

CHAPTER 218**(HB 86)**

AN ACT relating to reorganization.

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

Section 1. KRS 15A.030 is amended to read as follows:

The Justice Cabinet, in addition to the departments set forth in KRS 15A.020, shall consist of the following organizational units which are hereby created or reestablished:

- (1) Office of the Secretary of Justice comprised of the secretary of justice, the Commission on Correction and Community Service, the Kentucky State Corrections Commission, ***the Office of the Criminal Justice Council***, and the Criminal Justice Council. The Parole Board shall be attached to the Office of the Secretary for administrative and support purposes only.
- (2) Offices of Deputy Secretaries of Justice.
- (3) Office of the General Counsel.
- (4) Division of Kentucky State Medical Examiners Office.

SECTION 2. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The Office of the Criminal Justice Council is hereby established and shall be comprised of the Long Range Planning Branch and the Grants Management Branch. The office shall be responsible for the functions and duties vested in the Criminal Justice Council, as described in Section 3 of this Act, and for state and federal grants management including, but not limited to, the administration of Section 4 of this Act. The office shall be headed by the executive director of the Criminal Justice Council appointed by the secretary of the Justice Cabinet with the approval of the Governor in accordance with KRS 12.050. The executive director shall be responsible to the Secretary of the Justice Cabinet.

Section 3. KRS 15A.040 is amended to read as follows:

- (1) The Criminal Justice Council shall advise and recommend to the Governor and the General Assembly policies and direction for long-range planning regarding all elements of the criminal justice system. The council shall review and make written recommendations on subjects including but not limited to administration of the criminal justice system, the rights of crime victims, sentencing issues, capital litigation, a comprehensive strategy to address gangs and gang problems, and the Penal Code. Recommendations for these and all other issues shall be submitted to the Governor and the Legislative Research Commission at least six (6) months prior to every regular session of the Kentucky General Assembly. The council shall:
 - (a) Make recommendations to the justice secretary with respect to the award of state and federal grants and ensure that the grants are consistent with the priorities adopted by the Governor, the General Assembly, and the council;
 - (b) Conduct comprehensive planning to promote the maximum benefits of grants;
 - (c) Develop model criminal justice programs;

- (d) Disseminate information on criminal justice issues and crime trends;
 - (e) Work with community leaders to assess the influence of gangs and the problems that gangs cause for local communities, assist local communities in mobilizing community resources to address their problems, sponsor multidisciplinary training to help communities focus on proven strategies to address gang problems, and conduct an ongoing assessment of gang problems in local communities;
 - (f) Recommend any modifications of law necessary to insure that the laws adequately address problems identified in local communities relating to gangs;
 - (g) Provide technical assistance to all criminal justice agencies;
 - (h) Review and evaluate proposed legislation affecting criminal justice; and
 - (i) All reports and proposed legislation shall be presented to the Interim Joint Committee on Judiciary not later than July 1 of the year prior to the beginning of each regular session of the General Assembly.
- (2) Membership of the Criminal Justice Council shall consist of the following:
- (a) The secretary of the Justice Cabinet or his designee;
 - (b) The director of the Administrative Office of the Courts or his designee;
 - (c) The Attorney General or his designee;
 - (d) Two (2) members of the House of Representatives as designated by the Speaker of the House;
 - (e) Two (2) members of the Senate as designated by the President of the Senate;
 - (f) A crime victim, as defined in KRS Chapter 346, to be selected and appointed by the Governor;
 - (g) A victim advocate, as defined in KRS 421.570, to be selected and appointed by the Governor;
 - (h) A Kentucky college or university professor specializing in criminology, corrections, or a similar discipline to be selected and appointed by the Governor;
 - (i) The public advocate or his designee;
 - (j) The president of the Kentucky Sheriffs' Association;
 - (k) The commissioner of state police or his designee;
 - (l) A person selected by the Kentucky State Lodge of the Fraternal Order of Police;
 - (m) The president of the Kentucky Association of Chiefs of Police;
 - (n) A member of the Prosecutors Advisory Council as chosen by the council;
 - (o) The Chief Justice or a justice or judge designated by him;
 - (p) One (1) member of the Kentucky Association of Criminal Defense Lawyers, appointed by the president of the organization;

- (q) One (1) member of the Kentucky Jailers' Association appointed by the president of the organization;
 - (r) One (1) member of the Circuit Clerks' Association;
 - (s) Three (3) criminal law professors, one each from the University of Kentucky College of Law, the Louis D. Brandeis School of Law at the University of Louisville, and the Salmon P. Chase College of Law at Northern Kentucky University, to be selected and appointed by the Governor;
 - (t) One (1) District Judge, designated by the Chief Justice;
 - (u) One (1) Circuit Judge, designated by the Chief Justice;
 - (v) One (1) Court of Appeals Judge, designated by the Chief Justice;
 - (w) One (1) representative from an organization dedicated to restorative principles of justice involving victims, the community, and offenders; and
 - (x) One (1) individual with a demonstrated commitment to youth advocacy, to be selected and appointed by the Governor.
- (3) The secretary of justice shall serve ex officio as chairman of the council. Each member of the council shall have one (1) vote. Members of the council shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties.
- (4) The council shall meet at least once every three (3) months.
- (5) The council may hold additional meetings:
- (a) On the call of the chairman;
 - (b) At the request of the Governor to the chairman; or
 - (c) At the written request of the members to the chairman, signed by a majority of the members.
- (6) Two-thirds (2/3) members of the council shall constitute a quorum for the conduct of business at a meeting.
- (7) Failure of any member to attend two (2) meetings within a six (6) month period shall be deemed a resignation from the council and a new member shall be named by the appointing authority.
- (8) The council is authorized to establish committees and appoint additional persons who may not be members of the council as necessary to effectuate its purposes, including but not limited to:
- (a) Uniform Criminal Justice Information System committee;
 - (b) Committee on sentencing; and (c) Penal Code committee.
- (9) The council's administrative functions shall be performed by a full-time executive director, *who also shall serve as the executive director of the Office of the Criminal Justice Council*, appointed by the secretary of the Justice Cabinet and supported by the administrative, clerical,

and other staff as allowed by budgetary limitations and as needed to fulfill the council's role and mission and to coordinate its activities.

Section 4. KRS 15A.060 is amended to read as follows:

The Office of Secretary of Justice shall serve as the state planning agency for purposes of compliance with the Federal Crime Control and Safe Streets Act of 1968, as amended, or subsequently adopted federal criminal justice legislation, and provide staff services to the *Criminal Justice Council* ~~[Kentucky Crime Commission]~~ relating to the administration of *these* federally supported programs ~~[pursuant to the above-referenced acts]~~.

Section 5. The General Assembly confirms Executive Order 98-964, dated July 23, 1998, relating to the creation of the Office of the Criminal Justice Council within the Justice Cabinet to the extent it is not otherwise confirmed by this Act.

Approved March 29, 2000