

CHAPTER 37
(HCR 129)

A CONCURRENT RESOLUTION relating to the study of the Unified Juvenile Code and related statutes.

WHEREAS, the Unified Juvenile Code was enacted in 1986 after a thorough review of its predecessor statutes enacted in 1948 and upon review of statutes dating back to 1896; and

WHEREAS, significant amendments to the Unified Juvenile Code were enacted by the General Assembly in 1994 and nearly every session thereafter; and

WHEREAS, practitioners and participants in the juvenile justice system realize that the current Unified Juvenile Code, along with other statutes impacting the juvenile justice system, have been extensively added to and modified, resulting in ambiguity and inconsistency; and

WHEREAS, the General Assembly believes that the Unified Juvenile Code is in urgent need of review to remove these ambiguities and inconsistencies in order to provide the Commonwealth's children with the care and treatment needed;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The Unified Juvenile Code Task Force is hereby created.

➔Section 2. The Unified Juvenile Code Task Force shall consist of:

(1) The chair of the Senate Judiciary Committee, who shall be co-chair of the task force; however, if he or she declines to serve, the President of the Senate shall designate a member of the Senate to serve as co-chair of the task force;

(2) The chair of the House of Representatives Judiciary Committee, who shall be co-chair of the task force; however, if he or she declines to serve, the Speaker of the House of Representatives shall designate a member of the House of Representatives to serve as co-chair of the task force;

(3) A District Court or Family Court Judge recommended by the Chief Justice;

(4) The director of the Administrative Office of the Courts or his or her designee;

(5) A current or former county attorney or assistant county attorney with juvenile court experience recommended by the co-chairs;

(6) A current or former attorney from the Department of Public Advocacy with juvenile practice experience recommended by the public advocate;

(7) The commissioner of the Department of Juvenile Justice;

(8) The commissioner of the Department for Community Based Services;

(9) A superintendent from a local board of education recommended by the co-chairs;

(10) A current county judge/executive recommended by the co-chairs; and

(11) A provider of community based treatment services for children recommended by the co-chairs.

➔Section 3. (1) The Unified Juvenile Code Task Force may, based on prior research and recommendations and its own new research and recommendations, provide to the Interim Joint Committee on Judiciary and the Legislative Research Commission draft changes to the Unified Juvenile Code and other necessary statutes.

(2) The draft may, insofar as possible, provide for:

(a) The use of validated risk and needs assessments;

(b) Alternatives to incarceration;

(c) The use of community resources, education, and rehabilitation programs for both victims and defendants;

(d) Reinvestment of savings from reduction of the use of facilities for the detention and out-of-home placement of public offenders and status offenders into community-based treatment programs for public offenders and status offenders;

(e) Establishing means of protection and treatment for special needs children;

(f) The feasibility of establishing an age of criminal responsibility;

(g) Whether or not to eliminate status offenses or modify how status offenses are handled and status offenders are treated;

(h) An understanding of the issue and an improved system of identification of children exposed to domestic violence;

(i) A plan for an improved system of information sharing, coordination and provision of services, and response to children exposed to and affected by domestic violence and the impact of domestic violence on a child's behavior; and

(j) Such other recommendations for the modernization and improvement of the Unified Juvenile Code as may be needed and desirable.

➔Section 4. The Unified Juvenile Code Task Force may produce a draft of proposed changes to the Unified Juvenile Code and other necessary statutes for submission to the Interim Joint Committee on Judiciary and to the Legislative Research Commission no later than January 7, 2013.

➔Section 5. Final membership of the Unified Juvenile Code Task Force shall be subject to the consideration and approval of the Legislative Research Commission.

➔Section 6. Provisions of Sections 1 to 5 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Signed by Governor April 11, 2012.