

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:280. Risk and needs assessment.

RELATES TO: KRS 196.035, 197.020, 439.265, 439.3101, 439.3104, 439.3105, 439.331, 439.348, 439.480, 446.010

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.3101, 439.3104, 439.331

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(d), 439.3101(2)(a), 439.3104(1) and (2), and 439.331(1) require the Department of Corrections to promulgate an administrative regulation for the administration of a validated risk and needs assessment to assess the criminal risk factors and correctional needs of all inmates and offenders upon commitment to the department. This administrative regulation establishes the validated risk and needs assessment requirements for assessing the criminal risk factors and correctional needs of inmates and offenders.

Section 1. Incorporation by Reference.

(1) "Department of Corrections policies and procedures for risk and needs assessment," May 15, 2024~~[January 13, 2020]~~, are incorporated by reference. These policies and procedures include:

29.1 Risk and Needs Assessment (Amended 1/13/20)

29.2 Case Planning (Amended 1/13/20)

~~[29.3] [Risk and Needs Assessment and Reentry Programming Training and Quality Assurance (Amended 1/13/20)]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or <https://corrections.ky.gov/about/pages/lrcfilings.aspx>~~[https://corrections.ky.gov/About/cpp/Pages/default.aspx]~~. (38 Ky.R. 1918; 39 Ky.R. 212; eff. 8-31-2012; 44 Ky.R. 1396; 1860; eff. 4-6-2018; 46 Ky.R. 2320; eff. 8-4-2020; 50 Ky.R. 2477; eff. 2-4-2025.)

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: March 4, 2024

FILED WITH LRC: May 15, 2024 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. 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 July 31, 2024. Send written notification 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 & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes policies and procedures relating to risk and needs assessment and case management of offenders.

(b) The necessity of this administrative regulation:

This regulation meets statutory requirements in KRS 196.035, 197.020, 439.3101, 439.3104, and 439.331.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The regulation establishes policies and procedures that govern the risk and needs assessment and case planning of offenders to comply with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The regulation and material incorporated by reference provide direction and information to Department of Corrections employees and to offenders for risk and needs assessments and case planning.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment deletes CPP 29.3, which is being renumbered as 30.3 and placed on another administrative regulation concerning programs to assist with sentence credits.

(b) The necessity of the amendment to this administrative regulation:

The amendment realigns department policies into separate administrative regulations.

(c) How the amendment conforms to the content of the authorizing statutes:

The authorizing statutes require risk and needs assessments for offenders and the amendment allows realignment of department policies to assist with sentence credits.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment allows realignment of department policies to assist with sentence credits.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation may affect approximately 688 employees of the Department of Corrections, 12,500 inmates committed to the Department of Corrections, and 11,000 parolees and 29,000 probationers under community supervision of the Department of Corrections.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Department staff will follow the realignment of the policies in performing their work.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no cost to comply with the realignment of the department's policies since tasks remain the same.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The realignment of policies provides greater clarity.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

Additional cost is not anticipated for the amendment.

(b) On a continuing basis:

Additional cost is not anticipated for the amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Department of Corrections budgeted funds for the biennium

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding is not anticipated to implement the amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish or incorporate any fees.

(9) TIERING: Is tiering applied?

No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 196.035, 197.020, 439.3101, 439.3104, 439.331

- (2) Identify the promulgating agency and any other affected state units, parts, or divisions:**

Department of Corrections

- (a) Estimate the following for the first year:**

Expenditures: The administrative regulation impacts how the department operates but is not expected to increase expenditures.

Revenues: This administrative regulation does not generate revenue.

Cost Savings: Cost savings are not anticipated.

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?**

The administrative regulation is not expected to change expenditures, revenues, or cost savings in future years.

- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

Affected local entities have not been identified.

- (a) Estimate the following for the first year:**

Expenditures:

Revenues:

Cost Savings:

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?**

- (4) Identify additional regulated entities not listed in questions (2) or (3):**

Additional regulated entities have not been identified.

- (a) Estimate the following for the first year:**

Expenditures:

Revenues:

Cost Savings:

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?**

- (5) Provide a narrative to explain the:**

- (a) Fiscal impact of this administrative regulation:**

The administrative regulation impacts how the department operates but is not expected to have a fiscal impact. A policy is deleted from the administrative regulation and is incorporated by reference in a new administrative regulation with other policies.

- (b) Methodology and resources used to determine the fiscal impact:**

The policies and procedures incorporated by reference were reviewed and a fiscal impact was not identified. A policy is deleted from the administrative regulation and is incorporated by reference in a new administrative regulation with other policies.

- (6) Explain:**

- (a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)**

An overall negative or adverse major economic impact is not anticipated.

- (b) The methodology and resources used to reach this conclusion:**

The policies and procedures incorporated by reference were reviewed and a fiscal impact was not identified. A policy is deleted from the administrative regulation and is incorporated by reference in a new administrative regulation with other policies.