

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 7:010. Definitions for 501 KAR Chapter 7.

RELATES TO: KRS 67.900, 67A.028, 67B.020(1), 441.045, 441.055, Ky. Const. Sec. 99, 152

STATUTORY AUTHORITY: KRS 196.035, 441.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 441.055(1) requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. This administrative regulation establishes definitions for 501 KAR Chapter 7, regulating restricted custody centers.

Section 1. Definitions.

- (1) "Automatic fire extinguishing system" means an approved system of devices and equipment that automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of a fire in accordance with 815 KAR 7:120.
- (2) "Department" is defined by KRS 441.005(5).
- (3) "Governing authority" means a county fiscal court, urban-county government, charter county government, consolidated local government, unified local government, or regional jail authority.
- (4) "Jail administrator" means:
 - (a) The official appointed by a regional jail authority and charged with the responsibility of administering the regional jail as defined by KRS 441.005(7);
 - (b) The administrator or executive director of a department as defined by KRS 67B.020(1); or
 - (c) The administrator or director of a correctional services division as created by KRS 67A.028.
- (5) "Jailer" means the official duly elected or appointed pursuant to Section 99 or 152 of the Kentucky Constitution, charged with the responsibility of administering the center.
- (6) "Jail personnel" is defined by KRS 441.005(6).
- (7) "Medical authority" means the person or persons licensed to provide medical care to prisoners in the jail's custody.
- (8) "Pat" or "frisk" means a manual search of a clothed person and includes a visual inspection of the open mouth.
- (9) "Prisoner" is defined by KRS 441.005(3).
- (10) "Prisoner living area" means a group of rooms or cells which provide housing for the prisoner population.
- (11) "Probing of body cavities" means a manual or instrument search of a person's oral, anal, vaginal, or other body cavity, performed by medical personnel.
- (12) "Restricted custody center" or "center" means a facility or area separate from the jail used for the housing of:
 - (a) Sentenced prisoners who have been approved for educational, work, or program participation release; and
 - (b) Pretrial prisoners who have been approved by the court for educational, work, or program participation release.
- (13) "Security area" means a defined space whose physical boundaries have controlled ingress and egress.
- (14) "Sexually abusive conduct" means:

(a) Sexual contact, sexual intercourse, and deviate sexual intercourse, as defined by KRS 510.010;

(b) Sexual abuse as defined by 28 C.F.R. 115.6; and

(c) Other types of similar sexually based conduct.

(15) "Strip search" means a body search during which a person is required to open or remove clothing, and during which a person is subject to visual inspection of the torso, female breast, genital area, and anal area, as well as other body cavities.

(16) "Telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, transfer of health or medical data, and continuing education.

(13 Ky.R. 815; eff. 11-11-1986; Am. 22 Ky.R. 1359; 1599; eff. 3-7-1996; 26 Ky.R. 174; 27 Ky.R. 87; eff. 7-17-2000; 31 Ky.R. 1729; eff. 7-1-2005; 2969; 38 Ky.R. 583; eff. 10-7-2011; 42 Ky.R. 1957; 2347; eff. 3-4-2016; 50 Ky.R. 1962; eff. 9-3-2024.)

The Jail Standards Review Commission established pursuant to KRS 441.055(1)(b) has approved the standards in this administrative regulation at its meeting on January 8, 2024, prior to its filing with the Legislative Research Commission in compliance with KRS 13A.120(3), 13A.220(6)(a), and 441.055(2).

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: February 6, 2024

FILED WITH LRC: February 15, 2024 at 8:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 23, 2024, 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 April 30, 2024. 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 and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Justice.RegContact@ky.gov, telephone number (502) 564-3279, facsimile number (502) 564-6686.