UNOFFICIAL COPY 20 RS BR 1735

1 AN ACT relating to juvenile justice.

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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
- determine from the available evidence whether there are reasonable grounds to
- 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
- facts presented by the complainant and by the court-designated worker who made
- the recommendation that no petition be filed, before the county attorney makes a
- 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
- not detained, the court-designated worker shall submit his <u>or her</u> written
- recommendation to the county attorney or designee within twenty (20) days,
- exclusive of weekends and holidays, from the date the child was taken into custody
- or the complaint was filed. In cases where the child is detained, the court-designated
- worker's report shall be submitted within seventy-two (72) hours of the time the
- 20 child is ordered detained.
- 21 (4) The county attorney may not file a petition if the complaint is a misdemeanor and
- 22 the child who is the subject of the diversion 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
- contain the information listed in KRS 610.020.