in a juvenile detention facility**
19 **access to a mental health professional whose communications with the child**
20 **are privileged under the Kentucky Rules of Evidence;**

21 **(b) Conduct monthly documented training related to emergency response;**

22 **(c) Ensure that appropriate staff working with detained youth have controlled**
23 **access to, and are properly trained in the use of, appropriate defensive**
24 **equipment comparable to that utilized by the Department of Corrections,**
25 **including tasers, pepper spray, and shields;**

26 **(d) Establish a specially trained emergency response team within each juvenile**
27 **detention center and youth development center which shall be trained in**

1 tactics related to detention facilities and engage in monthly drills as part of
 2 emergency response training;

3 (e) Enter into a memorandum of understanding with local law enforcement for
 4 emergency response and include these agencies in emergency response
 5 trainings;

6 (f) Be equipped with an alarm that directly communicates an emergency
 7 situation to the local dispatch center; and

8 (g) Promulgate administrative regulations in accordance with KRS Chapter
 9 13A to implement this subsection.

10 ➔ Section 5. KRS 610.340 is amended to read as follows:

- 11 (1) (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise,
 12 all juvenile court records of any nature generated pursuant to KRS Chapters
 13 600 to 645 by any agency or instrumentality, public or private, shall be
 14 deemed to be confidential and shall not be disclosed except to the child,
 15 parent, victims, or other persons authorized to attend a juvenile court hearing
 16 pursuant to KRS 610.070 unless ordered by the court for good cause.
- 17 (b) Juvenile court records which contain information pertaining to arrests,
 18 petitions, adjudications, and dispositions of a child may be disclosed to
 19 victims or other persons authorized to attend a juvenile court hearing pursuant
 20 to KRS 610.070.
- 21 (c) Release of the child's treatment, medical, mental, or psychological records is
 22 prohibited unless presented as evidence in Circuit Court. Any records
 23 resulting from the child's prior abuse and neglect under Title IV-E or Title IV-
 24 B of the Federal Social Security Act shall not be disclosed to victims or other
 25 persons authorized to attend a juvenile court hearing pursuant to KRS
 26 610.070.
- 27 (d) Victim access under this subsection to juvenile court records shall include

1 access to records of adjudications that occurred prior to July 15, 1998.

2 (2) The provisions of this section shall not apply to public officers or employees
3 engaged in the investigation of and in the prosecution of cases under KRS Chapters
4 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained
5 pursuant to this subsection shall be used for official use only, shall not be disclosed
6 publicly, and shall be exempt from disclosure under the Open Records Act, KRS
7 61.870 to 61.884.

8 (3) The provisions of this section shall not apply to any peace officer, as defined in
9 KRS 446.010, who is engaged in the investigation or prosecution of cases under
10 KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any
11 record obtained pursuant to this subsection shall be used for official use only, shall
12 not be disclosed publicly, and shall be exempt from disclosure under the Open
13 Records Act, KRS 61.870 to 61.884.

14 (4) The provisions of this section shall not apply to employees of the Department of
15 Juvenile Justice or cabinet or its designees responsible for any services under KRS
16 Chapters 600 to 645 or to attorneys for parties involved in actions relating to KRS
17 Chapters 600 to 645 or other prosecutions authorized by the Kentucky Revised
18 Statutes.

19 (5) The provisions of this section shall not apply to records disclosed pursuant to KRS
20 610.320 or to public or private elementary and secondary school administrative,
21 transportation, and counseling personnel, to any teacher or school employee with
22 whom the student may come in contact, or to persons entitled to have juvenile
23 records under KRS 610.345, if the possession and use of the records is in
24 compliance with the provisions of KRS 610.345 and this section.

25 (6) *The provisions of this section shall not apply to employees of local law*
26 *enforcement agencies, the Department of Kentucky State Police, or the Federal*
27 *Bureau of Investigation engaged in conducting background checks for the sole*

1 purpose of identifying and providing potentially disqualifying juvenile public
 2 offense records to the National Instant Criminal Background Check System
 3 pursuant to Div. A, Title II, Sec. 12001(a) of the Bipartisan Safer Communities
 4 Act, Pub. L. No. 117-159. Notwithstanding KRS 635.040, an adjudication for a
 5 public offense is a conviction of a crime for purposes of 18 U.S.C. sec. 922(d)(1),
 6 (d)(3), or (d)(9). Any public offense record obtained pursuant to this subsection
 7 shall be used for official use only, not be disclosed publicly, and be exempt from
 8 disclosure under the Open Records Act, KRS 61.870 to 61.884.

9 (7) No person, including school personnel, shall disclose any confidential record or any
 10 information contained therein except as permitted by this section or other specific
 11 section of KRS Chapters 600 to 645, or except as permitted by specific order of the
 12 court.

13 ~~(8)~~~~(7)~~ No person, including school personnel, authorized to obtain records pursuant
 14 to KRS Chapters 600 to 645 shall obtain or attempt to obtain confidential records to
 15 which he is not entitled or for purposes for which he is not permitted to obtain them
 16 pursuant to KRS Chapters 600 to 645.

17 ~~(9)~~~~(8)~~ No person, including school personnel, not authorized to obtain records
 18 pursuant to KRS Chapters 600 to 645 shall obtain or attempt to obtain records
 19 which are made confidential pursuant to KRS Chapters 600 to 645 except upon
 20 proper motion to a court of competent jurisdiction.

21 ~~(10)~~~~(9)~~ No person shall destroy or attempt to destroy any record required to be kept
 22 pursuant to KRS Chapters 600 to 645 unless the destruction is permitted pursuant to
 23 KRS Chapters 600 to 645 and is authorized by the court upon proper motion and
 24 good cause for the destruction being shown.

25 ~~(11)~~~~(10)~~ As used in this section the term "KRS Chapters 600 to 645" includes any
 26 administrative regulations which are lawfully promulgated pursuant to KRS
 27 Chapters 600 to 645.

1 ~~(12)~~~~(11)~~ Nothing in this section shall be construed to prohibit a crime victim from
2 speaking publicly after the adjudication about his or her case on matters within his
3 or her knowledge or on matters disclosed to the victim during any aspect of a
4 juvenile court proceeding.

5 ➔Section 6. The Justice and Public Safety Cabinet shall:

6 (1) Develop and implement, as soon as practicable, a plan that will transition back
7 to the regional model of juvenile detention center facilities while safely segregating males
8 and females and separating violent and nonviolent offenders. The plan shall provide for a
9 return to the regional structure from the current emergency structure;

10 (2) Within 30 days after the effective date of this Act, return to a uniform
11 requirement for Department of Juvenile Justice correctional officers within juvenile
12 detention facilities;

13 (3) Within 90 days after the effective date of this Act, implement a Youth
14 Worker-R program to retain retired youth workers to supplement the staff of the
15 Department of Juvenile Justice;

16 (4) Within 30 days after the effective date of this Act, notwithstanding KRS
17 Chapter 18A, implement a limited duration program to allow staff of the Department of
18 Juvenile Justice who have resigned to return at their previous employment classification
19 with the approval of the department;

20 (5) Reinstate and maintain a management training program for the Department of
21 Juvenile Justice for all leadership positions, including the commissioner, and provide that
22 any individual who has satisfactorily completed the training program shall be an eligible
23 candidate for any leadership position within the department, including the position of
24 commissioner; and

25 (6) Develop and implement a plan to identify and transfer any juvenile to another
26 facility if the transfer is related to a security risk, is necessary to avoid interference with
27 any criminal investigation, or is necessary due to lack of available beds or staff shortages.

1 ➔Section 7. Within 90 days after the effective date of this Act, the Department
2 for Medicaid Services shall develop and submit an amendment to the Section 1115
3 demonstration waiver submitted pursuant to 2021 Ky. Acts ch. 169, Part I, G., 3., b., (16)
4 to provide Medicaid benefits to Medicaid-eligible children detained by the Department of
5 Juvenile Justice. Upon approval of the waiver, the cost of medical and behavioral health
6 care shall be a covered Medicaid benefit for an incarcerated child.

7 ➔Section 8. The Office of the Auditor of Public Accounts shall contract with a
8 third party to perform a full performance review of the preadjudication facilities operated
9 by, and the preadjudication programs administered by, the Department of Juvenile Justice
10 within the Justice and Public Safety Cabinet. The Office of the Auditor of Public
11 Accounts shall contract with an entity that has experience in reviewing the performance
12 of state agencies offering juvenile detention facilities and programs.

13 Notwithstanding any law to the contrary, the Office of the Auditor of Public
14 Accounts shall procure professional services by a personal service contract through
15 noncompetitive negotiation with an entity that has experience in reviewing the
16 performance of state agencies offering juvenile detention facilities and programs. The
17 Office of the Auditor of Public Accounts shall not contract with any entity that accredits
18 Kentucky's preadjudication juvenile detention facilities or programs, or Kentucky's
19 postadjudication juvenile detention facilities or programs.

20 The contracting party shall enter into a memorandum of understanding with the
21 Legislative Oversight and Investigations Committee of the Legislative Research
22 Commission concerning the exchange of materials and work papers and maintenance of
23 confidentiality. The contract shall provide that the performance review results shall be
24 reported to the Legislative Research Commission, and any materials related to the
25 performance review shall be provided to the Legislative Research Commission. An initial
26 preliminary report of the results of the performance review shall be submitted to the
27 Legislative Research Commission by October 15, 2023.

1 ➔Section 9. The contracted entity under Section 8 of this Act shall have the
2 authority provided under KRS 43.080 and KRS 43.090. Employees of the Department of
3 Juvenile Justice shall be allowed to participate in interviews outside the presence of any
4 supervisor, official, or counsel representing the department or the Justice and Public
5 Safety Cabinet. The work papers of the contracted entity shall be confidential and shall
6 not be subject to subpoena, or to review or production under KRS 61.870 to KRS 61.884,
7 the Kentucky Open Records Act.

8 ➔Section 10. The scope of the performance review shall be for the period from
9 January 1, 2016, to December 31, 2022, and shall include but not be limited to:

- 10 (1) Interviews with front-line employees;
- 11 (2) Interviews with law enforcement agencies in the area of the detention facility;
- 12 (3) Review of adopted staffing procedures, and the compliance or noncompliance
13 with the adopted procedures on-site;
- 14 (4) Review of incident reporting procedures and incident reports;
- 15 (5) Receipt, review, and actions taken by the Department of Juvenile Justice
16 related to complaints and concerns from employees;
- 17 (6) Review of all monthly reports; and
- 18 (7) Review of all complaints and exit interview forms.

19 ➔Section 11. General Fund moneys in the amount of \$38,000,000 from the
20 General Fund appropriation of \$200,000,000 in fiscal year 2023-2024 set out in 2022 Ky.
21 Acts ch. 199, Part I, N., 1. are hereby transferred as follows:

- 22 (1) \$3,200,000 to the Department of Juvenile Justice in fiscal year 2023-2024 to
23 maintain the salary increases provided to youth workers in juvenile detention centers in
24 fiscal year 2022-2023;
- 25 (2) \$4,800,000 to the Department of Juvenile Justice in fiscal year 2023-2024 to
26 provide salary increases to other job classifications within the department; and
- 27 (3) \$30,000,000 to the Adult Correctional Institutions budget unit in fiscal year

1 2023-2024 to provide salary increases for correctional officers within the Department of
2 Corrections facilities in the same manner as was provided to youth workers in juvenile
3 detention facilities with a base pay of \$50,000.

4 ➔Section 12. There is hereby appropriated General Fund moneys in the amount
5 of \$9,700,000 in fiscal year 2023-2024 to the Department of Juvenile Justice for 146
6 additional youth workers in juvenile detention centers.

7 ➔Section 13. There is hereby appropriated General Fund moneys in the amount
8 of \$200,000 in fiscal year 2023-2024 to the Department of Juvenile Justice for the
9 development of a youth offender management system.

10 ➔Section 14. There is hereby appropriated General Fund moneys in the amount
11 of \$4,000,000 in fiscal year 2022-2023 to the Department of Juvenile Justice to provide
12 security upgrades within the juvenile detention centers. Notwithstanding KRS 45.229, the
13 General Fund appropriation under this section shall not lapse and shall carry forward for
14 expenditure in fiscal year 2023-2024.

15 ➔Section 15. There is hereby appropriated General Fund moneys in the amount
16 of \$1,500,000 in fiscal year 2022-2023 to the Department of Juvenile Justice to establish
17 a diversionary program to identify and provide treatment for any juvenile identified as
18 suffering from severe mental illness, in conjunction with the State Interagency Council
19 for Services and Supports to Children and Transition-age Youth, including any juvenile
20 currently detained who shall be transferred as soon as practicable to a secure facility for
21 treatment. As used in this section, "severe mental illness" means one or more mental,
22 behavioral, or emotional disorders resulting in serious functional impairment, which
23 substantially interferes with or limits one or more major life activities. Notwithstanding
24 KRS 45.229, the General Fund appropriation under this section shall not lapse and shall
25 carry forward for expenditure in fiscal year 2023-2024.

26 ➔Section 16. There is hereby appropriated General Fund moneys in the amount
27 of \$1,750,000 in fiscal year 2022-2023 to the Department of Juvenile Justice to retain

1 design experts to enable a return to the regional model of juvenile detention center
2 facilities. Notwithstanding KRS 45.229, the General Fund appropriation under this
3 section shall not lapse and shall carry forward for expenditure in fiscal year 2023-2024.

4 ➔Section 17. Any Department of Juvenile Justice or Adult Correctional
5 Institutions employee receiving an increase in overall compensation due to either a base
6 salary increase, or the addition of new or increased locality pay, as part of the
7 compensation enhancement process beginning in December 2022, shall not be eligible for
8 an annual statewide increment or increase in fiscal year 2023-2024.

9 ➔Section 18. There is hereby appropriated General Fund moneys in the amount
10 of \$250,000 in fiscal year 2022-2023 to the Department of Juvenile Justice for
11 transportation costs for female youth detained by the Department of Juvenile Justice to be
12 used until the juvenile detention system returns to a regional model. Such transportation
13 costs shall be on a cost-reimbursement basis to the local law enforcement agency
14 providing transport which shall certify the actual cost on a form provided by the Finance
15 and Administration Cabinet. Reimbursement for the transport of male youth detained by
16 the Department of Juvenile Justice may also be made in the same manner as females only
17 upon a court order and only when the Department of Juvenile Justice cannot
18 accommodate the transport. Reimbursement for transport of male youth shall only be
19 made to the local law enforcement agency if it is to a juvenile justice facility other than
20 the regional juvenile detention center in its catchment area. Notwithstanding KRS 45.229,
21 the General Fund appropriation under this section shall not lapse and shall carry forward
22 for expenditure in fiscal year 2023-2024.

23 ➔Section 19. There is hereby appropriated General Fund moneys in the amount
24 of \$500,000 in fiscal year 2022-2023 to the Auditor of Public Accounts budget unit to
25 fund the performance review directed under Section 8 of this Act. Notwithstanding KRS
26 45.229, any portion of these funds not expended shall not lapse and shall carry forward
27 for expenditure in fiscal year 2023-2024.

1 ➔Section 20. Whereas the operations of the Department of Juvenile Justice and
2 the safety of juveniles and staff are imperative for the betterment of the Commonwealth,
3 an emergency is declared to exist, and this Act takes effect upon its passage and approval
4 by the Governor or upon its otherwise becoming a law.