

CHAPTER 74**(SB 131)**

AN ACT relating to the Department of Juvenile Justice.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "juvenile facility" means any facility wherein a juvenile or other person under the authority of the Department of Juvenile Justice is confined.*
- (2) *KRS 61.870 to 61.884 to the contrary notwithstanding, a person shall not have access to a record if its disclosure is deemed by the commissioner of the Department of Juvenile Justice or his or her designee to constitute a threat to the security of the juvenile, the juvenile facility, or any other person.*
- (3) *KRS 61.870 to 61.884 to the contrary notwithstanding, the department shall not be required to comply with a request for any record from any person confined in a juvenile facility or any individual on active supervision under the jurisdiction of the department, unless the request is for a record that contains a specific reference to the individual making the request.*
- (4) *KRS 61.870 to 61.884 to the contrary notwithstanding, if a person confined in a juvenile facility wishes to challenge a denial of a request to inspect a public record, he or she shall mail or otherwise send the appropriate documents to the Attorney General within twenty (20) days of the denial pursuant to the procedures set out in KRS 61.880(2) before an appeal can be filed in a Circuit Court.*
- (5) *KRS 61.870 to 61.884 to the contrary notwithstanding, all records relating to juvenile detention containing information expunged pursuant to law shall not be open to the public.*
- (6) *KRS 61.870 to 61.884 to the contrary notwithstanding, upon receipt of a request for a record, the department shall respond to the request within five (5) days after receipt of the request, excepting Saturdays, Sundays, and legal holidays, and shall state whether the record may be inspected or may not be inspected, or that the record is unavailable and when the record is expected to be available.*
- (7) *Nothing in this section shall authorize the department to deny any attorney representing a juvenile access to any record to which the attorney or the juvenile would otherwise be entitled.*

Signed by Governor April 7, 2010.