

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

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

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

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

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

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

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

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

22 *(b) The department shall assign a classification officer to each jail or regional*  
23 *jail. The classification officer may be full-time or part-time and shall be*  
24 *responsible for the classification of the state prisoner and placement of the*  
25 *state prisoner in programs. The classification officer shall organize the*  
26 *transfer of the state prisoner to another jail or regional jail if necessary;*

27 *(c) The jail or regional jail shall provide a suitable work space for the*

- 1           department's classification officer;
- 2           (d) The department shall perform semiannual inspections;
- 3           (e) The department shall be financially responsible for any maintenance  
4           medications and any necessary medical, dental, or psychological care,  
5           beyond routine care and diagnostic services, of state prisoners held in the  
6           jail or regional jail;
- 7           (f) The jail or regional jail shall operate in accordance with KRS Chapter 441  
8           and administrative regulations promulgated by the department;
- 9           (g) The jail or regional jail shall ensure medical staff are present at the jail or  
10           regional jail each day;
- 11           (h) The jail or regional jail shall ensure that mental health services are  
12           available to state prisoners;
- 13           (i) The jail or regional jail shall submit monthly reports to the department in  
14           an electronic format, on forms supplied by the department, in accordance  
15           with KRS 441.105;
- 16           (j) The jail or regional jail shall ensure nonsmoking prisoners are not exposed  
17           to secondhand smoke;
- 18           (k) The jail or regional jail shall conduct random drug screenings of at least  
19           ten percent (10%) of the state prisoner population in the jail or regional jail  
20           each month;
- 21           (l) The jail or regional jail shall provide a physical bed for each state prisoner;
- 22           (m) The jail or regional jail shall provide state prisoners with access to exercise  
23           and recreational activities including at least one (1) hour a day of time  
24           outside of the state prisoner's cell when conditions permit; and
- 25           (n) The jail or regional jail shall develop and conduct training and professional  
26           development.

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

- 1 (1) The department shall, unless otherwise provided by law, exercise all functions of  
2 the state in relation to:
- 3 (a) Management of penal, reform, and correctional institutions;
- 4 (b) Supervision of probation and parole;
- 5 (c) The giving of assistance to other departments, agencies, and institutions of the  
6 state and federal government when requested by performing services in  
7 conformity with this section;
- 8 (d) Acting as the agent of the federal government in matters of mutual concern,  
9 and in the administration of any federal funds granted to the state to aid in the  
10 performance of any function of this department; **and**
- 11 (e) Administration and enforcement of the provisions of KRS Chapter 441  
12 relating to the development and enforcement of jail standards, training of  
13 jailers and jail personnel, and jail planning and construction.
- 14 (2) Notwithstanding other provisions **of the law** to the contrary, the Department of  
15 Corrections may contract with a county fiscal court or local or regional correctional  
16 authority to house misdemeanants and persons awaiting trial or sentencing.
- 17 (3) **Notwithstanding other provision of law to the contrary, the Department of**  
18 **Corrections shall contract with a county fiscal court or local or regional**  
19 **correctional authority to provide correctional services to prisoners serving**  
20 **sentences for felony offenses in accordance with Section 1 of this Act.**
- 21 **(4)** The provisions of this section shall not apply to any institution, home, or agency  
22 which does not receive aid from the state, a county, or municipality.
- 23 ➔Section 3. KRS 441.025 is amended to read as follows:
- 24 (1) The fiscal court of each county shall provide for the incarceration of prisoners  
25 arrested in the county or sentenced or held by order of the courts in the county.
- 26 (2) The fiscal court shall provide for the incarceration of prisoners by:
- 27 (a) Providing and maintaining a facility that complies with KRS 441.055;

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

3 (c) 1. Contracting with another county or a city for the incarceration and care  
4 of its prisoners, at a per diem rate not to exceed the actual cost of  
5 incarceration and care; and

6 2. Providing for the transportation of prisoners, as provided for in KRS  
7 441.505 and 441.510 including the provision of vehicles, drivers, and  
8 guards.

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

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

12 or

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

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

18 ➔Section 4. Current contracts between counties to provide for the incarceration  
19 and care of inmates described under KRS 441.025 shall remain in effect until the contract  
20 period has ended. All future contracts between counties to provide for the incarceration  
21 and care of inmates described under KRS 441.025 shall not exceed the actual cost of  
22 incarceration and care.