

1 AN ACT relating to correctional services.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Notwithstanding any other provision of law to the contrary, the department shall*
6 *contract with a fiscal court of a county or a local or regional correctional*
7 *authority to provide correctional services to state prisoners in the jail or regional*
8 *jail. No contract under this section shall exceed a term of twenty-four (24)*
9 *months.*

10 *(2) The per diem rate agreed to in a contract under this section shall not exceed five*
11 *percent (5%) over the actual cost of the jail or regional jail to provide correctional*
12 *services to state prisoners.*

13 *(3) The department shall collaborate with the Finance and Administration Cabinet*
14 *to:*

15 *(a) Develop an audit and contract compliance system;*

16 *(b) Negotiate feasible, reasonable, and understandable contracts with jails and*
17 *regional jails; and*

18 *(c) Ensure both parties are complying with the terms of the contract.*

19 *(4) A contract under this section shall include terms which comply with at least the*
20 *following:*

21 *(a) A person sentenced to a term of imprisonment for a felony shall be*
22 *considered a state prisoner;*

23 *(b) The department shall perform semiannual inspections;*

24 *(c) The department shall be financially responsible for any maintenance*
25 *medications and any necessary medical, dental, or psychological care,*
26 *beyond routine care and diagnostic services, of state prisoners held in the*
27 *jail or regional jail;*

- 1 *(d) The jail or regional jail shall operate in accordance with KRS Chapter 441*
2 *and administrative regulations promulgated by the department;*
- 3 *(e) The jail or regional jail shall ensure medical staff are present at the jail or*
4 *regional jail each day;*
- 5 *(f) The jail or regional jail shall ensure that mental health services are*
6 *available to state prisoners;*
- 7 *(g) The jail or regional jail shall submit monthly reports to the department in*
8 *an electronic format, on forms supplied by the department, in accordance*
9 *with KRS 441.105;*
- 10 *(h) The jail or regional jail shall provide a mattress for each state prisoner;*
- 11 *(i) The jail or regional jail shall provide state prisoners with access to exercise*
12 *and recreational activities including at least one (1) hour a day of time*
13 *outside of the state prisoner's cell when conditions permit; and*
- 14 *(j) The jail or regional jail shall develop and conduct training and professional*
15 *development.*

16 ➔Section 2. KRS 196.030 is amended to read as follows:

- 17 (1) The department shall, unless otherwise provided by law, exercise all functions of
18 the state in relation to:
- 19 (a) Management of penal, reform, and correctional institutions;
- 20 (b) Supervision of probation and parole;
- 21 (c) The giving of assistance to other departments, agencies, and institutions of the
22 state and federal government when requested by performing services in
23 conformity with this section;
- 24 (d) Acting as the agent of the federal government in matters of mutual concern,
25 and in the administration of any federal funds granted to the state to aid in the
26 performance of any function of this department; *and*
- 27 (e) Administration and enforcement of the provisions of KRS Chapter 441

1 relating to the development and enforcement of jail standards, training of
2 jailers and jail personnel, and jail planning and construction.

3 (2) Notwithstanding any other provision of law~~[provisions]~~ to the contrary, the
4 Department of Corrections may contract with a county fiscal court or local or
5 regional correctional authority to house misdemeanants and persons awaiting trial
6 or sentencing.

7 (3) Notwithstanding any other provision of law to the contrary, the Department of
8 Corrections shall contract with a county fiscal court or local or regional
9 correctional authority to provide correctional services to prisoners serving
10 sentences for felony offenses in accordance with Section 1 of this Act.

11 (4) The provisions of this section shall not apply to any institution, home, or agency
12 which does not receive aid from the state, a county, or municipality.

13 ➔Section 3. KRS 441.025 is amended to read as follows:

14 (1) The fiscal court of each county shall provide for the incarceration of prisoners
15 arrested in the county or sentenced or held by order of the courts in the county.

16 (2) The fiscal court shall provide for the incarceration of prisoners by:

17 (a) Providing and maintaining a facility that complies with KRS 441.055;

18 (b) Providing and maintaining a safe, secure, and clean jail in the county; or that
19 complies with the health and life safety standards defined in KRS 441.055;

20 (c) 1. Contracting with another county or a city for the incarceration and care
21 of its prisoners at the lesser of:

22 a. A per diem rate that does not exceed an increase of ten percent
23 (10%) from the prior year per diem rate, unless both parties
24 agree to a higher percentage increase; or

25 b. The actual cost of incarceration and care of a prisoner within
26 the facility; and

27 2. Providing for the transportation of prisoners, as provided for in KRS

1 441.505 and 441.510 including the provision of vehicles, drivers, and
2 guards.

3 (3) Nothing in this section shall prohibit a county from:

4 (a) Providing facilities for holding prisoners for limited periods of time and
5 contracting with another county or a city for longer periods of incarceration;

6 or

7 (b) Contracting with the department to provide correctional services to
8 prisoners serving sentences for felony offenses in accordance with Section 1
9 of this Act.

10 (4) Any county may enter into an agreement pursuant to KRS 65.210 to 65.300 to
11 provide or to use jail facilities.

12 ➔Section 4. Current contracts between counties to provide for the incarceration
13 and care of inmates described under KRS 441.025 shall remain in effect until the contract
14 period has ended. All future contracts between counties to provide for the incarceration
15 and care of inmates described under KRS 441.025 shall be the lesser of:

16 (1) A per diem rate that does not exceed an increase of ten percent (10%) from the prior
17 year per diem rate, unless both parties agree to a higher percentage increase; or

18 (2) The actual cost of incarceration and care of an inmate within the facility.