

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:080. Department of Corrections manuals.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.065, 197.110, 439.470, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any of its divisions. This administrative regulation incorporates by reference the manuals that are referenced in policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Manuals," are incorporated by reference. Department of Corrections Manuals includes:

(a) Classification Manual (Amended 9/14/22~~[Amended 2/12/21]~~); and

(b) Kentucky Department of Corrections Religion Reference Manual (Amended 9/14/22~~[Added 3/10/08]~~).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections website at <https://corrections.ky.gov/About/Pages/lrcfilings.aspx>.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 22, 2021

FILED WITH LRC: September 14, 2022 at 12:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2022, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker, Assistant General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation incorporates by reference the Classification Manual and Religion Reference Manual that are referenced in the policies and procedures of the department.

(b) The necessity of this administrative regulation:

This administrative regulation updates the manual for religion information for inmates within the Department of Corrections (DOC) in compliance with the requirements of KRS 197.065 and 197.020 and gives guidance to DOC staff for religious issues involving inmates.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 196.035 authorizes the secretary of the cabinet or the secretary's delegate to promulgate administrative regulations for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020 requires administrative regulations concerning the conduct of officials and inmates.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The regulation and material incorporated by reference provide direction and information to DOC employees and inmates concerning classification and religious practice of inmates.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment substantially rewrites the Religion Reference Manual for the department. It arranges the religions addressed in the manual in alphabetical order, establishes a similar format for information for each religion, and adds several religions for which questions involving a correctional institution have been asked.

(b) The necessity of the amendment to this administrative regulation:

The manual has a more user-friendly format, additional information is added for a number of religions, and additional religions for which questions have been asked are added to the manual to assist staff and inmates.

(c) How the amendment conforms to the content of the authorizing statutes:

The statutes allow the Commissioner or the Secretary's authorized representative to implement or amend practices to ensure the safe and efficient operation of the correctional institutions.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment provides staff and inmates information concerning religious practices of various religions for reference.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This affects the Kentucky Department of Corrections, approximately 3,349 employees, approximately 13,221 prisoners, and the private prison company for the Kentucky

inmates that it incarcerates.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The manual gives guidance to staff and prisoners concerning religious practices of various religions for reference.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

An exact cost is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

An updated Religion Reference Manual will provide information for staff and inmates. The reorganization makes the manual easier to navigate and understand. The expanded descriptions provide additional information to staff and inmates.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

An exact cost is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(b) On a continuing basis:

An exact cost is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Department of Corrections budgeted funds for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

The regulation does not establish any fees.

(9) TIERING: Is tiering applied?

No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The amendments to this regulation impact the reference information available to the Kentucky Department of Corrections and its correctional institutions.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 196.035, 197.020, and 197.065.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year?

The amendment to this regulation impacts how the Department of Corrections provides religious information to inmates. The costs are not anticipated to increase with this amendment.

(d) How much will it cost to administer this program for subsequent years?

The costs are not anticipated to increase with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

No cost savings are anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

No cost savings are anticipated.

(c) How much will it cost the regulated entities for the first year?

The regulation impacts how the department provides religious information to inmates, but does not increase costs from what will be budgeted to the department

for the biennium.

(d) How much will it cost the regulated entities for subsequent years?

The regulation impacts how the department provides religious information to inmates, but does not increase costs from what will be budgeted to the department for the biennium.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] No major economic impact is anticipated.