

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 2:060. Procedures for housing of Class C and D felons.

RELATES TO: KRS 196.035, 197.020, 197.045, 431.215, 441.045, 441.075, 441.510, 532.100

STATUTORY AUTHORITY: KRS 196.035, 197.020, 532.100

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 532.100(5) requires the Department of Corrections to house qualifying Class C and D felons in jails. 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. This administrative regulation establishes the procedures to implement the required housing program.

Section 1. Eligibility. Any county housing qualified inmates pursuant to KRS 532.100(5) shall be eligible to continue to do so unless the department, through its minimum jail standards enforcement procedures established by KRS 441.075, orders a jail to cease housing Class C and D felons.

Section 2. Submission of documents for Class D felons. In any jail housing Class D felons, the jailer shall forward to the assessment and classification center the following documents, within ten (10) working days of receipt of the judgment, for each Class D felon for whom a transfer has not been requested:

- (1) Picture, which shall be updated annually in accordance with Section 12 of this administrative regulation;
- (2) Any detainers;
- (3) Any incident or disciplinary reports; and
- (4) Body identification sheet.

Section 3. Custody Assignment for Class D Felons.

(1) Offender Information Services staff shall, within fifteen (15) working days of receipt of the presentence investigation and the judgment and sentence, calculate the inmate sentence. The assessment and classification center staff shall, within fifteen (15) working days of receipt of the calculated sentence, review the inmate file and assign a custody classification level to the Class D felon.

(2) The assessment and classification center~~[AC Center]~~ staff shall notify the jailer of the custody classification level assignment. Offender Information Services, Central Office, shall audit the file within five (5) working days of receipt.

(3) If the custody level assigned is minimum or community, the Class D felon may:

- (a) Participate in community service work or any program offered inside or outside the secure perimeter of the jail; and
- (b) Be housed inside the secure perimeter of the jail, in the restricted custody area of the jail, or in a restricted custody center.

(4) If the custody level assigned is medium or maximum, the Class D felon:

- (a) Shall not be eligible to participate in any program or work outside the secure perimeter of the jail; and
- (b) Shall be housed in the secure perimeter of the jail.

(5) The jailer may request the department to review the assignment ninety (90) days from the date of the last assignment. Any additional custody review may be completed as deemed necessary by the Director of Population Management.

Section 4. Assignment of Class C felons.

- (1) The assessment and classification center shall identify and inform the jailer of a Class C felon who qualifies under KRS 532.100(5)(c)1. to be housed in a jail.
- (2) The assessment and classification center~~[AC Center]~~ shall notify the jailer when an inmate has been assigned as a Class C felon.

Section 5. Parole Board.

- (1) Prior to the meeting of the Parole Board, jail personnel shall provide each qualified inmate scheduled for review by the board with a jail offender Information to the Kentucky Parole Board form. Jail personnel shall submit the completed form to the Division of Local Facilities via KOMS or electronically, as requested by the Parole Board.
- (2) Jail personnel shall inquire if a qualified inmate scheduled for review by the board would like to waive his or her Parole Board hearing and request a serve out if the qualified inmate scheduled to meet the Parole Board has ninety (90) days or less remaining until his or her minimum expiration date. If the qualified inmate decides to waive his or her Parole Board hearing and requests~~[request]~~ a serve out, jail personnel shall have the inmate sign the Request Declining Parole form and submit it to the Parole Board via KOMS or electronically.
- (3) Deaf or Hard of Hearing Inmate.
 - (a) If a deaf or hard of hearing inmate has a hearing before the Parole Board, the jail shall assist the Parole Board with appropriate accommodation necessary for effective communication for the inmate for the hearing.
 - (b) The jail shall provide headphones if headphones are necessary to meet the needs of deaf and hard of hearing inmates for effective communication or work with the Parole Board to provide other necessary hearing accommodation services for the Parole Board hearing.

Section 6. Transportation. Jail personnel shall be responsible for the transportation of a qualified inmate except as specified in KRS 431.215(1) and 441.510.

Section 7. Release Procedures.

- (1) The release of a qualified inmate shall follow the procedure established by CPP 25.6, incorporated by reference in 501 KAR 6:510~~[501 KAR 6:020]~~.
- (2)
 - (a) Jail personnel shall not release a qualified inmate to any other jail or agency without submission of external movement information to the Director of Local Facilities or designee. The information shall include:
 1. Name;
 2. Inmate number;
 3. Facility transferring felon;
 4. Facility receiving felon; and
 5. Date transferred and received.
 - (b) Any jail that is under order of the department relating to restrictions on state inmates shall receive prior authorization from the Director of Local Facilities before requesting state inmates from the department or any other jail.
 - (c) A qualified inmate shall not be released to another state or to federal authorities without advance notice and approval of the Director of Local Facilities or designee.
- (3) Jail personnel shall notify the Director of Local Facilities or the Offender Information Services of any detainer or holder lodged against the qualified inmate by another jurisdiction.

Section 8.

- (1) Furlough requests shall be submitted to the Classification Branch Manager.

(2) Furloughs shall be governed by CPP 25.4, incorporated by reference in 501 KAR 6:510~~[501 KAR 6:020]~~.

Section 9. Escape. If a qualified inmate escapes, the jailer, jail administrator, or jail personnel shall immediately:

- (1) Notify the Division of Local Facilities jail inspector;
- (2) Notify Kentucky State Police (KSP) or local law enforcement;
- (3) Activate VINE through use of the Emergency Override Line (EOL); and
- (4) Enter the prisoner's escape status into the jail management system.

Section 10. Medical Needs. The department shall pay each jail a per diem for state prisoners as established by KRS 532.100(7). The jail shall pay for routine medical and medication expenses but may charge a copay as provided by KRS 441.045(13). ~~[If the inmate requires an admission to a hospital with at least one (1) night stay or outpatient surgery in which a general anesthesia is used, the cost shall be paid by the department. The jailer, jail administrator, or jail personnel shall notify the Department of Corrections Medical Division designee if any qualified inmate is admitted to the hospital for twenty-four (24) hours or longer.]~~

Section 11. Inmate Pay. A qualified inmate on a work assignment shall be paid in accordance with CPP 19.3, incorporated by reference in 501 KAR 6:460~~[501 KAR 6:020]~~.

Section 12. Good Time. For a qualified inmate housed in a jail, the awarding of good time or sentence credit shall be in accordance with this section.

- (1) Statutory good time shall follow the procedures established in KRS 197.045(1)(b)1.
- (2) Meritorious good time shall follow procedures established in KRS 197.045(1)(b)2. and CPP 15.3, incorporated by reference in 501 KAR 6:420~~[501 KAR 6:020]~~.
- (3) Educational good time shall follow procedures established in KRS 197.045(1)(a)2. and CPP 20.1, incorporated by reference in 501 KAR 6:470~~[501 KAR 6:020]~~.
- (4) If the jail has a substance abuse program approved by the department, then the felon shall receive credit to his sentence allowed by KRS 197.045(1)(a)3.

Section 13. Annual Photograph. The jailer, jail administrator, or jail personnel shall take a photograph each year of each qualified inmate and immediately send it by United States mail, electronically, or via KOMS to Department of Corrections, Offender Information Services, P.O. Box 2400, Frankfort, Kentucky 40602.

Section 14. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Information to the Kentucky Parole Board", 2021; and
 - (b) "Request Declining Parole", 2021.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Corrections, Division of Population Management, 275 East Main Street, P.O. Box 2400, Frankfort, Kentucky 40602-2400, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site at <https://corrections.ky.gov/About/Pages/lrcfilings.aspx>.

501 KAR 2:060. Procedures for housing of Class C and D felons.

SCOTT JORDAN, Deputy Commissioner, on behalf of:

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: August 17, 2026

FILED WITH LRC: August 17, 2026 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held November 24, 2026, 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 canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 until November 30, 2026. 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: Nathan Goens, Deputy General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Nathan Goens, Deputy General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601 Phone: (502) 564-3279, Email: Justice.RegContact@ky.gov

Subject Headings:Corrections and Correctional Facilities, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the procedures for the housing program required by KRS 532.100(5) for Class C or D state inmates in a jail.

(b) The necessity of this administrative regulation:

The housing program is required by KRS 532.100(5) and provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution for security or medical reasons.

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

This administrative regulation establishes the housing program required by KRS 532.100(5). KRS 532.100(6) authorizes a jailer to request the transfer of a Class C or D inmate for specific reasons. KRS 196.035 gives authority to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet.

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

The administrative regulation provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

(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 makes updates to regulatory references and removes the Department of Corrections' obligation to pay costs associated with an inmate that require an admission to a hospital with at least one (1) night stay or outpatient surgery in which a general anesthesia is used, which will be clarified in a separate, new regulation.

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

This amendment is needed to provide clarity regarding the process required to move a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

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

The changes are within the authority granted by the authorizing statutes.

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

It provides clarity for those who are involved in the Class C and D program.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No

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

This affects approximately 74 county and regional jails that house Class C and D felons and their staff, approximately 50 Department of Corrections' employees, including 12 Local Facilities staff, and approximately 5,682 Class C and D felons in the jails.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

The regulated entities are not required to take any action concerning the amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

This amendment is not expected to have a fiscal impact on any entity.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

This amendment will provide clarity to Department of Corrections staff and counties supervising inmates regarding the process required to move a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

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

(a) Initially:

0

(b) On a continuing basis:

0

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

State general funds

(8) 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 needed.

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

The regulation does not establish, directly or indirectly, any fees.

(10) 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 IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

. KRS 196.035, 197.020, 532.100

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

Yes, KRS 196.035, 197.020, and 532.100 authorize this administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

Department of Corrections

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:0

For subsequent years:0

2. Revenues:

For the first year:0

For subsequent years:0

3. Cost Savings:

For the first year:0

For subsequent years:0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

This regulation will affect 74 county and regional jails that house Class C and D felons and their staff.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:0

For subsequent years:0

2. Revenues:

For the first year:0

For subsequent years:0

3. Cost Savings:

For the first year:0

For subsequent years:0

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

This regulation will affect approximately 5,682 Class C and D felons in the jails.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:0

For subsequent years:0

2. Revenues:

For the first year:0

For subsequent years:0

3. Cost Savings:

For the first year:0

For subsequent years:0

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

The amendment is not expected to have a fiscal impact on the Department of Corrections, the county and regional jails that house Class C and D felons, or the Class C and D felons housed in those jails. The amendment primarily updates regulatory references and clarifies procedures related to the housing and management of Class C and D felons in jails. Regulated entities are not required to take any new action to comply with the amendment, and the amendment does not create a new fee, increase an existing fee, or impose new operational requirements on the Department, local jails, or inmates. The amendment also does not change the per diem paid under KRS 532.100(7) or otherwise alter the existing housing structure for qualified Class C and D felons.

(b) Methodology and resources used to reach this conclusion:

Because the amendment primarily updates regulatory references and clarifies procedures related to the housing and management of Class C and D felons in jails, regulated entities are not required to take any new action to comply with the amendment, and the amendment does not create a new fee, increase an existing fee, or impose new operational requirements on the Department, local jails, or inmates, no fiscal impact was identified. The amendment also does not change the per diem paid under KRS 532.100(7) or otherwise alter the existing housing structure for qualified Class C and D felons.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

No

(b) The methodology and resources used to reach this conclusion:

Because the amendment updates regulatory references, clarifies procedures related to the housing and management of Class C and D felons in jails, does not create new fees or increase existing fees, and does not impose new operational requirements, a major economic impact is not expected. 501 KAR 2:060. Procedures for housing of Class C and D felons.