JUSTICE AND PUBLIC SAFETY CABINET

Department of Juvenile Justice

(New Administrative Regulation)

505 KAR 1:420. Youthful offenders.

RELATES TO: KRS 15A.065, 15A.0652, 15A.067, 196.280, 197.045, 200.080-200.120, 439.265, 439.267, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 605.150, 635.100(7), 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 605.150, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes the requirements for youthful offenders in the custody of the department.

Section 1. Sentence, Admission, Transfer.

(1) A youthful offender sentenced to confinement by a circuit court shall serve the sentence in a DJJ operated facility, or approved or contracted facility, until one (1) of the events listed in KRS 640.030 occurs.

(2) A youthful offender convicted and awaiting classification placement shall:

(a) Be placed within sixty (60) days of sentencing;

(b) Have contact from a DJJ representative at least once per week while in a non-DJJ detention facility; and

(c) Be subject to DNA collection.

(3) A youthful offender shall be advised verbally and in writing, and sign an acknowledgement regarding the requirements of KRS 640.070 upon admission. A program shall provide foreign language interpretation of the materials for the juvenile if a language barrier exists.

(4) Placement of a youthful offender shall be in accordance with the Classification and Placement Manual incorporated by reference in 505 KAR 1:100.

(5) If a youthful offender is transferred to another facility, a new copy of the KRS 640.070 acknowledgement shall be signed by the youthful offender.

(6) DJJ shall not extend jurisdiction for a youthful offender beyond the age of eighteen (18) years and five (5) months except in special circumstances as described by KRS 640.075(1).

Section 2. Educational Good Time.

(1) Sentence credits for education shall be awarded in accordance with KRS 197.045(1)(a)(2) for a youthful offender. A youthful offender shall receive ninety (90) days sentence credit for:

(a) Successful completion of the following education:

1. High school equivalency diploma;
2. High school diploma;
3. Two (2) or four (4) year degree from an accredited college or university;
4. Career or technical education program approved by the department; or
5. Two (2) or four (4) year degree from an accredited college or university online or by correspondence approved by the department;

(b) Successfully completing a drug treatment or other evidenced based program approved by the department; or

(c) Successfully completing a civics education program that requires passing a final exam.

(2) A list of department approved courses shall be available on the department Web site and posted at each facility in an area accessible to juveniles.
(3) Education sentence credit shall not be awarded for:
(a) An individual course;
(b) A certificate;
(c) Completion of a module or level within a larger trade or career or technical education program;
(d) Degree from a non-approved correspondence course provider;
(e) Degree from non-accredited entity; or
(f) Any program not approved by the department.

Section 3. Meritorious Good Time.
(1) A youthful offender shall be considered for meritorious good time monthly to determine eligibility.
(2) If a youthful offender was absent without leave or was adjudicated or convicted of an additional felony that occurred while in a DJJ residential program, the six (6) month period following the return to the program from AWOL status or conviction of another felony shall not be considered for an award of meritorious good time.
(3) Once an award period has been reviewed, future awards shall not include any previously considered time period.
(4) Youthful offenders may be awarded meritorious good time for each full calendar month served. Meritorious good time may be awarded on jail or detention time or parole violation time. Partial months shall not be considered for award amounts.
(5) Facility time shall be calculated in full month increments only and shall not be added to jail or detention credit or parole violation time.

Section 4. Victim Information and Notification Everyday.
(1) A crime victim may register to be notified, if a youthful offender is absent without leave or has escaped, reaches sentence serve-out, or has a court-ordered release.
(2) Registering by the victim or members of the public in VINE shall be voluntary and confidential.
(3) A person shall be registered to receive electronic notification. The person may register:
(a) Electronically using the website, www.vinelink.com; or
(b) By calling the toll-free VINE line at 800-511-1670.
(4) A convicted youthful offender shall be added to the VINE database no later than the day of initial placement by the Classification Branch, and in the event of a change in custody status, the change shall be entered.

VICKI REED, Commissioner

APPROVED BY AGENCY: May 15, 2023
FILED WITH LRC: May 15, 2023 at 3:59 p.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 22, 2023, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2023.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegsContact@ky.gov.