

CHAPTER 109

(HB 361)

AN ACT relating to prisoners and declaring an emergency.

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

➔Section 1. KRS 441.520 is amended to read as follows:

(1) *As used in this section:*

(a) *"Originating jail" means a jail that has been ordered by the court to transfer prisoners to a receiving jail; and*

(b) *"Receiving jail" means a jail that has been ordered by the court to receive prisoners from an originating jail.*

(2) (a) ~~If in any county there is no jail, or the jail is insecure, or~~ there is danger or probable danger that any or all ~~of the~~ *prisoners* ~~[persons]~~ confined in a ~~the~~ jail ~~under any order or process of a court, or held to answer any charge in a court,~~ will be removed from the jail by violence, the Circuit Judge shall **order the transfer of those prisoners** ~~[, by an order made of record, direct that any or all of such persons be transferred]~~ to the jail of the nearest county in which the jail is secure and **the prisoners** ~~[they]~~ can be safely kept. **The order shall include evidence of the danger or probable danger to the prisoners.** When any such order is made, and a copy ~~thereof~~ is **given** ~~[furnished]~~ to the jailer of the **receiving jail** ~~[county designated]~~, he **or she** shall receive all such prisoners. If a ~~the~~ Circuit Judge is not in the county, the order of transfer may be made by a ~~the~~ District Judge, who shall deliver the order, or a copy thereof, to the circuit clerk for revision by the Circuit Court.

(b) *Except as provided in paragraph (a) of this subsection, before ordering the transfer of a prisoner from an originating jail to a receiving jail, a Circuit Judge shall receive a written agreement between the originating and receiving jails. The written agreement shall specify that the receiving jail has agreed to house the prisoner or prisoners and that the originating jail shall pay the prisoner's expenses in accordance with subsection (3)(a) and (b) of this section. If the Circuit Judge orders the transfer before receiving the written agreement, the receiving jail shall not be required to house the prisoner nor shall the receiving jail's jailer be subject to contempt for failing to obey the transfer order.*

(3) *In the event a prisoner is transferred from an originating jail to a receiving jail, the receiving jail shall:*

(a) *Charge no more than three (3) times the per diem amount determined according to KRS 431.215(2). However, the per diem rate charged by the receiving jail shall not exceed the combined cost of the prisoner's room and board, administrative processing or booking, and any evidence-based programming the prisoner receives;*

(b) *Perform only medically necessary procedures on the prisoners, as determined by the receiving jail's medical provider. The originating jail shall be financially responsible for these medically necessary procedures. If a prisoner is sent out of the receiving jail for more than eight (8) hours for a medically necessary procedure, the originating jail shall be financially responsible for all receiving jail personnel costs related to the prisoner's transportation until the prisoner is returned to the receiving jail; and*

(c) *Be no more than two (2) geographically contiguous judicial districts away from the originating jail.*

(4) *The sheriff of the county of the originating jail shall be responsible for the transportation of any prisoners transferred pursuant to this section. For those prisoners transferred pursuant to subsection (2)(a) of this section, the sheriff shall transfer the prisoners in accordance with subsection (2)(a) of Section 2 of this Act.*

(5) *To ensure the ongoing safety and security of the prisoners, any Circuit Judge who orders the transfer of a prisoner from an originating jail to a receiving jail shall review his or her transfer orders every sixty (60) days, with input from the originating and receiving jails.*

➔Section 2. KRS 441.530 is amended to read as follows:

(1) *As used in this section, "receiving jail" means a jail that has been ordered by the court to receive prisoners.*

- (2) (a) Immediately upon the receipt of a copy of an order made pursuant to KRS 441.520(2)(a), the sheriff, or if there is no sheriff, the coroner, shall transfer the prisoners to the **receiving jail** ~~of the county designated in the order~~. He *or she* shall deliver the prisoners to the jailer of **the receiving jail** ~~that county at the jail~~, with a copy of the order, and take from him *or her* a receipt for the prisoners, which he *or she* shall return to the office of the circuit clerk of the county from which the removal was made. The clerk shall file the receipt in his *or her* office.
- (b) The **receiving jail** ~~jailer~~ shall receive the prisoners and safely keep them until they are properly discharged. If the **receiving jail's** jailer fails to accept and keep such prisoners, ~~that jailer~~ and his *or her* sureties shall be liable in the same manner and to the same extent as if the prisoners had been regularly committed by an order of the Circuit Court of his *or her* county.
- (3) (a) The ~~sheriff~~ ~~officer~~ conveying the prisoners to the **receiving** ~~designated~~ jail, and such guards as the judge directs him to take, not exceeding the number of guards allowed in taking convicts to the penitentiary, shall receive the compensation and mileage allowed by KRS 64.070 for taking convicts to the penitentiary. The compensation shall be allowed by the Circuit Judge directing the transfer and paid out of the State Treasury, unless there was no jail in the county or it was rendered insecure by the failure of the fiscal court to keep it in the requisite condition, in which case it shall be paid **in accordance with paragraph (b) of this subsection** ~~by the fiscal court of the county~~. The Circuit Judge, in making the allowance, shall state in the order out of which fund it shall be paid. The order of the judge directing the transfer shall be conclusive evidence that the transfer was proper and to the right jail, and shall be a justification to the **receiving jail's** jailer for holding any such prisoner in any action against him for false imprisonment.
- (b) ~~(2)~~ If a transfer of prisoners is necessary because there is no jail in the county or because the jail was rendered insecure by the failure of the fiscal court to keep it in the requisite condition, the cost of lodging the prisoners in the **receiving jail** ~~of the county to which they are transferred~~ shall be borne by the fiscal court of the county from which the transfer was made at a rate set by agreement between the two (2) fiscal courts involved. If the fiscal courts are unable to reach an agreement, the Circuit Judge who ordered the transfer shall establish the rate based on prisoner and facility cost data provided by the receiving **jail's** jailer. The order of transfer shall state the reasons of the transfer.

➔Section 3. KRS 532.100 is amended to read as follows:

- (1) **As used in this section, "jail" means a "jail" or "regional jail" as defined in KRS 441.005.**
- (2) When an indeterminate term of imprisonment is imposed, the court shall commit the defendant to the custody of the Department of Corrections for the term of his *or her* sentence and until released in accordance with the law.
- (3) ~~(2)~~ When a definite term of imprisonment is imposed, the court shall commit the defendant to ~~a~~ ~~the~~ **jail** ~~county or city correctional institution or to a regional correctional institution~~ for the term of his *or her* sentence and until released in accordance with the law.
- (4) ~~(3)~~ When a sentence of death is imposed, the court shall commit the defendant to the custody of the Department of Corrections with directions that the sentence be carried out according to law.
- (5) ~~(4)~~
- (a) The provisions of KRS 500.080(5) notwithstanding, if a Class D felon is sentenced to an indeterminate term of imprisonment of five (5) years or less, he *or she* shall serve that term in a ~~county~~ jail in a county in which the fiscal court has agreed to house state prisoners; except that, when an indeterminate sentence of two (2) years or more is imposed on a Class D felon convicted of a sexual offense enumerated in KRS 197.410(1), or a crime under KRS 17.510(11) or (12), the sentence shall be served in a state institution. Counties choosing not to comply with the provisions of this paragraph shall be granted a waiver by the commissioner of the Department of Corrections.
- (b) The provisions of KRS 500.080(5) notwithstanding, a Class D felon who received a sentence of more than five (5) years for nonviolent, nonsexual offenses, but who currently has less than five (5) years remaining to be served, may serve the remainder of his or her term in a ~~county~~ jail in a county in which the fiscal court has agreed to house state prisoners.
- (c) 1. The provisions of KRS 500.080(5) notwithstanding, and except as provided in subparagraph 2. of this paragraph, a Class C or D felon with a sentence of more than five (5) years who is classified by the Department of Corrections as community custody shall serve that term in a ~~county~~ jail in a county in which the fiscal court has agreed to house state prisoners if:

- a. Beds are available in the ~~county~~ jail;
 - b. State facilities are at capacity; and
 - c. Halfway house beds are being utilized at the contract level as of July 15, 2000.
2. When an indeterminate sentence of two (2) years or more is imposed on a felon convicted of a sex crime, as defined in KRS 17.500, or any similar offense in another jurisdiction, the sentence shall be served in a state institution.
 3. Counties choosing not to comply with the provisions of this paragraph shall be granted a waiver by the commissioner of the Department of Corrections.
- (d) Any jail that houses state inmates under this subsection shall offer programs as recommended by the Jail Standards Commission. The Department of Corrections shall adopt the recommendations of the Jail Standards Commission and promulgate administrative regulations establishing required programs for a jail that houses state inmates under this subsection. ***The Department of Corrections shall approve programming offered by jails to state inmates for sentencing credits in accordance with KRS 197.045.***
- (e) Before housing any female state inmate, a ~~county~~ jail shall be certified pursuant to KRS 197.020.
- (f)
1.
 - a. ***If a jail is at or over one hundred fifty percent (150%) capacity, the Department of Corrections may direct the jail to transfer a specified number of state prisoners to vacant beds at other designated jails or state institutions. As used in this paragraph, "capacity" means the capacity listed on the certificate of occupancy issued each year to the jail by the Department of Corrections.***
 - b. ***The Department of Corrections shall choose which state prisoners are eligible for transfer based on the security level of the vacant bed at the receiving jail or state institution.***
 - c. ***State prisoners who are approved for transfer to a Department of Corrections facility for necessary medical treatment and care pursuant to KRS 441.560 shall not be transferred to another jail.***
 - d. ***State prisoners enrolled in a Department of Corrections approved program pursuant to KRS 197.045 shall not be transferred.***
 - e. ***State prisoners awaiting trial in the county they are being housed shall not be transferred.***
 - f. ***Jails that receive state prisoners pursuant to this subparagraph shall be responsible for the transportation of those prisoners to the jail.***
 2. ***If the Department of Corrections directs the transfer of a state prisoner pursuant to subparagraph 1. of this paragraph, the jailer has fourteen (14) days to transfer the state prisoner. If the jailer refuses to release custody of the state prisoner to the receiving jail within fourteen (14) days, the department shall reduce the per diem for the jail for an amount equal to the per diem of that prisoner for each day the jailer refuses to comply with the direction.***
 3. ***If the Department of Corrections directs the transfer of a state prisoner pursuant to subparagraph 1. of this paragraph, the jailer of the receiving jail shall accept the transfer and transport the state prisoner in accordance with subparagraph 1.f. of this paragraph. If, after receiving a copy of the direction, the jailer refuses to accept and transport the state prisoner, the Department of Corrections shall reduce the per diem for the receiving jail for an amount equal to the per diem of that prisoner for each day the jailer refuses to comply with the direction.***
 4. ***If a jail has a vacant bed and has a Class C or Class D felon who, based on the Department of Corrections classification system, is eligible to be housed in that vacant bed, the department may direct the jail to transfer the state prisoner to that bed. If the jailer refuses to transfer the state prisoner to the vacant bed, the Department of Corrections shall reduce the per diem for the jail for an amount equal to the per diem of that prisoner for each day the jailer refuses to comply with the direction.***

5. *The per diem reduced pursuant to subparagraphs 2., 3., or 4. of this paragraph shall be enforced by withholding the amount from the per diem paid to the jail pursuant to KRS 431.215(2).*
6. *If a jail that is at or over one hundred fifty percent (150%) capacity requests the transfer of a specified number of state prisoners, the Department of Corrections may, if vacant beds are available at other jails, direct the transfer in accordance with subparagraph 1. of this paragraph.*
- (g) *If a jail has vacant beds in an area of the jail usually reserved for state prisoners, the jail may house county prisoners in that area.*
- ~~(6)(5)~~ The jailer of a county in which a Class D felon or a Class C felon is incarcerated may request the commissioner of the Department of Corrections to incarcerate the felon in a state corrections institution if the jailer has reasons to believe that the felon is an escape risk, a danger to himself *or herself* or other inmates, an extreme security risk, or needs protective custody beyond that which can be provided in a ~~county~~ jail. The commissioner of the Department of Corrections shall evaluate the request and transfer the inmate if he deems it necessary. If the commissioner refuses to accept the felon inmate, and the Circuit Judge of the county that has jurisdiction of the offense charged is of the opinion that the felon cannot be safely kept in a ~~county~~ jail, the Circuit Judge, with the consent of the Governor, may order the felon transferred to the custody of the Department of Corrections.
- ~~(7)(6)~~ Class D felons and Class C felons serving their time in a ~~local~~ jail shall be considered state prisoners, and, *except as provided in subsection (5)(f) of this section*, the Department of Corrections shall pay the jail in which the prisoner is incarcerated a per diem amount determined according to KRS 431.215(2). For other state prisoners and parole violator prisoners, the per diem payments shall also begin on the date prescribed in KRS 431.215(2), *except as provided in subsection (5)(f) of this section*.
- ~~(8)(7)~~ State prisoners, excluding the Class D felons and Class C felons qualifying to serve time in ~~county~~ jails, shall be transferred to the state institution within forty-five (45) days of final sentencing.
- ~~(9)(8)~~
- (a) Class D felons eligible for placement in a ~~local~~ jail may be permitted by the warden or jailer to participate in any approved community work program or other form of work release with the approval of the commissioner of the Department of Corrections.
- (b) The authority to release an inmate to work under this subsection may be exercised at any time during the inmate's sentence, including the period when the court has concurrent authority to permit work release pursuant to KRS 439.265.
- (c) The warden or jailer may require an inmate participating in the program to pay a fee to reimburse the warden or jailer for the cost of operating the community work program or any other work release program. The fee shall not exceed the lesser of fifty-five dollars (\$55) per week or twenty percent (20%) of the prisoner's weekly net pay earned from the community work program or work release participation. In addition, the inmate may be required to pay for any drug testing performed on the inmate as a requirement of the community work program or work release participation.
- (d) This subsection shall not apply to an inmate who:
1. Is not eligible for work release pursuant to KRS 197.140;
 2. Has a maximum or close security classification as defined by administrative regulations promulgated by the Department of Corrections;
 3. Is subject to the provisions of KRS 532.043; or
 4. Is in a reentry center as defined in KRS 441.005.

➔Section 4. KRS 197.020 is amended to read as follows:

- (1) The Department of Corrections shall:
- (a) Promulgate administrative regulations for the government and discipline of the penitentiary, for the government and official conduct of all officials connected with the penitentiary, and for the government of the prisoners in their department and conduct;
- (b) Promulgate administrative regulations for the character of food and diet of the prisoners; the preservation of the health of the prisoners; the daily cleansing of the penitentiary; the cleanliness of the

persons of the prisoners; the general sanitary government of the penitentiary and prisoners; the character of the labor; the quantity of food and clothing; and the length of time during which the prisoners shall be employed daily;

- (c) Promulgate administrative regulations, as the department deems necessary, for the disposition of abandoned, lost, or confiscated property of prisoners;
 - (d) Promulgate administrative regulations for the administration of a validated risk and needs assessment to assess the criminal risk factors and correctional needs of all inmates upon commitment to the department;
 - (e) Promulgate administrative regulations to create a certification process for county jails that may house female state inmates. The administrative regulations shall include a requirement of a physical barrier between male and female inmates; and
 - (f) Cause the administrative regulations promulgated by the department, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places in the cell houses and workshops.
- (2) The department may impose a reasonable fee for the use of medical facilities by a prisoner who has the ability to pay for the medical and dental care. These funds may be deducted from the prisoner's inmate account. A prisoner shall not be denied medical or dental treatment because he has insufficient funds in his inmate account.
 - (3) The department may promulgate administrative regulations in accordance with KRS Chapter 13A to implement a program that provides for reimbursement of telehealth consultations.
 - (4) Fees for the use of medical facilities by a state prisoner who is confined in a ~~county~~ jail pursuant to KRS 532.100 or other statute shall be governed by KRS 441.045.

➔Section 5. KRS 439.3407 is amended to read as follows:

- (1) The department may promulgate administrative regulations to implement conditional parole of state inmates incarcerated in state corrections institutions or local correctional facilities or county jails to place those individuals closer to their communities prior to release. A parolee placed on conditional parole shall serve that term in a local correctional facility or county jail or reentry center in a county in which the fiscal court has agreed to house parolees if beds are available in the local correctional facility or county jail or reentry center.
- (2) The department may authorize parolees on conditional parole to be placed on work release. If a person placed in a county jail on conditional parole under subsection (1) of this section is granted work release, he or she shall pay the work release fees required by law to the jailer. The amount of work release fees paid by a parolee shall be deducted from the amount which the Department of Corrections shall pay for the placement of that parolee.
- (3) Local correctional facilities or county jails housing parolees under subsection (1) of this section shall have the same rights and obligations as ~~county~~ jails housing felons pursuant to KRS 532.100.
- (4) Administrative regulations promulgated pursuant to subsection (1) of this section relating to eligibility of an individual for conditional parole shall take into consideration, at a minimum, the following information about the individual:
 - (a) The offense for which the individual was convicted and his or her rehabilitation efforts while incarcerated;
 - (b) The security classification while incarcerated in the state correctional institution;
 - (c) Conduct while incarcerated in the state correctional institution;
 - (d) Ability to find employment in the community; and
 - (e) The availability of additional applicable education, treatment or intervention, and training for employment in the local correctional facility or county jail, if needed by the individual.

➔Section 6. KRS 441.005 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any political subdivision;
- (2) "Holdover" means any jail housing prisoners for a maximum period of ninety-six (96) continuous hours and excluding times when a prisoner is released for a minimum of seven (7) hours for the purpose of working at his employment, attending an educational institution, or conducting other business pursuant to a court order, or when a prisoner is released for in court proceedings;
- (3) "Prisoner" means any person confined in jail pursuant to any code, ordinance, law, or statute of any unit of government and who is:
 - (a) Charged with or convicted of an offense; or
 - (b) Held for extradition or as a material witness; or
 - (c) Confined for any other reason;
- (4) "Unit of government" means that unit of government including the United States government whose law, statute, ordinance, or code a prisoner is charged with violating. If a person is imprisoned for contempt of court, the state shall be deemed the responsible unit of government;
- (5) "Department" means the Department of Corrections;
- (6) "Jail personnel" means deputy jailers, matrons, cooks, and other food service personnel, and other jail employees involved in the supervision, custody, care, or treatment of prisoners in jails but does not include maintenance or clerical personnel;
- (7) "Regional jail" means a jail ~~that may house prisoners for up to one (1) year and~~ which is:
 - (a) Owned and operated by one (1) county and, on a regular basis, holds prisoners for another county or for the state; or
 - (b) Owned and operated by two (2) or more counties through a regional jail authority as provided in KRS 441.800;
- (8) "Commissioner" means the commissioner of the Department of Corrections; and
- (9) "Reentry center" means a supervised community residential facility operated by a local correctional facility, county jail, or regional jail as detailed in KRS 441.146.

➔Section 7. KRS 441.045 is amended to read as follows:

- (1) The county governing body shall prescribe rules for the government, security, safety, and cleanliness of the jail and the comfort and treatment of prisoners, provided such rules are consistent with state law. The county judge/executive may inspect the jail at any reasonable time.
- (2) Willful violation of the rules promulgated pursuant to subsection (1) of this section shall be deemed a violation.
- (3) Except as provided in subsections (4) and (5) of this section, the cost of providing necessary medical, dental, and psychological care for indigent prisoners in the jail shall be paid from the jail budget.
- (4) The cost of providing necessary medical, dental, or psychological care for prisoners of the United States government shall be paid as provided by contract between the United States government and the county or as may otherwise be provided by federal law.
- (5)
 - (a) The cost of providing necessary medical, dental, or psychological care, beyond routine care and diagnostic services, for prisoners held pursuant to a contractual agreement with the state shall be paid as provided by contract between the state and county. The costs of necessary medical, dental, or psychological care, beyond routine care and diagnostic services, of prisoners held in the jail for which the county receives a per diem payment shall be paid by the state.
 - (b) To the extent that federal law allows and federal financial participation is available, for the limited purpose of implementing this section, the jail, the department, or the department's designee is authorized to act on behalf of an inmate for purposes of applying for Medicaid eligibility.

- (6) The cost of providing necessary medical, dental, or psychological care for prisoners held pursuant to a contractual agreement with another county or a city shall be paid as provided by contract between the county or city and county.
- (7) (a) When the cost of necessary medical, dental, or psychological care for a prisoner exceeds one thousand dollars (\$1,000), as calculated by using the maximum allowable costs to similar persons or facilities for the same or similar services under the Kentucky Medical Assistance Program, the state shall reimburse the county for that portion of the costs that exceeds one thousand dollars (\$1,000). The reimbursement shall be subject to the following terms and conditions:
1. The care is necessary as defined in subsection (10) of this section;
 2. The prisoner is indigent as defined in subsection (8) of this section, or is uninsured; and
 3. No state reimbursement to the county for care provided by physicians, hospitals, laboratories, or other health care providers shall exceed the maximum payments allowed to similar persons or facilities for the same or similar services under the Kentucky Medical Assistance Program, except as provided in subsection (11) of this section.
- (b) A county may assign its ability to receive payment from the state under this subsection to the person providing the medical, dental, or psychological care to the prisoner, which assignment shall be accepted by the provider for the purposes of submitting billing directly to the state. The state shall pay or deny a claim submitted to it within ninety (90) days of receiving the claim. The county shall include with the assignment the information required by subsection (8) of this section necessary to qualify the prisoner as indigent. The provider shall bill for any other public or private health benefit plan or health insurance benefits available to the prisoner prior to billing the state under this subsection, and shall bill the state prior to billing the county. The county shall retain ultimate payment responsibility as established under subsection (3) of this section, and the provider may bill the county for payment after the expiration of ninety (90) days from the date the provider submitted the claim to the state for payment if the claim remains unpaid at that time.
- (8) (a) The determination of whether a prisoner is indigent shall be made pursuant to KRS 31.120, and may be evidenced by the affidavit of indigency required by that statute or the appointment of a public defender under that statute. The prisoner shall not be considered indigent, in the case of prisoner medical care, if:
1. The prisoner has funds on his inmate account to cover all or a portion of his medical expenses;
 2. The prisoner's medical expenses are covered on a medical insurance policy; or
 3. The prisoner has the private resources to pay for the use of the medical facilities.
- (b) Prisoners who are later determined not to have been indigent, or who at a time following treatment are no longer indigent, shall be required to repay the costs of payments made pursuant to this section to the unit of government which made the payment.
- (9) The terms and conditions relating to any determination of nonindigency and demands for repayment shall be under the same terms and conditions as are provided under KRS Chapters 31 and 431 relating to similar circumstances in the program for defense of indigents by the public advocate.
- (10) For the purposes of this section, "necessary care" means care of a nonelective nature that cannot be postponed until after the period of confinement without hazard to the life or health of the prisoner.
- (11) Any money appropriated for a given fiscal year to fund the state's obligation under subsection (7) of this section which remains unspent at the end of the year shall not lapse but shall be made available to satisfy, to the maximum extent possible, that portion of each catastrophic claim made during said year above the threshold amount for which the county did not receive state assistance pursuant to subsection (7) of this section. In the event there is an insufficient surplus to satisfy said balance of all such catastrophic claims which are made during that year, the state shall pay to those qualified counties, on a per claim basis, an amount equal to each claim's percentage of the total surplus. Should the surplus be sufficient to satisfy all such catastrophic claims, the amount remaining, if any, shall not lapse but shall be carried forward to the next fiscal year to be made available for future catastrophic claims.
- (12) Notwithstanding other provisions of this section to the contrary, a jail may impose a reasonable fee for the use of jail medical facilities by a prisoner who has the ability to pay for the medical care. These funds may be deducted from the prisoner's inmate account. A prisoner shall not be denied medical treatment because he has

insufficient funds on his inmate account. This subsection shall not preclude other recovery of funds as provided in this section.

- (13) (a) Notwithstanding any other provision of this section to the contrary, a jail may impose a reasonable fee for the use of jail medical facilities by a state prisoner who has been placed in a ~~local~~ jail pursuant to a contract with the Department of Corrections under KRS 532.100 or other statute, and who has the ability to pay for medical care.
- (b) Funds may be deducted from the state prisoner's inmate account at the jail.
- (c) A state prisoner shall not be denied medical treatment because he or she has insufficient funds in his or her inmate account.
- (d) This subsection shall not preclude other recovery of funds as provided in this section.
- (e) This subsection does not authorize recovery of funds from a prisoner for medical care which has been paid or reimbursed by the state pursuant to this section.
- (14) Except as provided in subsection (4) of this section, all payments for necessary medical, dental, or psychological care for jail, regional jail, or holdover prisoners shall be made at a rate not to exceed the Medicaid rate for the same or similar services, which shall be paid within thirty (30) days under the provisions of KRS 65.140 of receiving a claim from the health facility or provider for the item or service. This subsection shall not obligate the Medicaid program to pay for services provided to a prisoner.
- (15) (a) A peace officer or correctional officer having custody of a person shall not release the person from custody so that the person may receive treatment from a health care facility or health care provider, except pursuant to an order issued by a court of competent jurisdiction which specifically names the person to receive treatment.
- (b) A peace officer or correctional officer having custody of a person may take the person to a health care facility or health care provider for the purpose of receiving treatment if a correctional officer remains with the person during the time the person is on the premises of the health care facility or health care provider, unless the facility or provider consents to the absence of the officer.
- (c) A county, urban-county, consolidated local government, charter county, unified local government, jail, regional jail, holdover, local detention center, or other local correctional facility shall not be responsible for paying for the medical or other health care costs of a person who is released by a court of competent jurisdiction, except where the release is for the purpose of receiving medical or other health care services as evidenced by an order requiring the person to return to custody upon completion of treatment.
- (d) When a county, urban-county, consolidated local government, charter county, unified local government, jail, regional jail, holdover, local detention center, or other local correctional facility is responsible for paying for medical or other health care costs under paragraph (c) of this subsection, payment shall be made only at the Medicaid rate for same or similar services.
- (e) For the purposes of this subsection, "correctional officer" includes a:
1. Jailer or deputy jailer;
 2. Director or other person in charge of a local detention center, local correctional facility, or regional jail; and
 3. Correctional officer employed by a local detention center, local correctional facility, or regional jail.

➔Section 8. KRS 441.146 is amended to read as follows:

- (1) A local correctional facility, ~~county~~ jail, or regional jail may, with the approval of the Department of Corrections, operate a reentry center. Reentry centers established pursuant to this section shall:
- (a) Employ a program coordinator responsible for oversight of the reentry center;
- (b) Offer residents at least one (1) vocational training program approved by the Department of Corrections;
- (c) Offer residents at least two (2) other evidence-based programs approved by the Department of Corrections;
- (d) Review each participant's case with a certified alcohol and drug counselor as defined in KRS 309.080;

- (e) Require residents to participate in family outreach and community involvement programs;
 - (f) Require residents to seek or maintain employment in the community. The reentry center shall require ten percent (10%) of the resident's income to be deposited into a savings account, shall require fifteen percent (15%) of the resident's income to be directed to payment of restitution if applicable, and may charge each resident a fee of not more than twenty percent (20%) of the resident's income; and
 - (g) Report data as required by the Department of Corrections in order to allow evaluation of the effectiveness of the reentry center.
- (2) A person is eligible for placement in a reentry center if he or she has less than twelve (12) months until the expected expiration of his or her sentence and is:
- (a) A state inmate eligible for placement in a ~~local~~ jail pursuant to KRS 532.100;
 - (b) A Class B felon who is classified as low risk by the Department of Corrections; or
 - (c) A county inmate in the jail operated by the political subdivision which operates the reentry center.
- (3) Residents may be assigned to a reentry center by:
- (a) Administrative classification by the Department of Corrections;
 - (b) Administrative decision of the jailer for inmates of the jail;
 - (c) The court, as an alternative sentence; or
 - (d) The Parole Board, as a condition of parole or as a sanction for violation of conditions of parole.

➔Section 9. KRS 533.025 is amended to read as follows:

- (1) When a person is convicted of, pleads guilty to, or enters an Alford plea to a felony offense and is sentenced to jail as a condition of conditional discharge or as a condition of probation, the Department of Corrections shall pay for the incarceration of that person in a ~~county~~ jail at the same rate and under the same conditions as for a Class D felon who is incarcerated in the ~~county~~ jail under KRS 532.100.
- (2) If a person incarcerated in a ~~county~~ jail on conditional discharge or probation under subsection (1) of this section is granted work release, he shall pay the work release fees required by law to the jailer. The amount of work release fees paid by a prisoner shall be deducted from the amount which the Department of Corrections shall pay for the incarceration of that prisoner.
- (3) The Department of Corrections may, during the prisoner's period of incarceration in the ~~county~~ jail, take custody of the prisoner and hold that person in a state prison facility for the purpose of treating the following medical conditions:
 - (a) Chronic heart and lung conditions;
 - (b) Psychiatric conditions;
 - (c) Acute medical conditions that require diagnostic testing or hospitalization;
 - (d) Acute surgical conditions;
 - (e) Pregnancy; or
 - (f) Any other medical condition which the Department of Corrections may set out by administrative regulation.

➔Section 10. The Legislative Research Commission shall establish the Jail and Corrections Reform Task Force to study:

- (1) Existing jail and correctional facilities;
- (2) Possible realignment and closure of jail and correctional facilities;
- (3) Adequacy of existing jail and correctional facilities;
- (4) Management of Kentucky's incarcerated population;
- (5) Personnel and other costs associated with jail and correctional facilities;

(6) Pretrial and post-conviction incarceration data from the Administrative Office of the Courts, the Department of Corrections, and jails;

(7) Pretrial defendants, including a breakdown by jurisdiction of the financial conditions of release and charged offenses for those defendants; and

(8) Number of supervised individuals incarcerated on new charges versus those incarcerated due to revocation.

➔Section 11. The Jail and Corrections Reform Task Force shall be composed of the following members with final membership of the task force being subject to consideration and approval of the Legislative Research Commission:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker of the House of Representatives as a co-chair of the task force;

(2) Three members of the Senate appointed by the President of the Senate, one of whom shall be designated by the President of the Senate as a co-chair of the task force;

(3) One designee of the Governor;

(4) One designee of the secretary of the Justice and Public Safety Cabinet; and

(5) One designee from the Kentucky Jailers Association.

➔Section 12. The Jail and Corrections Reform Task Force shall meet monthly during the 2020 Interim of the General Assembly. The task force shall submit findings and recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by December 1, 2020.

➔Section 13. Provisions of Sections 10 to 12 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

➔Section 14. Sections 10 to 13 of this Act shall have the same legal status as a House Concurrent Resolution.

➔Section 15. Whereas the Department of Corrections has failed to transfer state prisoners from jails on a timely basis, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor April 24, 2020.