

1 AN ACT relating to juvenile justice.

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

3 ➔Section 1. KRS 635.020 is amended to read as follows:

- 4 (1) If, prior to an adjudicatory hearing, there is a reasonable cause to believe that a child  
5 before the court has committed a felony other than those described in subsections  
6 (2) and (3) of this section, a misdemeanor, or a violation, the court shall initially  
7 proceed in accordance with the provisions of this chapter.
- 8 (2) If a child charged with a capital offense, Class A felony, or Class B felony, had  
9 attained age fourteen (14) at the time of the alleged commission of the offense, the  
10 court shall, upon motion of the county attorney made prior to adjudication, and after  
11 the county attorney has consulted with the Commonwealth's attorney, that the child  
12 be proceeded against as a youthful offender, proceed in accordance with the  
13 provisions of KRS 640.010.
- 14 (3) If a child charged with a Class C or Class D felony has on one (1) prior separate  
15 occasion been adjudicated a public offender for a felony offense and had attained  
16 the age of sixteen (16) at the time of the alleged commission of the offense, the  
17 court shall, upon motion of the county attorney made prior to adjudication, and after  
18 the county attorney has consulted with the Commonwealth's attorney, that the child  
19 be proceeded against as a youthful offender, proceed in accordance with the  
20 provisions of KRS 640.010.
- 21 (4) If a child charged with a felony in which a firearm, whether functional or not, was  
22 used by the child in the commission of the offense had attained the age of fourteen  
23 (14) years at the time of the commission of the alleged offense, the court shall, upon  
24 motion of the county attorney made prior to adjudication, and after the county  
25 attorney has consulted with the Commonwealth's attorney, that the child be  
26 proceeded against as a youthful offender, proceed in accordance with KRS 640.010.
- 27 (5) If a child previously convicted as a youthful offender under the provisions of KRS

1 Chapter 640 is charged with a felony allegedly committed prior to his or her  
2 eighteenth birthday, the court shall, upon motion of the county attorney made prior  
3 to adjudication, and after the county attorney has consulted with the  
4 Commonwealth's attorney, that the child be proceeded against as a youthful  
5 offender, proceed in accordance with the provisions of KRS 640.010.

6 (6) A child who is charged as is provided in subsection (2) of this section and is also  
7 charged with a Class C or D felony, a misdemeanor, or a violation arising from the  
8 same course of conduct shall have all charges included in the same proceedings; and  
9 the court shall, upon motion of the county attorney made prior to adjudication, and  
10 after the county attorney has consulted with the Commonwealth's attorney, that the  
11 child be proceeded against as a youthful offender, proceed in accordance with the  
12 provisions of KRS 640.010.

13 (7) If a person who is eighteen (18) or older and before the court is charged with a  
14 felony that occurred prior to his or her eighteenth birthday, the court shall, upon  
15 motion of the county attorney made prior to adjudication, and after the county  
16 attorney has consulted with the Commonwealth's attorney, that the child be  
17 proceeded against as a youthful offender, proceed in accordance with the provisions  
18 of KRS 640.010.

19 (8) All offenses arising out of the same course of conduct shall be tried with the felony  
20 arising from that course of conduct, whether the charges are adjudicated under this  
21 chapter or under KRS Chapter 640 and transferred to Circuit Court.