

640.030 Sentencing after conviction or plea of guilty.

A youthful offender, who is convicted of, or pleads guilty to, a felony offense in Circuit Court, shall be subject to the same type of sentencing procedures and duration of sentence, including probation and conditional discharge, as an adult convicted of a felony offense, except that:

- (1) The presentence investigation required by KRS 532.050 shall be prepared by the Department of Juvenile Justice or by its designated representative;
- (2) Except as provided in KRS 640.070, any sentence imposed upon the youthful offender shall be served in a facility or program operated or contracted by the Department of Juvenile Justice until the expiration of the sentence, the youthful offender is paroled, the youthful offender is probated, or the youthful offender reaches the age of eighteen (18), whichever first occurs. The Department of Juvenile Justice shall take custody of a youthful offender, remanded into its custody, within sixty (60) days following sentencing. If an individual sentenced as a youthful offender attains the age of eighteen (18) prior to the expiration of his sentence, and has not been probated or released on parole, that individual shall be returned to the sentencing court. At that time, the sentencing court shall make one (1) of the following determinations:
 - (a) Whether the youthful offender shall be placed on probation or conditional discharge;
 - (b) Whether the youthful offender shall be returned to the Department of Juvenile Justice to complete a treatment program, which treatment program shall not exceed the youthful offender's attainment of the age of eighteen (18) years and five (5) months. At the conclusion of the treatment program, the individual shall be returned to the sentencing court for a determination under paragraph (a) or (c) of this subsection; or
 - (c) Whether the youthful offender shall be incarcerated in an institution operated by the Department of Corrections;
- (3) If a youthful offender has attained the age of eighteen (18) years but less than eighteen (18) years and five (5) months prior to sentencing, that individual shall be returned to the sentencing court upon attaining the age of eighteen (18) years and five (5) months if that individual has been sentenced to a period of placement or treatment with the Department of Juvenile Justice. The court shall have the same dispositional options as currently provided in subsection (2)(a) and (c) of this section;
- (4) The Department of Juvenile Justice shall inform the sentencing court of any youthful offender in their custody pursuant to this section who has attained the age of eighteen (18) years and five (5) months, and the court shall enter a court order directing the sheriff or jailer to transport the youthful offender to the county jail to await sentencing pursuant to subsection (2)(a) or (c) of this section; and
- (5) KRS 197.420 to the contrary notwithstanding, a youthful offender who has committed a sex crime, as defined in KRS 17.500, or any similar offense in another jurisdiction shall be provided a sexual offender treatment program by the

Department of Juvenile Justice pursuant to KRS 635.500 and as mandated by KRS 439.340(11) unless the youthful offender has been transferred to the Department of Corrections.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 182, sec. 56, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 160, sec. 8, effective April 21, 2004. -- Amended 2002 Ky. Acts ch. 263, sec. 12, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 358, sec. 56, effective July 1, 1997. -- Amended 1994 Ky. Acts ch. 94, sec. 15, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 211, sec. 140, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 350, sec. 106, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 136, effective July 1, 1987.

Legislative Research Commission Note (7/15/96). Under 1996 Ky. Acts ch. 358, sec. 67(3), the amendment of this statute by Section 56 of that Act becomes effective July 1, 1997, in that it deals with functions of the Department of Juvenile Justice.