

501 KAR 2:040. Waivers.

RELATES TO: KRS 532.100

STATUTORY AUTHORITY: KRS 196.035, 197.020(1), 532.100(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 532.100(4) requires the Department of Corrections to grant a waiver to any county that chooses not to house Class D and Class C felons in its county jail. This administrative regulation establishes the process for a county to request a waiver from the department and the effect of the waiver on that county's Class D and Class C felons.

Section 1. Request for Waivers; Effect of Waivers. (1) The waiver request shall be made in writing and signed by the county judge executive and jailer.

(2) Once granted, the waiver shall remain in effect until terminated. To request termination of the waiver, the county shall provide the department a request in writing, and signed by the county judge executive and jailer, to terminate the waiver. The department shall provide notice to the county when the waiver is terminated.

Section 2. Controlled Intake. (1) For a Class D or Class C felon in a county with a waiver, the department:

(a) May transfer the felon directly to a county jail which houses Class D or Class C felons, if space is available; or

(b) Shall consider the felon, if not transferred directly, a controlled intake inmate and process the inmate through the AC Center pursuant to CPP 17.3, incorporated by reference in 501 KAR 6:020.

(2) A computer listing shall be maintained at the AC Center of all Class D and Class C felons convicted in counties granted waivers.

(3) For a Class D or Class C felon considered a controlled intake inmate, the Classification Branch Manager shall transfer the felon to a county jail if a jail bed becomes available. (19 Ky.R. 1490; Am. 1746; eff. 2-8-93; 22 Ky.R. 341; 905; eff. 11-6-95; 27 Ky.R. 2891; 3244; eff. 6-8-2001; 34 Ky.R. 1163; eff. 3-7-2008; 37 KY.R. 2930; eff. 10-7-11; Crt eff. 2-20-2020.)