

635.025 Transfer of a youth to an adult facility by sentencing Circuit Court -- Hearing.

- (1) Upon motion of the Department of Juvenile Justice, the sentencing Circuit Court may, after notice and hearing, order a youth, transferred under KRS 635.020(4), committed to an adult facility operated by the Department of Corrections if it is established by a preponderance of the evidence that the juvenile:
 - (a) By his or her violent behavior, injured or endangered the life or health of another youthful offender or staff members in the facility or program;
 - (b) Escaped from the facility or program from which the juvenile is being held;
 - (c) By his or her actions, caused disruption in the facility or program by encouraging other residents to engage in violent behavior which has injured or endangered the life or health of other residents or staff of the facility or program;
 - (d) By his or her actions, caused disruption in the facility or program, smuggled contraband into the facility or program, caused contraband to be smuggled into the facility or program, or engaged in other types of behavior which have endangered the life or health of other residents or staff of the facility or program; or
 - (e) By his or her actions has established a pattern of disruptive behavior not conducive to the established policies and procedures of the program.
- (2) The hearing described in subsection (1) of this section shall be held in the sentencing Circuit Court within ten (10) days of the filing of the motion provided for in subsection (1) of this section.
- (3) Upon a youth's admission to a facility or program operated by the Department of Juvenile Justice, the department shall advise that youth of the provisions of this section.
- (4) Upon motion of the Department of Juvenile Justice, the sentencing Circuit Court may, after notice and hearing, order a youth committed to the Department of Corrections, if the Department of Juvenile Justice establishes by a preponderance of the evidence that the youth is mentally ill, dangerous to himself or others, and cannot be adequately treated in the program. The court shall presume that a youth is mentally ill if the youth has pled guilty to, or has been convicted of, a felony and has been found by the court or jury to be guilty but mentally ill.
- (5) Any youth remanded to the Department of Corrections under any provision of this chapter shall not later be placed in a facility operated by the Department of Juvenile Justice.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 534, sec. 12, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 538, sec. 18, effective April 13, 1998.