

1 AN ACT relating to the Department of Corrections.

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

3 ➔Section 1. KRS 13A.100 is amended to read as follows:

4 Subject to limitations in applicable statutes, including KRS 13A.105 **and subsection (5)**
5 **of Section 2 of this Act**, any administrative body that is empowered to promulgate
6 administrative regulations shall, by administrative regulation, prescribe, consistent with
7 applicable statutes:

- 8 (1) Each statement of general applicability, policy, procedure, memorandum, or other
9 form of action that implements; interprets; prescribes law or policy; describes the
10 organization, procedure, or practice requirements of any administrative body; or
11 affects private rights or procedures available to the public;
- 12 (2) The process for application for license, benefits available or other matters for which
13 an application would be appropriate unless ~~the~~^[such] process is prescribed by a
14 statute;
- 15 (3) Fees, except for those exempted in paragraphs (a) to (j) of this subsection, to be
16 charged by the administrative body if ~~the~~^[such] fees are authorized by law and are
17 not set by statute:
- 18 (a) State park room rates;
 - 19 (b) Prices for food in restaurants at state facilities;
 - 20 (c) Prices for goods at gift shops at state facilities;
 - 21 (d) Prices for groceries and other items sold at state facilities;
 - 22 (e) Prices charged for state publications;
 - 23 (f) Prices charged for rides and amusement activities at state facilities;
 - 24 (g) Admission fees to athletic and entertainment events at state facilities;
 - 25 (h) Charges for swimming, skiing, horseback riding, and similar recreational
26 activities at state facilities;
 - 27 (i) Charges for boat and equipment rentals for recreational purposes at state

- 1 facilities; and
- 2 (j) Admission fees charged for seminars and educational courses by state
- 3 administrative bodies;
- 4 (4) The procedures to be utilized by the administrative body in the conduct of hearings
- 5 by or for the administrative body unless ~~the~~^{such} procedures are prescribed by a
- 6 statute; and
- 7 (5) The disciplinary procedures within the jurisdiction of the administrative body
- 8 unless ~~the~~^{such} procedures are prescribed by statute.

9 ➔Section 2. KRS 197.020 is amended to read as follows:

- 10 (1) The Department of Corrections shall:
 - 11 (a) Promulgate administrative regulations for the:
 - 12 1. Government and discipline of the penitentiary; ~~for the~~
 - 13 2. Government and official conduct of all officials connected with the
 - 14 penitentiary; ~~and for the~~
 - 15 3. Government of the prisoners in their department and conduct;
 - 16 (b) Promulgate administrative regulations for the:
 - 17 1. Character of food and diet of the prisoners; ~~the~~
 - 18 2. Preservation of the health of the prisoners; ~~the~~
 - 19 3. Daily cleansing of the penitentiary; ~~the~~
 - 20 4. Cleanliness of the persons of the prisoners; ~~the~~
 - 21 5. General sanitary government of the penitentiary and prisoners; ~~the~~
 - 22 6. Character of the labor; ~~the~~
 - 23 7. Quantity of food and clothing; and ~~the~~
 - 24 8. Length of time during which the prisoners shall be employed daily;
 - 25 (c) Promulgate administrative regulations, as the department deems necessary, for
 - 26 the disposition of abandoned, lost, or confiscated property of prisoners;
 - 27 (d) Promulgate administrative regulations for the administration of a validated

- 1 risk and needs assessment to assess the criminal risk factors and correctional
2 needs of all inmates upon commitment to the department;
- 3 (e) Promulgate administrative regulations to:
- 4 1. Create a certification process for county jails that may house female
5 state inmates. The administrative regulations shall include a requirement
6 of a physical barrier between male and female inmates; and
7 2. Require telehealth services in county jails; and
- 8 (f) Cause the administrative regulations promulgated by the department, together
9 with the law allowing commutation of time to prisoners for good conduct, to
10 be printed and posted in conspicuous places in the cell houses and workshops.
- 11 (2) The department may impose a reasonable fee for the use of medical facilities by a
12 prisoner who has the ability to pay for the medical and dental care. These funds
13 may be deducted from the prisoner's inmate account. A prisoner shall not be denied
14 medical or dental treatment because he or she has insufficient funds in his or her
15 inmate account.
- 16 (3) The department may promulgate administrative regulations in accordance with
17 KRS Chapter 13A to implement a program that provides for reimbursement of
18 telehealth consultations.
- 19 (4) Fees for the use of medical facilities by a state prisoner who is confined in a jail
20 pursuant to KRS 532.100 or other statute shall be governed by KRS 441.045.
- 21 **(5) Notwithstanding any other provision of law, the Department of Corrections shall**
22 **not be required to promulgate administrative regulations regarding the death**
23 **penalty and may prescribe and implement execution protocols and procedures by**
24 **internal policy, memorandum, or other form of action without proceeding**
25 **through the administrative regulations process established in KRS Chapter 13A.**