CHAPTER 138

(SB 140)

AN ACT relating to jails.

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

➔Section 1. KRS 441.055 is amended to read as follows:

(1) The Department of Corrections shall for those counties which elect to house state prisoners in their jail:

(a) ***1.*** Adopt the recommendations of the Jail Standards Commission created pursuant to Executive Order Number 81-1026 and promulgate regulations pursuant to KRS Chapter 13A establishing minimum standards for jails. These standards shall include~~[,]~~ but not be limited to~~[,]~~ rules governing the following areas:

a.~~[1.]~~ Health and safety conditions;

b.~~[2.]~~ Fire safety;

c.~~[3.]~~ Jail operations, recordkeeping, and administration;

d.~~[4.]~~ Curriculum of basic and continuing annual training for jailers and jail personnel;

e.~~[5.]~~ Custody, care, and treatment of prisoners;

f.~~[6.]~~ Medical care; and

g.~~[7.]~~ Jail equipment, renovation, and construction***.***

2. These minimum standards shall specifically allow for:

a. Provision of required documents to prisoners through electronic format;

b. Confidential prisoner access to attorneys through unmonitored phone lines in non-contact visitation areas;

c. Measures to prevent receipt of prisoner mail containing intoxicants, including in fabricated legal mail; and

d. Delivery of mail received from the court, an attorney of record, or a public official to the prisoner via an electronic copy provided on a secure, personal account after opened and inspected in the presence of the prisoner;

(b) Develop a jail standards review process, which shall include the participation of persons knowledgeable of jail operations to review and amend the standards as necessary. The jail standards shall be reviewed no later than December 31, 1992, and at least every two (2) years thereafter. Fifty percent (50%) of the participants in the review process shall be appointed from persons representing county interests and fifty percent (50%) shall be appointed from persons representing state interests; and

(c) Provide technical assistance and consultation to local governments in order to facilitate compliance with standards.

(2) The department shall, for those counties that elect not to hold state prisoners in their jails, adopt the recommendations of the Jail Standards Commission and promulgate administrative regulations pursuant to KRS Chapter 13A to establish minimum standards for those jails. These standards shall be limited to health and life safety.

(3) All minimum standards promulgated by the department applying to jails shall include requirements for adequate nutrition for pregnant prisoners, an adequate number of hygiene products for female prisoners, and an appropriate number of undergarments for female prisoners.

(4) The department may establish classifications of jails based on the maximum permissible period of incarceration or other criteria and promulgate standards for each class of jail.

Signed by Governor March 25, 2021.