

1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Corrections

3 (Amendment)

4 501 KAR 2:060. Procedures for housing of Class C and D felons.

5 RELATES TO: KRS 196.035, 197.020, 197.045, 431.215, 441.045, 441.075, 441.510, 532.100

6 STATUTORY AUTHORITY: KRS 196.035, 197.020, 532.100

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 532.100(5) requires the Department of
8 Corrections to house qualifying Class C and D felons in jails. KRS 196.035 authorizes the secretary
9 to promulgate administrative regulations necessary or suitable for the proper administration of the
10 functions of the cabinet or any division in the cabinet. This administrative regulation establishes
11 the procedures to implement the required housing program.

12 Section 1. Eligibility. Any county housing qualified inmates pursuant to KRS 532.100(5) shall be
13 eligible to continue to do so unless the department, through its minimum jail standards enforcement
14 procedures established by KRS 441.075, orders a jail to cease housing Class C and D felons.

15 Section 2. Submission of documents for Class D felons. In any jail housing Class D felons, the
16 jailer shall forward to the assessment and classification center the following documents, within ten
17 (10) working days of receipt of the judgment, for each Class D felon for whom a transfer has not
18 been requested:

19 (1) Picture, which shall be updated annually in accordance with Section 12 of this
20 administrative regulation:

(5) The jailer may request the department to review the assignment ninety (90) days from the date of the last assignment. Any additional custody review may be completed as deemed necessary by the Director of Population Management.

Section 4. Assignment of Class C felons.

(1) The assessment and classification center shall identify and inform the jailer of a Class C felon who qualifies under KRS 532.100(5)(c)1. to be housed in a jail.

(2) The assessment and classification center~~[AC Center]~~ shall notify the jailer when an inmate has been assigned as a Class C felon.

Section 5. Parole Board.

(1) Prior to the meeting of the Parole Board, jail personnel shall provide each qualified inmate scheduled for review by the board with a jail offender Information to the Kentucky Parole Board form. Jail personnel shall submit the completed form to the Division of Local Facilities via KOMS or electronically, as requested by the Parole Board.

(2) Jail personnel shall inquire if a qualified inmate scheduled for review by the board would like to waive his or her Parole Board hearing and request a serve out if the qualified inmate scheduled to meet the Parole Board has ninety (90) days or less remaining until his or her minimum expiration date. If the qualified inmate decides to waive his or her Parole Board hearing and requests~~[request]~~ a serve out, jail personnel shall have the inmate sign the Request Declining Parole form and submit it to the Parole Board via KOMS or electronically.

(3) Deaf or Hard of Hearing Inmate.

(a) If a deaf or hard of hearing inmate has a hearing before the Parole Board, the jail shall assist the Parole Board with appropriate accommodation necessary for effective communication for the inmate for the hearing.

1 (3) Jail personnel shall notify the Director of Local Facilities or the Offender Information
2 Services of any detainer or holder lodged against the qualified inmate by another jurisdiction.

3 Section 8.

4 (1) Furlough requests shall be submitted to the Classification Branch Manager.

5 (2) Furloughs shall be governed by CPP 25.4, incorporated by reference in 501 KAR 6:510~~[501~~
6 ~~KAR 6:020]~~.

7 Section 9. Escape. If a qualified inmate escapes, the jailer, jail administrator, or jail personnel shall
8 immediately:

9 (1) Notify the Division of Local Facilities jail inspector;

10 (2) Notify Kentucky State Police (KSP) or local law enforcement;

11 (3) Activate VINE through use of the Emergency Override Line (EOL); and

12 (4) Enter the prisoner's escape status into the jail management system.

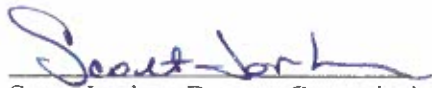
13 Section 10. Medical Needs. The department shall pay each jail a per diem for state prisoners as
14 established by KRS 532.100(7). The jail shall pay for routine medical and medication expenses
15 but may charge a copay as provided by KRS 441.045(13). ~~[If the inmate requires an admission to~~
16 ~~a hospital with at least one (1) night stay or outpatient surgery in which a general anesthesia is~~
17 ~~used, the cost shall be paid by the department. The jailer, jail administrator, or jail personnel shall~~
18 ~~notify the Department of Corrections Medical Division designee if any qualified inmate is admitted~~
19 ~~to the hospital for twenty-four (24) hours or longer.]~~

20 Section 11. Inmate Pay. A qualified inmate on a work assignment shall be paid in accordance with
21 CPP 19.3, incorporated by reference in 501 KAR 6:460~~[501 KAR 6:020]~~.

22 Section 12. Good Time. For a qualified inmate housed in a jail, the awarding of good time or
23 sentence credit shall be in accordance with this section.

501 KAR 2:060. Procedures for housing of Class C and D felons.

Approved: 8/17/26

A handwritten signature in blue ink, appearing to read "Scott Jordan", written over a horizontal line.

Scott Jordan, Deputy Commissioner, on behalf of:
Cookie Crews, Commissioner
Department of Corrections

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

501 KAR 2:060

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Subject Headings: Corrections and Correctional Facilities, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for the housing program required by KRS 532.100(5) for Class C or D state inmates in a jail.

(b) The necessity of this administrative regulation: The housing program is required by KRS 532.100(5) and provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution for security or medical reasons.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the housing program required by KRS 532.100(5). KRS 532.100(6) authorizes a jailer to request the transfer of a Class C or D inmate for specific reasons. KRS 196.035 gives authority to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment makes updates to regulatory references and removes the Department of Corrections' obligation to pay costs associated with an inmate that require an admission to a hospital with at least one (1) night stay or outpatient surgery in which a general anesthesia is used, which will be clarified in a separate, new regulation.

(b) The necessity of the amendment to this administrative regulation: This amendment is needed to provide clarity regarding the process required to move a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

(c) How the amendment conforms to the content of the authorizing statutes: The changes are within the authority granted by the authorizing statutes.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

For subsequent years: 0

3. Cost Savings:

For the first year: 0

For subsequent years: 0

(5) (a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This regulation will affect approximately 5,682 Class C and D felons in the jails.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: 0

For subsequent years: 0

2. Revenues:

For the first year: 0

For subsequent years: 0

3. Cost Savings:

For the first year: 0

For subsequent years: 0

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The amendment is not expected to have a fiscal impact on the Department of Corrections, the county and regional jails that house Class C and D felons, or the Class C and D felons housed in those jails. The amendment primarily updates regulatory references and clarifies procedures related to the housing and management of Class C and D felons in jails. Regulated entities are not required to take any new action to comply with the amendment, and the amendment does not create a new fee, increase an existing fee, or impose new operational requirements on the Department, local jails, or inmates. The amendment also does not change the per diem paid under KRS 532.100(7) or otherwise alter the existing housing structure for qualified Class C and D felons.

(b) Methodology and resources used to reach this conclusion: Because the amendment primarily updates regulatory references and clarifies procedures related to the housing and management of Class C and D felons in jails, regulated entities are not required to take any new action to comply with the amendment, and the amendment does not create a new fee, increase an existing fee, or impose new operational requirements on the Department, local jails, or inmates, no fiscal impact was identified. The amendment also does not change the per diem paid under KRS 532.100(7) or otherwise alter the existing housing structure for qualified Class C and D felons.

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SUMMARY OF AMENDED MATERIAL INCORPORATED BY REFERENCE

The total number of pages of amended material incorporated by reference in the amendment is 0.