

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(New Administrative Regulation)

501 KAR 6:350. Inmate or offender on supervision record request.

RELATES TO: KRS Chapters 61, 196, 197, 422.317, 439, 510

STATUTORY AUTHORITY: KRS 61.876, 196.035, 197.020, 197.025, 197.110, 439.470

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1) (a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 197.025(2) authorizes the department to deny a request for a record from an offender who is incarcerated or on active supervision if the record does not contain a specific reference to the offender. KRS 422.317 allows the department to provide medical records to inmates. KRS 439.470 requires the commissioner to promulgate administrative regulations for the conduct of persons placed on probation or parole but not conflict with conditions of the parole board or court. This administrative regulation establishes procedures for an offender record request.

Section 1. Definitions.

- (1) "Custodian" is defined by KRS 61.870(6).
- (2) "Fee" means the copy cost of ten cents per page or the cost of the media used for disclosure of information and the cost to mail the records if applicable.
- (3) "Information" means sharing knowledge or facts regarding a specific document, event, situation or condition.
- (4) "Media" is defined by KRS 61.870(7).
- (5) "Official custodian" is defined by KRS 61.870(5).
- (6) "Open records coordinator" means the individual designated by the warden at each institution, the district supervisor at each probation and parole district office, and the individual designated by the commissioner in the Department of Corrections central office to receive, date, and process open records requests.
- (7) "Public agency" is defined by KRS 61.870(1).
- (8) "Public record" is defined by KRS 61.870(2).
- (9) "Request" means a written document that requests the opportunity to inspect or copy a public record.
- (10) "Resident of the Commonwealth" is defined by KRS 61.870(10).

Section 2. Fees. The fee for each page of a copy of a record shall be ten (10) cents unless the cost to produce the page is more than ten (10) cents not including staff time. The fee and any required postage shall be paid to the custodian or designee prior to the release of a copy of the public record, unless the fee or postage is waived. If the record is requested in a non-standard form, the custodian may require the costs of staff preparation to be paid in advance.

Section 3. Requests from an Inmate to an Institution in which the Inmate is Incarcerated.

- (1) An inmate housed in a jail or state or private prison may obtain a copy of a public record that contains a specific reference to him to the extent allowed by law. The

inspection of a public record by an inmate incarcerated in a jail or state or private prison that contains a specific reference to him:

- (a) Shall be limited to the jail or state or private prison in which the inmate is incarcerated; and
 - (b) Shall not include special housing areas that preclude the inmate from moving about the jail or state or private prison, including special management, restrictive housing, medical department, or infirmary.
- (2) An inmate shall make a request to the open records coordinator at the institution for a public record maintained in the electronic offender management system or the electronic health record to the institution in which the inmate is incarcerated.
- (3) An inmate may use the form promulgated by the Office of the Attorney General to request a record. If the form is used, the written request shall include the inmate's cell, room, or housing assignment for the address and to prevent a delay in processing the inmate's name shall include the inmate's number. If the form is not used, the request shall contain the following information:
- (a) The inmate's name and inmate number;
 - (b) Cell, room or housing assignment;
 - (c) A description of the record being requested; and
 - (d) Signature of person making the request.
- (4) The request shall be made either:
- (a) By institutional mail to the open records coordinator; or
 - (b) By first class U.S. mail to the open records coordinator or custodian of the record.
- (5) An open records request shall be mailed and shall not be hand delivered given the security requirements of a correctional institution.
- (6) If a copy of a public record is requested, the inmate shall provide with his request a money authorization allowing the cost to be deducted from his inmate account on the form required by his institution to allow for payment of the cost of the copy.
- (a) If the inmate does not have sufficient funds for payment of the fee, he may request the opportunity to inspect the record if it is located at his institution and he is not prohibited from inspection because of access restrictions; or
 - (b) The inmate may send the request again upon receipt of sufficient funds to cover payment of the fee.

Section 4. Requests from an Inmate or Offender on Active Supervision to the Department of Corrections Central Office, a Probation and Parole District Office, or an Institution in which the Inmate is Not Incarcerated.

- (1) An inmate shall:
 - (a) Follow the requirements for a request stated in Section 3 of this administrative regulation except for the money authorization and sending the request to the open records coordinator for the office or institution as appropriate; and
 - (b) Provide a check from his inmate account after being informed of the cost to obtain a copy of the record.
- (2) An offender on active supervision shall provide a written request containing the following information:
 - (a) Name and address;
 - (b) A description of the public record being requested; and
 - (c) Signature of the person making the request.
- (3) Prepayments shall not be sent unless the amount is the exact cost for the copies of the records and any necessary postage. A check or money order for the exact amount shall be sent after being informed of the cost to obtain a copy of the record.

(50 Ky.R. 2499; eff. 2-4-2025.)

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: April 11, 2024

FILED WITH LRC: May 15, 2024 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 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 July 31, 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, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegsContact@ky.gov.