

501 KAR 16:001. Definitions for 501 KAR Chapter 16.

RELATES TO: KRS 196.030, 196.070, 196.180, 431.213-431.270

STATUTORY AUTHORITY: KRS 196.035, 197.020, 431.220, 431.240, 431.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any of its divisions. KRS 431.220 establishes requirements for the execution of the death penalty. This administrative regulation establishes the definitions used in 501 KAR Chapter 16.

Section 1. Definitions.

- (1) "Cabinet" is defined in KRS 196.010(1) and 197.010(1).
- (2) "Clergy witness" means the member of clergy designated in writing by the condemned person to witness the execution pursuant to KRS 431.250.
- (3) "Commissioner" means:
 - (a) Commissioner as defined in KRS 196.010(2); or
 - (b) The commissioner's designee.
- (4) "Condemned person" is defined in KRS 431.213(1).
- (5) "Department" is defined in KRS 196.010(3) and 197.010(3).
- (6) "Designated medical professional" means the physician designated by the department to monitor the clinical activities, assessments and examinations involving the condemned person during the fourteen (14) days prior to execution.
- (7) "Designated victim's family" means the three (3) members of the victim's family designated by the commissioner to witness the execution pursuant to KRS 431.250.
- (8) "Electrocution" means the method of execution described in KRS 431.220(1)(b).
- (9) "Electrocution equipment" means the device at the penitentiary that was specifically manufactured to cause death by electrocution.
- (10) "Execution building" means the dedicated structure at the Kentucky State Penitentiary containing the execution chamber.
- (11) "Execution chamber" means the room or area of the Kentucky State Penitentiary designated by the Warden to conduct an execution.
- (12) "Execution order" means:
 - (a) A mandate from the Supreme Court of Kentucky; or
 - (b) An Executive Order for execution signed by the Governor that:
 1. Is entered in the Executive Journal maintained by the Secretary of State; and
 2. May be commonly known as a death warrant.
- (13) "Execution team" means the persons appointed by the Warden to carry out the execution of the condemned person and may include the IV team if execution is by lethal injection.
- (14) "Headgear" means the leather device used to hold the electrode and sponge to the condemned person's head.
- (15) "IV team" means the persons on the execution team who site and insert intravenous, or IV, lines in the condemned person.
- (16) "Lethal injection" means the method of execution described in KRS 431.220(1)(a).
- (17) "Media representative" means one (1) of the nine (9) representatives of the news media as identified in KRS 431.250 and selected in accordance with 501 KAR 16:300.
- (18) "Minister of record" means the spiritual advisor designated by the condemned person in writing to visit him after the execution order is received.
- (19) "Penitentiary" means the Kentucky State Penitentiary.
- (20) "Personal visitor" means a visitor who is listed on the condemned person's visitation list or other visitor who is not the:

- (a) Media;
 - (b) Minister of record; or
 - (c) Clergy who is providing religious services to the condemned person.
- (21) "Security risk" means as determined in the warden's discretion a potential threat to:
- (a) The security of:
 - 1. The institution;
 - 2. An inmate;
 - 3. A department employee; or
 - 4. Any other person; or
 - (b) The order of the institution.
- (22) "Special notes" mean specifically designated entries made in the electronic medical record that contain information concerning the condemned person from the period of time stated in 501 KAR 16:310, Section 1(1).
- (23) "Testing device" means the device that was specifically manufactured to simulate an execution to test the functioning of the electrocution equipment.
- (24) "Victim's family" means the individuals who are eligible for designation by the commissioner to witness the execution in accordance with KRS 431.250.
- (25) "Volunteer" means a death sentenced inmate who requests to be executed before he has completed the available legal challenges to his conviction or sentence.
- (26) "Warden" means the Warden of the Kentucky State Penitentiary or the warden's designee.
- (36 Ky.R. 1556; 2085-M; 2037-A; eff. 5-7-2010; Crt eff. 2-20-2020.)