

1 AN ACT relating to juvenile justice.

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

3 ➔Section 1. KRS 635.010 is amended to read as follows:

- 4 (1) The county attorney shall cause a review to be made of each complaint alleging that
5 a public offense has been committed. The purpose of this review shall be to
6 determine from the available evidence whether there are reasonable grounds to
7 believe that the alleged facts would constitute a public offense. The county attorney
8 may elect not to proceed with the complaint, regardless of whether reasonable
9 grounds exist, and dismiss the complaint.
- 10 (2) The county attorney, upon receipt of a request for special review, shall consider the
11 facts presented by the complainant and by the court-designated worker who made
12 the recommendation that no petition be filed, before the county attorney makes a
13 final decision as to whether a public offense petition shall or shall not be filed.
- 14 (3) In all cases in which the child is alleged to have committed a public offense and is
15 not detained, the court-designated worker shall submit his written recommendation
16 to the county attorney or designee within twenty (20) days, exclusive of weekends
17 and holidays, from the date the child was taken into custody or the complaint was
18 filed. In cases where the child is detained, the court-designated worker's report shall
19 be submitted within seventy-two (72) hours of the time the child is ordered
20 detained.
- 21 (4) The county attorney may not file a petition if the complaint is a misdemeanor, ***other***
22 ***than a violation of KRS 508.030,*** and the child who is the subject of the diversion
23 agreement has no prior adjudications and no prior diversions.
- 24 (5) If a public offense petition is filed, it shall be verified by information and belief and
25 contain the information listed in KRS 610.020.