

Section 6 allows a child to be taken into protective custody while the officer conducts an initial investigation, pursuant to KRS 610.200. Currently, the officer takes the child into custody, secures him at an approved location, and then conducts the initial investigation.

Section 7 grants a peace officer discretion to file a status offense complaint to a court-designated worker, after the child's custodian has been notified, and the child has been returned to her custodian. Currently, the peace officer is required to file a complaint. Subsection 2(e) requires a peace officer to file a complaint to initiate detention or placement procedures pending a detention or custody hearing, if the child's custodian cannot be found or refuses to collect their child. Currently, there is no reference to detention or placement proceedings, but the officer is still required to file the complaint.

Section 10, subsection 52 adds a new term to the definitions section: "restorative justice practices", a practice to emphasize repairing harm caused to victims and the community by juvenile offenders.

Section 11 limits the time a status offender can spend in detention for violating a court order to thirty (30) days. Currently, there is no time limit.

Section 12 repeals KRS 610.012, dealing with exclusive jurisdiction of the District Court or family division of Circuit Court concerning temporary detention of a suspected runaway.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

SB 201 is expected to have minimal impact on local governments.

Juvenile offenders can only be housed in juvenile detention facilities. If a lot of detention orders are issued, the impact on local law enforcement could increase, for they will have to transport the offender to a juvenile detention facility. In some cases, the detention facility could be several miles from the jurisdiction where the offense occurred. So long as detention orders do not unexpectedly rise, the impact on local law enforcement should be minimal, as many of the responsibilities are borne on county attorneys.

The responsibilities of county attorneys do not change significantly with SB 201. Many of the responsibilities of county attorneys are already codified in KRS. Under SB 201, county attorneys could no longer file complaints against a child that has committed a misdemeanor if she has no prior adjudications or diversions. Such change should have minimal impact on county attorneys.

SB 201 should also have no impact on local jails, since juvenile offenders would have to be housed in juvenile detention facilities. Since juvenile offenders are housed in juvenile detention facilities, the Department of Juvenile Justice bears most of the cost associated with housing juvenile offenders. Since many of the costs are incurred by the Department of Juvenile Justice, SB 201 should have no impact on local jails.

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs' Association; Kentucky Association of Chiefs of Police; Kentucky County Attorneys' Association

Preparer: Daniel Carter **Reviewer:** JWN **Date:** 3/2/16