JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amendment)

505 KAR 1:170. Department of Juvenile Justice Policies and Procedures: Prison Rape Elimination Act of 2003 (PREA).

RELATES TO: KRS 15A.065, 15A.067, Chapters 600-645, 34 U.S.C. 30301-30309, 28 C.F. R. 115.5, 115.6, 115.311-115.393

STATUTORY AUTHORITY: KRS 15A.065, 15A.067, 15A.160, ~~[15A.210, 200.115, 605.100,]~~605.150, 635.095, 640.120, 645.250

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, ~~[15A.210,]~~15A.305(5), 605.100, 605.150, 635.095, 640.120, and 645.250 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.

(1) The "Department of Juvenile Justice Policies and Procedures: Prison Rape Elimination Act of 2003 (PREA)", January 8, 2018, is incorporated by reference and includes the following: 900Definitions (Amended 8/24/17); 901Zero Tolerance of Any Type of Sexual Misconduct (Amended 8/24/17); 902Personnel Procedures (Amended 9/4/26~~[1/8/18]~~); 903Prohibited Conduct of Staff, Interns, Volunteers, and Contractors (Amended 8/24/17); 904Contracted Residential Entities (Amended 8/24/17); 905~~[90]~~Juvenile Vulnerability Assessment Procedure (Amended 8/24/17); 906Reporting and Investigating PREA Violations (Amended 8/24/17); 907Resident PREA Education (Amended 1/8/18); 908DJJ Response to a Report of a PREA Violation (Amended 1/8/18); 909Data Collection and Review (Amended 1/8/18); 910Facility Security Management (Amended 8/24/17); 911DJJ Staff PREA Education and Training (Amended 8/24/17); and 912Sexual Orientation and Gender Identity (Amended 1/8/18).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice website at https://djj.ky.gov/about/Pages/RegulationsFiled.aspx.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

505 KAR 1:170. Prison Rape Elimination Act procedures
TROY POLLOCK, Executive Director on behalf of
RANDY WHITE, Commissioner

APPROVED BY AGENCY: September 4, 2026

FILED WITH LRC: September 4, 2026 at 11:25 a.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, Justice.RegsContact@ky.gov, telephone number (502) 564-8216, facsimile number (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Nathan Goens, Deputy General Counsel Phone: (502) 564-8216 Email: Justice.RegsContact@ky.gov

Subject Headings:Juvenile Detention and Justice; Background Checks; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice (DJJ) in the implementation of a statewide juvenile services program.

(b) The necessity of this administrative regulation:
This administrative regulation is needed to establish procedures for Prison Rape Elimination Act of 2003 ("PREA") compliance for DJJ, non-DJJ personnel, and juveniles in the custody of or under the supervision of DJJ.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
The authorizing statutes permit the cabinet and DJJ to implement practices or procedures to ensure compliance with federal PREA Standards and ensure the health and safety of the juveniles in the custody of or under the supervision of the DJJ.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
The regulation provides direction and information to DJJ employees, non-DJJ personnel, juveniles, and their families concerning procedures that govern operation of DJJ.

(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 updates DJJ Policy Number 902 in relation to the types of convictions that disqualify an applicant for hire or service.

(b) The necessity of the amendment to this administrative regulation:
The amendment is needed to reconcile DJJ Policy Number 902 with statutory changes and to ensure the health and safety of juveniles.

(c) How the amendment conforms to the content of the authorizing statutes:
The authorizing statutes permit the Justice and Public Safety Cabinet and Department of Juvenile Justice to implement or amend practices or procedures to ensure the health and safety of juveniles in the custody of or under the supervision of DJJ.

(d) How the amendment will assist in the effective administration of the statutes:
The amendment provides additional safeguards related to the hiring practices of DJJ to prevent individuals with disqualifying convictions from interacting with juveniles in the custody of or under the supervision of DJJ.

(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 1,302 merit employees of DJJ as well as 422 juveniles in custody or under the supervision of DJJ and their families.

(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:

DJJ will have to update its hiring practices to comply with amendments to DJJ Policy Number 902.

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

No cost to regulated entities identified in question (3) is anticipated.

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

The changes will assist in ensuring a safe and healthy environment in DJJ facilities and the efficient operation of DJJ as a whole.

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

(a) Initially:

The administrative regulation impacts how DJJ operates but is not expected to increase costs.

(b) On a continuing basis:

The administrative regulation impacts how DJJ operates but is not expected to increase costs.

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

DJJ budgeted funds for the biennium.

(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:

An increase in fees or funding is not anticipated because of this amendment.

(9) 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.

(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 15A.065; 15A.067; Chapters 600-645; 34 U.S.C. 331-30309; 28 C.F.R. 115.5, 115.6, 115.311-115.393

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

KRS 15A.065, 15A.067, 15A.160, 605.150, 635.095, 640.120, 645.250.

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

Department of Juvenile Justice ("DJJ")

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

1. Expenditures:

For the first year:The administrative regulation impacts how DJJ operates but is not expected to increase expenditures.

For subsequent years:The administrative regulation impacts how DJJ operates but is not expected to increase expenditures.

2. Revenues:

For the first year:The administrative regulation does not generate revenue.

For subsequent years:The administrative regulation does not generate revenue.

3. Cost Savings:

For the first year:Cost savings are not anticipated.

For subsequent years:Cost savings are not anticipated

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

No affected local entities have been identified.

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

1. Expenditures:

For the first year:Not applicable.

For subsequent years:Not applicable.

2. Revenues:

For the first year:Not applicable.

For subsequent years:Not applicable.

3. Cost Savings:

For the first year:Not applicable.

For subsequent years:Not applicable.

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

Approximately 422 juveniles in the custody of or under the supervision of DJJ will be affected by the amendment (b) Estimate the following for each regulated entity identified in 5(a):

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

1. Expenditures:

For the first year:The administrative regulation impacts how DJJ operates but is not expected to increase expenditures for juveniles in the custody of or under the supervision of DJJ.

For subsequent years:The administrative regulation impacts how DJJ operates but is not expected to increase expenditures for juveniles in the custody of or under the supervision of DJJ.

2. Revenues:

For the first year:The administrative regulation does not generate revenue.

For subsequent years:The administrative regulation does not generate revenue.

3. Cost Savings:

For the first year:Cost savings are not anticipated.

For subsequent years:Cost savings are not anticipated.

(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 anticipated to have a fiscal impact for the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to reach this conclusion:
The Department of Juvenile Justice reviewed the regulation, the policies incorporated in the regulation, and the amendments to DJJ Policy 902. The administrative regulation amendment impacts how DJJ operates. A fiscal impact was not identified because the only changes to the regulation relate to the types of convictions that would preclude an individual from working within DJJ facilities that house juveniles.

(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):
This regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:
The Department of Juvenile Justice reviewed the regulation, the policies incorporated in the regulation, and the amendments to DJJ Policy 902. The administrative regulation amendment impacts how DJJ operates. A major economic impact was not identified because the only changes to the regulation relate to the types of convictions that would preclude an individual from working within DJJ facilities that house juveniles.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

28 C.F.R. Chapter 1, Part 115, §115.5, 115.6, and §115.311-501.

(2) State compliance standards.

The state adopts the federal compliance standards through this regulation, internal policy, and actions taken by the Department of Juvenile Justice. The state has no separate compliance standards.

(3) Minimum or uniform standards contained in the federal mandate.

: Federal regulation establishes compliance standards for juvenile detention facilities to qualify for federal funds under the Prison Rape Elimination Act. These standards govern Prevention Planning, responsive planning, training and education, screening, reporting, response procedures, investigations, mandatory discipline, medical and mental care, data collection and review, and audits.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This regulation will impose stricter requirements for the background checks imposed on employees, contractors, vendors, interns, and volunteers than the requirements in the hiring and promotion decision section of Prevention Planning.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

The Department of Juvenile Justice believes that the additional requirements will better protect the health and safety of juveniles in the custody of or under the supervision of the DJJ by preventing individuals with disqualifying convictions from interacting with juveniles in the custody of or under the supervision of DJJ.