

CHAPTER 97**(HB 130)**

AN ACT relating to transportation of prisoners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 441.510 is amended to read as follows:

- (1) If an *inmate*~~{accused}~~ is confined in a detention facility, he shall be transported as necessary in accordance with the following provisions~~[-, unless otherwise ordered by the court]~~:
 - (a) If he is lodged in an urban-county facility in the county where the trial is to be held, the jailer shall carry out this duty; and
 - (b) In all other cases, the sheriff of the county where the prisoner is incarcerated shall carry out this duty as provided in subsection (3) of this section.
- (2) ***The transportation of any inmate housed in a county detention center whose court appearance is necessary in any other county shall be transported by the sheriff of the county where the trial or court proceedings are to be held.***
- (3) If an accused is sentenced to confinement, the sheriff shall deliver him to the proper detention facility, with the exception that in the case of a sentence to an urban-county detention facility, the jailer shall carry out this duty.
- ~~(4)~~~~(3)~~ In each county where there is no jail, the fiscal court or the legislative body of a charter county government, as appropriate, shall adopt a transportation plan which establishes the party responsible for transporting prisoners as necessary:
 - (a) The fiscal court or the legislative body of a charter county government, as appropriate, may require the jailer to serve as transportation officer to be responsible for transporting prisoners as necessary; or
 - (b) The fiscal court or the legislative body of a charter county government, as appropriate, may require the sheriff to serve as transportation officer to be responsible for transporting prisoners as necessary; or
 - (c) The fiscal court or the legislative body of a charter county government, as appropriate, may adopt any reasonable transportation plan so long as the party responsible for transporting prisoners is specified.
- ~~(5)~~~~(4)~~ Upon the recommendation of the jailer, the fiscal court shall employ a female transportation officer for purposes of assisting the jailer during the transportation of female prisoners, when deemed necessary by the jailer.
- ~~(6)~~~~(5)~~ In any county where there is no jail and the jailer does not transport prisoners, the jailer shall serve as a bailiff to the Circuit and District Courts of the county as provided for in KRS 71.050.
- ~~(7)~~~~(6)~~ Nothing in this section shall prohibit the jailer from transporting the prisoners as he or she deems necessary.

Approved March 15, 2001