

1 AN ACT relating to juvenile justice.

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

3 ➔Section 1. KRS 15A.061 is amended to read as follows:

4 **(1) *The cabinet shall maintain a comprehensive, centralized data tracking system for***
5 ***the Department of Juvenile Justice.***

6 **(2)** The cabinet shall ensure that all departments within the cabinet collaborate to
7 develop procedures to allow collection and sharing of data necessary to analyze
8 juvenile recidivism. Recidivism includes an adjudication of delinquency by a
9 juvenile court, or a conviction by a District Court or Circuit Court, for an offense
10 committed within three (3) years of release from the custody or control of the
11 Department of Juvenile Justice.

12 ➔Section 2. KRS 15A.305 is amended to read as follows:

13 (1) The Department of Juvenile Justice shall~~[, with available funds,]~~ develop and
14 administer a statewide detention program and, as each regional facility is
15 constructed and ready for occupancy, shall~~[, within appropriation limitations,]~~
16 provide for:

17 (a) The operation of preadjudication detention facilities for children charged with
18 public offenses; and

19 (b) The operation of postadjudication detention facilities for children adjudicated
20 delinquent or found guilty of public offenses.

21 (2) In each region in which the Department of Juvenile Justice operates or contracts for
22 the operation of a detention facility, the department shall~~[, within appropriation~~
23 ~~limitations,]~~ develop and administer a program for alternatives to secure detention
24 that shall provide for:

25 (a) The operation of or contracting for the operation of preadjudication
26 alternatives to secure detention and follow-up programs for juveniles who are
27 before the court or who enter pretrial diversion or informal adjustment

1 programs; and

2 (b) The operation of or contracting for the operation of postadjudication
3 alternatives to secure detention and follow-up programs, including but not
4 limited to community-based programs, mentoring, counseling, and other
5 programs designed to limit the unnecessary use of secure detention and ensure
6 public safety.

7 (3) The department shall develop and implement a system to immediately notify the
8 Cabinet for Health and Family Services when a status offender or child alleged to
9 be a status offender has been detained for the alleged violation of a valid court
10 order.

11 (4) The department may, except as provided in KRS 635.060, charge counties,
12 consolidated local governments, and urban-county governments a per diem not to
13 exceed ninety-four dollars (\$94) for lodging juveniles in state-owned or contracted
14 facilities.

15 (5) Detention rates charged by contracting detention facilities shall not exceed the rate
16 in effect on July 1, 1997, subject to increases approved by the department.

17 (6) No juvenile detention facility, as defined in KRS 15A.200, shall be taken over,
18 purchased, or leased by the Commonwealth without prior approval of the fiscal
19 court upon consultation with the jailer in the county where the facility is located.
20 The county, upon consultation with the jailer, may enter into contracts with the
21 Commonwealth for the holding, detention, and transportation of juveniles.

22 **(7) The Department of Juvenile Justice shall enter into sufficient contracts to ensure**
23 **the availability of institutional treatment for children with severe emotional**
24 **disturbance or mental illness.**

25 **(8) The Department of Juvenile Justice shall, for any facility operated pursuant to**
26 **subsection (1) of this section, require that the facility:**

27 **(a) Provide children in crisis who are residing in a juvenile detention facility**

1 access to a mental health professional whose communications with the child
2 are privileged under the Kentucky Rules of Evidence;

3 **(b) Conduct monthly documented training related to emergency response;**

4 **(c) Ensure each youth worker and staff member is equipped and certified at a**
5 **minimum with pepper spray and a Taser, and is certified in any other**
6 **emergency response equipment provided or issued by the Department of**
7 **Juvenile Justice;**

8 **(d) Establish a specially trained emergency response team within each juvenile**
9 **detention center and youth development center which shall be trained in**
10 **tactics related to detention facilities and drill monthly as part of emergency**
11 **response training;**

12 **(e) Enter into a memorandum of understanding with local law enforcement for**
13 **emergency response and include these agencies in emergency response**
14 **trainings; and**

15 **(f) Be equipped with an alarm that directly communicates an emergency**
16 **situation to the local dispatch center.**

17 ➔Section 3. The Justice and Public Safety Cabinet shall:

18 (1) Develop and implement, as soon as practicable, a plan that will transition back
19 to the regional model of juvenile detention center facilities while safely segregating males
20 and females and separating violent and nonviolent offenders. The plan shall provide for a
21 return to the regional structure from the current emergency structure;

22 (2) No later than December 1, 2023, submit to the Legislative Research
23 Commission a data-supported comprehensive review of the classification and
24 compensation plan related to all positions within the Department of Juvenile Justice and
25 the Department of Corrections;

26 (3) Within 90 days after the effective date of this Act, implement a Youth
27 Worker-R program to retain retired youth workers to supplement the staff of the

1 Department of Juvenile Justice;

2 (4) Within 30 days after the effective date of this Act, implement a limited
3 duration program to allow staff of the Department of Juvenile Justice who have resigned
4 to return at their previous employment classification with the approval of the department;
5 and

6 (5) Within 30 days after the effective date of this Act, promulgate administrative
7 regulations under KRS Chapter 13A to ensure all complaints and concerns raised by any
8 employee of the Department of Juvenile Justice involving the safety of staff, or the safety
9 of juvenile offenders held in or in attendance at any Department of Juvenile Justice
10 facility, including any complaints against any other employee, supervisor, assistant
11 director, director, deputy commissioner, Commissioner of the Department of Juvenile
12 Justice, and the Secretary of the Justice and Public Safety Cabinet, are acknowledged as
13 received no later than 10 days after receipt, promptly investigated, and addressed in an
14 expedited manner.

15 ➔Section 4. Within 90 days after the effective date of this Act, the Department
16 for Medicaid Services shall develop and submit an amendment to the Section 1115
17 demonstration waiver submitted pursuant to 2021 Ky. Acts ch. 169, Part I, G., 3., b., (16)
18 to provide Medicaid benefits to Medicaid-eligible children detained in a facility operated
19 pursuant to Section 2 of this Act. Upon approval of the waiver, the cost of medical and
20 behavioral health care shall be a covered Medicaid benefit for an incarcerated child.