

**441.430 Application, review, and approval of plans for new local correctional facility -- Delay of final decision -- Prerequisites for approval -- Review of architectural plans by department's jail consultants.**

- (1) Any political subdivision, or combination of subdivisions, desiring to build a local correctional facility shall make application, in writing, to the department and the construction authority for approval of the plans for the local correctional facility not less than ninety (90) days before the advertising for bids for construction of the facility, or if bids are not to be let, ninety (90) days before the construction commences. The application shall include documentation of the items required by subsection (3) of this section.
- (2) The department's jail consultants shall review the application and within thirty (30) days of the department's receipt of the application, make a recommendation to the construction authority. The construction authority shall make a decision within sixty (60) days after the department's jail consultants make their recommendation. The construction authority may delay a final decision on the construction of any new local correctional facility if the construction authority determines that it has insufficient information upon which to base a decision. If the construction authority determines that it has insufficient information upon which to base a decision, a final decision shall be delayed but shall be made within sixty (60) days after receipt of the information required by the construction authority. Construction shall not commence until the requisite approval is obtained.
- (3) The construction authority shall not approve the construction of a local correctional facility unless the political subdivision or combination of subdivisions desiring to build a local correctional facility proves to the satisfaction of the construction authority that:
  - (a) The construction of a new local correctional facility is necessary;
  - (b) The construction of a new local correctional facility with the number of beds proposed is necessary;
  - (c) The political subdivision or combination of political subdivisions has sufficient bonding and revenue sources to pay the bonded indebtedness of the proposed local correctional facility;
  - (d) The number and sources of prisoners for the local correctional facility is sufficient to maintain the financial viability of the local correctional facility;
  - (e) The projected operating costs for the local correctional facility are appropriate to maintain the financial viability of the local correctional facility;
  - (f) The sources of revenue are sufficient to pay, in addition to the bonded indebtedness, the operation costs and maintenance for the local correctional facility;
  - (g) If applicable, there are contracts or interlocal cooperation agreements specifying details for sharing the liability for the costs of paying the bonded indebtedness and the operation costs for the local correctional facility;
  - (h) If applicable, there are contracts or interlocal cooperation agreements specifying details for the management and operation of the local correctional

facility; and

- (i) All information has been provided that the construction authority required pursuant to administrative regulation.
- (4)
- (a) Upon approval by the construction authority of the new local correctional facility, or the expansion of an existing correctional facility, architectural plans shall be submitted to the department for approval. The department's jail consultants shall review the architectural plans and within sixty (60) days notify the applicant and the construction authority of their findings.
  - (b) The department's jail consultants may delay final approval of the architectural plans if the jail consultants determine the architectural plans for the facility do not comply with administrative regulations of the department promulgated pursuant to KRS 441.055.
  - (c) If the department determines that it has insufficient information upon which to make a decision, a final decision shall be delayed but shall be made within sixty (60) days after receipt of the information requested.
  - (d) Construction shall not commence until the requisite approvals have been obtained.
  - (e) If approval is denied by the department's jail consultants, the political subdivision or combination of subdivisions requesting the construction or expansion of a local correctional facility may appeal the decision to the construction authority.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 69, sec. 13, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 156, sec. 16, effective July 12, 2012. -- Amended 2011 Ky. Acts ch. 2, sec. 79, effective June 8, 2011. -- Amended 1992 Ky. Acts ch. 211, sec. 125, effective July 14, 1992. -- Amended 1982 Ky. Acts ch. 385, sec. 45, effective July 1, 1982. -- Created 1974 Ky. Acts ch. 294, sec. 3.