

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:040. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, 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 of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Kentucky State Penitentiary.

Section 1. Incorporation by Reference.

(1) Kentucky State Penitentiary policies and procedures, November 14, 2022~~[May 11, 2017]~~, are incorporated by reference. Kentucky State Penitentiary policies and procedures include:

KSP
01-02-
01 Public Information and Media Communications (Amended 11/14/22~~[11/8/2005]~~)

KSP
02-01- Inmate Canteen (Amended 11/14/22~~[3/14/17]~~)
02

KSP
02-12- Inmate Funds (Amended 11/14/22~~[11/14/12]~~)
02

~~[KSP
03-01- Tobacco Free (Amended 5/11/17)]
02]~~

KSP
06-01- Inmate File~~[Master Records]~~ (Amended 11/14/22~~[11/14/12]~~)
02

KSP Restrictive Housing ~~[Special Management]~~ Unit Operating
10-02- Procedures, Living Conditions and Classification (Amended
01 11/14/22~~[11/14/12]~~)

KSP
10-02- Special Security Unit ~~[Death Row]~~ (Amended 11/14/22~~[5/11/17]~~)
05

~~[KSP
10-04- Special Needs Inmates (Amended 11/14/12)]
01]~~

KSP
13-01- Pharmacy Procedures (Amended 11/14/22~~[3/14/17]~~)
01

KSP
13-02- Health Services (Amended 11/14/22~~[11/8/2005]~~)
01

KSP
13-02- Continuity of Care (Amended 11/14/22~~[5/11/17]~~)
03

KSP
13-02- Levels of Care and Staff Training (Amended 11/14/22~~[11/8/2005]~~)
04

KSP
13-02- Consultations (Amended 11/14/22~~[9/14/2005]~~)
05

KSP
13-02- Health Records (Amended 11/14/22~~[12/12/06]~~)
08

KSP
13-02- Psychiatric and Psychological Services (Amended
09 11/14/22~~[3/14/17]~~)

KSP
13-02- Optometric Services (Amended 11/14/22~~[1/7/13]~~)
13

KSP
13-06- Informed Consent (Amended 11/14/22~~[11/8/2005]~~)
02

KSP
14-03- Marriage of Inmates (Amended 5/11/17)
01

KSP
14-04- Legal Services (Amended 11/14/22~~[3/14/17]~~)
01

KSP
14-06- Inmate Grievance Procedure (Amended 11/14/22~~[3/14/17]~~)
01

KSP
15-06- Adjustment Procedures (Amended 11/14/22~~[5/11/17]~~)
01

KSP
16-01- Visiting Program (Amended 11/14/22~~[3/14/17]~~)
01

KSP
16-02- Inmate Correspondence (Amended 11/14/22~~[5/11/17]~~)
01

KSP
16-03- Inmate Telephone Access (Amended 11/14/22~~[3/14/17]~~)
02

KSP
16-04- Inmate Packages (Amended 11/14/22~~[3/14/17]~~)
01

KSP
17-01- Inmate Personal Property (Amended 11/14/22~~[9/14/2005]~~)
01

KSP
17-01- Disposition of Unauthorized Property (Amended
02 11/14/22~~[11/8/2005]~~)

KSP
17-01- Procedures for Providing Clothing, Linens, and Other Personal
03 Items (Amended 11/14/22~~[3/14/17]~~)

KSP
17-01- Property Room, Clothing Storage and Property Inventory Control
04 (Amended 11/14/22~~[11/8/2005]~~)

KSP
17-01- Missing or Stolen Inmate Personal Property (Added 11/14/22)
06

KSP
17-02- Inmate Reception and Orientation (Amended 11/14/22~~[11/14/12]~~)
01

KSP
18-01- Classification Committee (Amended 11/14/22~~[5/11/17]~~)
01

~~[KSP
18-01- Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)
02] (Added 5/11/17)]~~

KSP
18-01- Meritorious Housing Unit (Amended 11/14/22~~[Added 5/11/17]~~)
05

KSP
18-06- Classification Document and Case Planning (Amended
01 11/14/22~~[3/14/17]~~)

~~[KSP
18-10- Preparole Progress Report (Amended 3/14/17)]
01]~~

KSP
18-15- Protective Custody Unit (Amended 11/14/22~~[3/14/17]~~)
01

KSP
19-04- Inmate Work Programs and Safety Inspections of Inmate Work
01 Locations (Amended 11/14/22~~[3/14/17]~~)

KSP
19-04- Unit Classification Committee and Inmate Work Assignments
02 (Amended 11/14/22~~[3/14/17]~~)

KSP
19-05- Correctional Industries (Amended 11/14/22~~[5/11/17]~~)
01

KSP
20-04- Educational Courses~~[Programs]~~ (Amended 11/14/22~~[5/11/17]~~)
01

KSP
22-04- Arts and Crafts Program (Amended ~~11/14/22~~~~[12/12/06]~~)
01
KSP
23-01- Religious Services (Amended ~~11/14/22~~~~[3/14/17]~~)
03
KSP
25-01- Release Preparation Program (Amended ~~11/14/22~~~~[3/14/17]~~)
01
KSP
25-01- Inmate Release Procedure (Amended ~~11/14/22~~~~[3/14/17]~~)
02
KSP
25-10- Discharge of Inmates by Shock Probation (Amended
01 ~~11/14/22~~~~[11/14/12]~~)

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COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 1, 2022

FILED WITH LRC: November 14, 2022 at 3:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2023 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 was 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 January 31, 2023. 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

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation incorporates by reference the policies and procedures governing the operation of the Kentucky State Penitentiary (KSP).

(b) The necessity of this administrative regulation:

This regulation meets statutory requirements in KRS 196.035 and 197.020 and meets American Correctional Association (ACA) policy requirements.

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

The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement practices or procedures to ensure the safe and efficient operation of the institution.

(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 KSP employees and inmates concerning employee duties, inmate responsibilities, and the procedures that govern operations of the institution.

(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 brings the institution into compliance with ACA expected practices and updates the procedures for the institution.

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

The amendment meets the requirements of KRS 196.035 and 197.020 and updates practices for the institution in part to maintain accreditation with the ACA.

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

The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the institution.

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

The amendment provides staff and inmates information concerning the effective and orderly management of the institution.

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

This affects approximately 286 employees of the correctional institution, 851 inmates, and all visitors to the institution.

(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:

Staff, inmates, volunteers, and visitors will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment.

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

An increase in cost is not anticipated from the changes in operations made in the amendment. An exact cost of compliance 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):

The operational changes will assist in the effective and orderly management of the institution.

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

(a) Initially:

An exact cost of implementation 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 of implementation 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:

The Department of Corrections budgeted funds for the institution 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:

An increase in fees or funding is not anticipated.

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

The administrative regulation does not create any fee.

(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?

Kentucky State Penitentiary

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

KRS 61.870-61.884, 196.035, 197.020, 197.025, 197.170, 439.510, 532.120

(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 amendment to this regulation will not create any 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 amendment to this regulation will not create any revenue.

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

The amendment to this regulation impacts how the institution operates but does not increase costs from what was previously budgeted.

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

The amendment to this regulation impacts how the institution operates but does not increase costs from what was previously budgeted.

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?

Cost savings are not anticipated.

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

Cost savings are not anticipated.

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

The regulation impacts how the institution operates, but does not increase costs from what is budgeted for the biennium.

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

The regulation impacts how the institution operates, but does not increase costs from what is budgeted 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)] A major economic impact is not anticipated.