

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 3rd Meeting of the 2024 Interim

August 23, 2024

Call to Order and Roll Call

The third meeting of the Interim Joint Committee on Judiciary was held on August 23, 2024, at 11:00 a.m. in Room 149 of the Capitol Annex. Representative Daniel Elliott, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Daniel Elliott Co-Chair; Senator Whitney Westerfield Co-Chair; Senators Karen Berg, Danny Carroll, Matthew Deneen, and Johnnie Turner; Representatives Kim Banta, John Blanton, Kevin D. Bratcher, Lindsey Burke, Jennifer Decker, Stephanie Dietz, Steven Doan, Patrick Flannery, Nima Kulkarni, Savannah Maddox, Jason Nemes, Jason Petrie, Steve Rawlings, Scott Sharp, Pamela Stevenson, and Nick Wilson.

Guests: Andrea Bruns, State Director/CEO, Kentucky CASA Network; Tami Wilson, Executive Director, CASA of the Bluegrass; Damon Preston, Public Advocate, Department of Public Advocacy; B. Scott West, Deputy Public Advocate, Department of Public Advocacy; Senator Robin Webb, Senate District 18; Hon. Stephanie Burke, Circuit Court Judge, 30th District Court 14th Division; Kate Bryan, Policy Specialist, Criminal and Civil Justice, National Conference of State Legislatures; Alasdair Whitney, Legislative Counsel, Institute for Justice; David Morgan, Government Affairs Associate, Reason Foundation; Christy Burch, Chief Executive Officer, Ion Center for Violence Prevention.

LRC Staff: Roberta Kiser, Stephanie Larkin, Eric Rodenberg, Matt Trebelhorn, and Robert Wright.

Approval of Minutes of the July 18, 2024 Meeting

A motion was made by Representative Nemes and seconded by Representative Banta to approve the minutes of the July 18, 2024, meeting. Minutes were approved by voice vote without objection.

Court Appointed Special Advocate (CASA)

Andrea Bruns, State Director/CEO, Kentucky CASA Network, and Tami Wilson, Executive Director, CASA of the Bluegrass, presented on the Court Appointed Special Advocate (CASA) Program in Kentucky. Ms. Wilson outlined CASA of the Bluegrass' background and statistics related to regional areas served, the number of volunteers, and the number of children served since 2019. Ms. Wilson discussed the responsibilities of a CASA, including

Committee meeting materials may be accessed online at <https://apps.legislature.ky.gov/CommitteeDocuments/8>

the role of CASA volunteers in dependency, neglect, and abuse cases, and how CASA volunteers interact with the Department for Community Based Services (DCBS) and Guardian Ad Litem (GALs). Ms. Bruns outlined the background and scope of the Kentucky CASA Program and discussed statewide CASA program coverage, including data relating to children served, assigned volunteers, and new volunteers trained.

In response to a question from Senator Westerfield, Ms. Bruns described the onboarding process for new CASA volunteers and the quality assurance testing process on existing onboarding processes.

In response to questions from Representative Kulkarni, Ms. Wilson detailed the onboarding process for new CASA volunteers for CASA of the Bluegrass, including in-person classes and court shadowing. Ms. Bruns outlined how CASA programs are funded.

In response to a question from Representative Elliott, Ms. Bruns clarified to which CASA program Taylor County and Green County will be assigned.

Department of Public Advocacy Update

Damon Preston, Public Advocate, Department of Public Advocacy (DPA), and B. Scott West, Deputy Public Advocate, DPA, provided an update regarding the DPA. Mr. Preston detailed the caseload for DPA attorneys compared to national averages and the DPA incoming attorney class of 2024. Mr. West announced his retirement from DPA, and Mr. Preston called for his service to be recognized. Mr. Preston provided an update of the alternative sentencing worker program, the merging of the DPA Louisville office, defense v. prosecution funding, and DPA attorney turnover rates. Mr. Preston discussed the 2024 General Assembly changes to criminal law. Mr. West discussed the current and future impacts of House Bill 5 of the 2024 Regular Session on the DPA. Mr. Preston discussed the decision in *Baze v. Kentucky Department of Corrections* and its impact on the DPA. Mr. Preston discussed the significant increase in complications DPA attorneys are facing regarding the ability to communicate with and visit clients, including invasive frisk searches, body scans, lack of confidential communication with inmate clients, and virtual court. Mr. Preston discussed specific requests for 2025 and beyond.

In response to a question from Senator Berg, Mr. Preston discussed how prosecutors and public defenders are funded in other states.

Fines and Fees Imposed by State and Local Governments

Representative Jennifer Decker, House District 58; Senator Robin Webb, Senate District 18; Hon. Stephanie Burke, District Court Judge, 30th Judicial District; Kate Bryan, Policy Specialist, Criminal and Civil Justice, National Conference of State Legislatures; Alasdair Whitney, Legislative Counsel, Institute for Justice; and David Morgan, Government Affairs

Associate, Reason Foundation, presented on fines and fees imposed by state and local governments. Representative Decker stated she intends to file legislation regarding this topic during the 2025 Regular Session. Representative Decker discussed the impetus for this legislation and its provisions. Mr. Whitney outlined the Institute for Justice's background and stated the Institute for Justice encourages state governments to study the effects of court imposed fines and fees. Mr. Whitney discussed the need for this proposed legislation and further outlined its provisions. Mr. Morgan stated the Reason Foundation supports Representative Decker's efforts related to this proposed legislation. Ms. Bryan outlined NCSL's background and presented on Legal Financial Obligations (LFOs), arguments for and against LFOs, and LFOs in other states. Judge Burke discussed her experience with dispensing court imposed fines and fees and stated that the Kentucky District Judges Association would welcome this legislation.

Coercive Control of Domestic Violence Victims

Representative Stephanie Dietz, House District 65, and Christy Burch, Chief Executive Officer, Ion Center for Violence Prevention, presented on Bill Request 15 of the 2025 Regular Session: An act related to coercive control. Representative Dietz discussed the impetus for the introduction of BR 15 and defined coercive control. Ms. Burch outlined The Ion Center for Violence Prevention's background and discussed common behaviors that signify coercive control.

In response to a question from Representative Nemes, Ms. Burch discussed the origin of the bill's language.

Adjournment

There being no further business, the meeting adjourned at 12:56 p.m.