

**CHAPTER 69****(HB 258)**

AN ACT relating to the evacuation and relocation of prisoners in jails and regional jails.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *The Department of Corrections shall, through the promulgation of administrative regulations under KRS Chapter 13A, develop evacuation and relocation protocol for jailers of local and regional jails to follow in the development of individual evacuation and relocation plans for prisoners housed within the jails or regional jails to other facilities in the event that an emergency renders the jail or regional jail temporarily or permanently uninhabitable. The protocol shall take into account evacuation and relocation procedures for full-service jails, life-safety jails, and holding facilities for jailers who are transportation officers.*
- (b) *Each jailer who exercises control over one (1) or more prisoners shall develop an evacuation and relocation plan based upon the department's evacuation and relocation protocol. The Department of Corrections shall assist jailers in the development of their individual evacuation and relocation plans, and the jailers shall submit their plans to the county legislative body, which shall provide commentary to ensure that the jail evacuation plan is compatible with the relevant annexes of the local emergency operations plans.*
- (c) *The department, in consultation with the jailers in assisting drafting the local evacuation plans, shall ensure that each individual jail evacuation and relocation plan is also compatible with the relevant annexes of the state emergency operations plans.*
- (2) *In developing the plan for the evacuation and relocation of prisoners, the jailer shall contact other jails, regional jails, correctional facilities, and penitentiaries, and shall enter into a written agreement for the relocation of the jail's prisoners.*
- (3) *The jailer shall review the evacuation and relocation plan every year, and shall update it when necessary.*
- (4) *Each jail's and regional jail's evacuation and relocation plan shall be filed with the department in a manner that the department determines through administrative regulations promulgated under KRS Chapter 13A.*
- (5) *The department may provide for procedures for jailers to follow in the drafting and updating of the jail's and regional jail's individual evacuation and relocation plan, as well as any administrative procedures necessary to effect the requirements of this section through the promulgation of administrative regulations under KRS Chapter 13A.*
- (6) *If the department determines that the jail's or regional jail's plan does not meet its standards or the jailer has not followed certain procedures set out by administrative regulation, it shall submit written notification of the fact to each county judge/executive and each jailer of each county housing prisoners in the jail or regional jail. The department may establish sanctions for noncompliance. Any sanctions shall be set out by administrative regulation promulgated under KRS Chapter 13A.*
- (7) *The department shall promulgate the regulations permitted and required under this section no later than one hundred eighty (180) days after the effective date of this Act.*
- (8) *The jailers shall complete their evacuation and relocation plans and transmit them to the department no later than January 31, 2008. If a jailer does not complete and transmit the copy of his or her evacuation and relocation plans, the jailer shall be notified by the department of the failure and shall be subject to orders and sanctions of the department under subsection (6) of this section.*
- (9) *The Department of Corrections may delegate the responsibility of developing the evacuation and relocation protocol to the Jail Standards Commission. If the department delegates this responsibility, it shall adopt the recommendations of the Jail Standards Commission through administrative regulations promulgated under KRS Chapter 13A. The Department of Corrections may consult and collaborate with the Jail Standards Commission on any aspect of the requirements set out in this section.*

Approved March 28, 2006.

