

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 2:070. Work release.

RELATES TO: KRS 532.100, 533.010, 533.025

STATUTORY AUTHORITY: KRS 196.035, 197.020, 533.010(14)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 requires the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 532.100(9) authorizes the commissioner to approve work release for Class D state prisoners serving their sentences in jails. KRS 197.020 requires the Department of Corrections to promulgate administrative regulations for the character of the labor and the length of time during which the prisoners shall be employed daily. KRS 533.010(14) requires the Department of Corrections to promulgate an administrative regulation to develop written criteria for work release privileges for offenders serving probation with an alternate sentence granted by the statute. This administrative regulation establishes work release procedures.

Section 1.

(1) The criteria to be used in the determination of granting work release shall be the following:

- (a) The defendant granted work privileges shall have a suitable job placement, at a lawful wage, as approved by the sentencing court.
- (b) The defendant's job placement shall be within the boundaries of the Commonwealth and shall not require travel outside of the Commonwealth.
- (c) The defendant shall provide or arrange transportation to and from the employment site in a lawful manner.
- (d) The defendant's employer shall be willing to cooperate with all law enforcement agencies in the verification of the conditions of the defendant's work release.

(2) If the defendant is paying for a part of his incarceration through court-ordered work release, it shall be the responsibility of the jailer or designee to notify the department. The amount paid by the defendant toward his incarceration shall be forwarded to the department on a monthly basis along with the jail housing bill.

Section 2. The jailer may deny work release privileges to a defendant for violating any duly promulgated or adopted rule of the jail governing inmate conduct or work release including:

- (1) Returning to the jail under the influence of drugs or alcohol;
- (2) Promoting or attempting to promote contraband; and
- (3) Failing to notify the jailer of any change in the status of his employment.

Section 3. Upon denial of work release privileges, a written report shall be completed stating the reasons for the suspension of these privileges and citing the rule or regulation that has been violated.

- (1) The jailer shall provide a copy of the report to the defendant within twenty-four (24) hours.
- (2) The jailer shall file the report and supporting documentation with the court of jurisdiction within the time specified in KRS 533.010(13).

Section 4. State inmates may participate in work release in accordance with KRS 532.100(9). The jailer may elect to provide work release for state inmates, pursuant to the requirements outlined in Corrections Policy and Procedure (CPP) 19.4 incorporated by reference in 501 KAR 6:020.

(25 Ky.R. 713; Am. 1355; eff. 12-17-1998; 34 Ky.R. 1168; 1955; eff. 3-7-2008; 37 Ky.R. 2935; eff. 10-7-2011; 48 Ky.R. 555; eff. 2-1-2022.)

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: July 1, 2021

FILED WITH LRC: July 14, 2021 at 1:48 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation will be held on September 22, 2021, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Any person who wishes to be heard at this hearing shall notify the agency in writing by five workdays prior to the hearing of their intent to attend. If a notice of intent to attend the hearing is not received by that date, the hearing may be cancelled. 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 through September 30, 2021. Send written notice of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, Justice.RegContact@ky.gov.