

**640.070 Committing youthful offender to Department of Corrections.**

- (1) Upon motion of the Department of Juvenile Justice, the sentencing Circuit Court may, after notice and hearing, order a youthful offender committed to an adult facility operated by the Department of Corrections if it is established by a preponderance of the evidence that the youthful offender has:
  - (a) By his 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 he is being held;
  - (c) By his 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 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 actions has established a pattern of disruptive behavior not conducive to the established policies and procedures of the program.
- (2) The hearing 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 admission to a facility or program operated by the Department of Juvenile Justice, the department shall advise the youthful offender 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 youthful offender committed to the Department of Corrections if it is established by a preponderance of the evidence that the youthful offender is mentally ill and is dangerous to himself or others, and cannot be adequately treated in the youthful offender program. It shall be presumed that a youthful offender is mentally ill if he 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. 18, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 538, sec. 19, effective April 13, 1998. -- Amended 1996 Ky. Acts ch. 358, sec. 58, effective July 1, 1997. -- Amended 1992 Ky. Acts ch. 211, sec. 142, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 423, sec. 140, effective July 1, 1987.