

1 AN ACT relating to juvenile justice.

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

3 ➔Section 1. KRS 610.345 is amended to read as follows:

4 (1) When a child is adjudicated guilty of an offense which classifies him or her as a
5 youthful offender, the ~~judge in the court in which the matter was tried shall direct~~
6 ~~the clerk~~ ***shall*** ~~to~~ notify the superintendent of the public school district in which
7 the child is enrolled or the principal of any private elementary or secondary school
8 which the child attends of the adjudication and the petition and disposition of the
9 case. ~~The name of the complainant shall be deleted. The court shall direct the~~
10 ~~appropriate prosecuting entity to give the school district or the school a statement of~~
11 ~~facts in the case. The superintendent shall notify the principal of the school in~~
12 ~~which the child is enrolled.]~~

13 (2) When a child is adjudicated guilty of an offense which would classify him or her as
14 a violent offender under KRS 439.3401, or be a felony under KRS Chapter 218A,
15 508, 510, or 527 if committed by an adult, but which would not classify him or her
16 as a youthful offender, the ~~judge in the court in which the matter was tried shall~~
17 ~~direct the clerk~~ ***shall*** ~~to~~ notify ~~within five (5) days of the order~~ the
18 superintendent of the public school district in which the child is enrolled or the
19 principal of any private elementary or secondary school which the child attends of
20 the charge, the adjudication, and the disposition of the case. ~~The name of the~~
21 ~~complainant shall be deleted. The court shall authorize the county attorney to give~~
22 ~~the school district or the school a statement of facts in the case. The superintendent~~
23 ~~shall notify the principal of the school in which the child is enrolled.]~~

24 (3) When a ***court-designated worker receives notice that a county attorney has made***
25 ***a determination pursuant to KRS 635.010(1) that probable cause exists to file a***
26 ***public offense petition alleging that the child committed an offense that, if***
27 ***committed by an adult, would be a:***

1 (a) Felony; or

2 (b) Misdemeanor involving:

3 1. A controlled substance;

4 2. The possession, carrying, or use of a deadly weapon;

5 3. Physical injury to another person;

6 4. Sexual contact;

7 5. Sexual intercourse; or

8 6. Deviate sexual intercourse;

9 the court-designated worker shall notify the superintendent of the public school
10 district in which the child is enrolled or the principal of any private elementary or
11 secondary school which the child attends of the charge. If the complaint is
12 successfully diverted, the court-designated worker shall notify the superintendent
13 or the principal of the successful diversion, and all records of the incident or
14 notification created in the school district or the school under this subsection shall
15 be destroyed and shall not be included in the child's school records.

16 (4) When ~~petition is filed against a child, or~~ a child is adjudicated guilty of an offense
17 that meets the criteria set forth in subsection (3)(a) or (b) of this section, ~~would~~
18 ~~be a felony or misdemeanor if committed by an adult, and the misdemeanor~~
19 ~~involves a controlled substance or the possession, carrying, or use of a deadly~~
20 ~~weapon, or physical injury to another person, the judge in the court in which the~~
21 ~~matter is considered shall direct~~ the clerk shall ~~to~~ notify the superintendent of the
22 public school district in which the child is enrolled or the principal of any private
23 elementary or secondary school that the child attends of the charge, the
24 adjudication, and the disposition of the case. If the petition is dismissed or
25 informally adjusted, the clerk shall notify the superintendent or the principal of
26 the disposition, and all records of the incident or notification created in the
27 school district or the school under this subsection shall be destroyed and shall not

1 *be included in the child's school records.*

2 (5) The *notifications required in subsection (1) to (4) of this section*~~[notification]~~ shall
3 be made within twenty-four (24) hours of the *county attorney's determination*
4 *pursuant to KRS 635.010(1), successful completion of diversion, or entry of the*
5 *court order*~~[time when the petition is filed]~~. The name of the complainant shall be
6 deleted. The~~[court shall authorize the]~~ county attorney *may, upon request by*~~[to~~
7 ~~give]~~ the school district or the school, *provide* a statement of the facts in the case,
8 not to include the complainant's name.~~[If the petition is dismissed, all records of~~
9 ~~the incident or notification created in the school district or the school under this~~
10 ~~subsection shall be destroyed, and shall not be included in the child's school~~
11 ~~records.]~~

12 (6)~~[(4)]~~ Notice~~[of adjudication]~~ to a district superintendent referenced in subsections
13 *(1) to (4)*~~[(2) and (3)]~~ of this section shall be released by the superintendent to the
14 principal *of the school in which the child is enrolled.* A principal of a public or
15 private school receiving notice~~[of adjudication]~~ shall release the information to
16 employees of the school having responsibility for classroom instruction or
17 counseling of the child and may release it to other school personnel as described in
18 subsection *(7)*~~[(5)]~~ of this section, but the information shall otherwise be
19 confidential and shall not be shared by school personnel with any other person or
20 agency except as may otherwise be required by law. The notification in writing of
21 the nature of the offense committed by the child and any probation requirements
22 shall not become a part of the child's student record.

23 (7)~~[(5)]~~ Records or information disclosed pursuant to this section shall be limited to
24 records of that student's criminal petition and the disposition thereof covered by this
25 section, shall be subject to the provisions of KRS 610.320 and 610.340, and shall
26 not be disclosed to any other person, including school personnel, except to a district
27 superintendent, public or private elementary and secondary school administrative,

1 transportation, and counseling personnel, and to any teacher or school employee
2 with whom the student may come in contact. This section shall not authorize the
3 disclosure of any other juvenile record or information relating to the child.

4 ~~(8)~~~~(6)~~ The Department of Juvenile Justice shall provide a child's offense history
5 information pursuant to this section to the superintendent of the local school district
6 in which the child, who is committed to the department, is placed.

7 ~~(9)~~~~(7)~~ Records or information received by the school pursuant to this section shall be
8 kept in a locked file, when not in use, to be opened only on permission of the
9 administrator.