

CHAPTER 107**(HB 493)**

AN ACT relating to corrections and declaring an emergency.

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

Section 1. KRS 197.505 is amended to read as follows:

- (1) The state may enter into contracts with a private provider to establish, operate, and manage adult correctional facilities. In all such contracts the state shall retain clear supervisory and monitoring powers over the operation and management of the adult correctional facility to insure that the inmates are properly cared for and that the employees of the facility and the public are adequately protected.
- (2) *Any adult correctional facility operated by a private provider under this section shall ensure that all inmates housed in the facility, including those inmates housed under contract with another state, shall meet classification requirements as set forth by the department for the designated security level of the facility*~~[No inmate who is ineligible to work or be released outside the walls of the prison pursuant to KRS 197.140 shall be placed in an adult correctional facility that has been contracted for pursuant to this section].~~
- (3) ~~[Any restricted-custody inmate placed in a private prison shall be housed in a facility with a perimeter fence.~~
- ~~(4)~~ Any adult correctional facility contracted for pursuant to this section shall be constructed only in a county with an established Kentucky State Police post or in a county in which at least two (2) State Police officers reside as a result of a duty assignment or in a county with a full-time police department.

Section 2. Whereas a 90-day delay in the effective date of this legislation would endanger the continued employment and livelihood of the many Kentuckians who have relied upon the operation of private correctional facilities in providing for themselves and their families, and that delay would create serious downstream economic harm to those who provide the facilities and its employees with goods or services, and whereas it is incumbent upon the General Assembly, as the people's branch of government, to utilize its inherent lawmaking authority to protect and promote the general livelihood of Kentucky's citizenry, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 18, 2003