

**CHAPTER 136****( HB 458 )**

AN ACT relating to the Juvenile Justice Oversight Council and declaring an emergency.

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

➔Section 1. KRS 15A.063 is amended to read as follows:

- (1) The Juvenile Justice Oversight Council is created for the purpose of providing independent review of the state juvenile justice system and providing recommendations to the General Assembly. The council is to actively engage in the implementation of the juvenile justice reforms in 2014 Ky. Acts ch. 132, collect and review performance measurement data, and continue to review the juvenile justice system for changes that improve public safety, hold youth accountable, provide better outcomes for children and families, and control juvenile justice costs.
- (2) (a) The membership of the council shall include the following:
  1. The secretary of the Justice and Public Safety Cabinet, ex officio;
  2. The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, ex officio;
  3. The commissioner of the Department for Community Based Services, ex officio;
  4. The commissioner of the Department of Juvenile Justice, ex officio;
  5. The commissioner of the Department of Education, ex officio;
  6. The director of the Administrative Office of the Courts, ex officio;
  7. The Public Advocate, ex officio;
  8. The Senate chair of the Committee on Judiciary, nonvoting ex officio;
  9. The House chair of the Committee on Judiciary, nonvoting ex officio; and
  10. Five (5) at-large members appointed by the Governor, as follows:
    - a. One (1) member representing public schools or an education group or organization;
    - b. One (1) District Judge nominated by the Chief Justice of the Kentucky Supreme Court;
    - c. One (1) member representing law enforcement;
    - d. One (1) member of the County Attorneys' Association nominated by the Attorney General; and
    - e. One (1) member representing community-based organizations, whether for-profit or nonprofit, with experience in programs for juveniles, including substance abuse prevention and treatment, case management, mental health, or counseling.
- (b) The chairs of the House and Senate Judiciary Committees shall serve as co-chairs.
- (c) At-large members shall be appointed by August 1, ~~2022~~~~[2014]~~,~~[and]~~ shall serve a term of two (2) years, and may be reappointed.
- (d) Each ex officio member, except for legislative members, may designate a proxy by written notice to the council prior to call of order of each meeting, and the proxy shall be entitled to participate as a full voting member.
- (e) Except as otherwise provided by law, members shall not be compensated for being members of the council but shall be reimbursed for ordinary travel expenses, including meals and lodging, incurred while performing council business.
- (f) The council shall meet at least quarterly. A quorum, consisting of a majority of the membership of the council, shall be required for the transaction of business. Meetings shall be held at the call of the chair, or upon the written request of two (2) members to the chair.

- (3) The council shall:
- (a) Oversee the implementation of the reforms contained in 2014 Ky. Acts ch. 132, including:
    - 1. Review of the performance measures to be adopted and recommend modifications;
    - 2. Ensure all policies are implemented in accordance with the time frames established;
    - 3. Ensure the fiscal incentive program established pursuant to KRS 15A.062 is implemented and continue to review the program; and
    - 4. Review the Department of Juvenile Justice facilities plan submitted following a reduction of population and make recommendations to the General Assembly as to the plan and any changes to the reinvestment of savings achieved from the closure of any facilities;
  - (b) Collect and review performance data and recommend any additional performance measures needed to identify outcomes in the juvenile justice system;
  - (c) Review the information received from the Department of Education pursuant to KRS 156.095, and determine whether any action is necessary, including additional performance measures, funding, or legislation;
  - (d) Continue review of juvenile justice areas determined appropriate by the council, including:
    - 1. Status offense reform;
    - 2. Necessary training for school resource officers as defined in KRS 158.441, in juvenile justice best practices, research, and impacts on recidivism and long-term outcomes;
    - 3. Graduated sanctions protocols in public schools, including their current use and their development statewide;
    - 4. A minimum age of criminal responsibility;
    - 5. Competency;
    - 6. Reforms to the family resource and youth service centers in the Cabinet for Health and Family Services;
    - 7. Population levels in Department of Juvenile Justice facilities, and the potential for closure of facilities while maintaining staffing ratios necessary to comply with applicable accreditation standards; and
    - 8. Whether juvenile court hearings should be open to the public; and
  - (e) Report by November 2014, and by November of each year thereafter, to the Interim Joint Committee on Judiciary and the Governor and make recommendations to the General Assembly for any additional legislative changes the council determines appropriate.
- (4) The council shall be attached to the Justice and Public Safety Cabinet for administrative purposes.
- (5) The council shall terminate on July 1, ~~2030~~~~[2022]~~, unless the General Assembly extends the term of the council.

➔Section 2. Whereas the Juvenile Justice Oversight Council is set to terminate on July 1, 2022, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor April 8, 2022.**