

CHAPTER 103**(HB 116)**

AN ACT relating to jails.

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

➔Section 1. KRS 441.125 is amended to read as follows:

- (1) (a) As used in this section, "community-service-related project" means a project involving work for:
 1. The Commonwealth or an agency of the Commonwealth;
 2. A county, urban-county, charter county, city, special district, or an agency of any of these entities; or
 3. A ~~nonreligious sponsored~~ nonprofit, charitable, or service organization ***in projects that serve a public purpose.***
- (b) Work on a community-service-related project shall not confer private benefit on a person except as may be incidental to the public benefit.
- (2) Each jailer shall write a policy governing prisoners working on community-service-related projects, which shall be submitted to the fiscal court for approval. The written policy shall state at a minimum:
 - (a) Which type of prisoner, if any, shall be assigned to which type of work, taking into account the physical and mental abilities of prisoners and security of the jail and the general public;
 - (b) That no prisoner shall be assigned to unduly hazardous work that would endanger the life or health of the prisoner or others; and
 - (c) That any prisoner may, for a valid medical reason, decline to work on community-service-related projects. No prisoner shall be punished or otherwise penalized for this refusal.
- (3) A prisoner shall not begin work on a particular community-service-related project without the approval of the director of the relevant entity referred to in subsection (1)(a) of this section, or the director's designee.
- (4) Participation in community-service-related projects shall not be deemed employment for any purpose, and a prisoner shall not be deemed an employee or agent of the entity for which he or she performs the community service work.

Signed by Governor April 2, 2018.