

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections (Amended After Comments)

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

RELATES TO: KRS Chapters 196, 197, 197.400 - ~~197.440~~, Chapter 439

STATUTORY AUTHORITY: KRS 196.035, 196.111, 197.020, 197.110, 439.3101, 439.640

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 196.111 requires the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety days of confinement. This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 30", September 13~~May 15~~, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 30 includes:

- 30.1 Program Approval Process, Evaluation, and Measurement (5/15/24)
- 30.2 Program Credit (5/15/24)
- 30.3 Risk and Needs Assessment and Reentry Programming Training and Quality Assurance (5/15/24)
- 30.4 Probation Program Credit (5/15/24)
- 30.5 Sex Offender Treatment Program (5/15/24)
- 30.6 Division of Addiction Services Substance Abuse Program (5/15/24)
- 30.7 DOC Approved Substance Abuse Program Parole Compliance Credits and Probation Program Credits (5/15/24)
- 30.8 Pretrial Substance Abuse Program (PSAP) 9/13/24~~(5/15/24)~~
- 30.9 Supporting Others in Active Recovery (SOAR) Program (5/15/24)

(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 the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: September 12, 2024

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

(b) The necessity of this administrative regulation:

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 196.111 requires the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety days of confinement.

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

The administrative regulation governs the operations of the department concerning programs and sentence credits. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

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

The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning programs and sentence credits. It provides direction and information to department employees and inmates concerning the operations of the department.

(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:

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This affects the Department of Corrections, approximately 3,900 employees, 23,995 inmates, volunteers, others who enter its correctional institutions, offenders on home incarceration, jailers, and jail employees.

(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:

Staff and offenders will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

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

An exact cost of compliance is unknown, but it is not anticipated that current costs will increase.

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

The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, probation and parole offices, and jails housing state inmates.

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

(a) Initially:

An increase in cost is not anticipated.

(b) On a continuing basis:

An increase in cost is not anticipated.

(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. County budgeted funds for jail operating expenses with payments from the department.

(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.

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

An offender in the community Sex Offender Treatment Program may be charged a fee for assessment and treatment pursuant to KRS 532.045(5) as stated in CPP 30.5. The fee may be adjusted based on ability to pay.

(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, 196.111, 197.020, 197.110, 439.3101, 439.640

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

Department of Corrections, its correctional institutions, probation and parole offices, reentry service centers, and jails

(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):

(a) Estimate the following for the first year:

Expenditures:The administrative regulation impacts how the jails operate 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.

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

Reentry service centers and inmates

(a) Estimate the following for the first year:

Expenditures:The administrative regulation impacts how the reentry service centers operate 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.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The administrative regulation impacts how the department and its institutions operate but is not expected to have a fiscal impact. The administrative regulation replaces in part an administrative regulation that is being repealed.

(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. It replaces in part an administrative regulation that is being repealed.

(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 administrative regulation being repealed is being replaced by new administrative regulations.