

441.055 Regulation of jails -- Adoption and revision of standards -- Classification of jails.

(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. Health and safety conditions;
- b. Fire safety;
- c. Jail operations, recordkeeping, and administration;
- d. Curriculum of basic and continuing annual training for jailers and jail personnel;
- e. Custody, care, and treatment of prisoners;
- f. Medical care; and
- g. Jail equipment, renovation, and construction.

2. These minimum standards shall specifically allow for:

- a. i. Provision of required documents to prisoners through electronic format;
- ii. Confidential prisoner access to attorneys through unmonitored phone lines in non-contact visitation areas;
- iii. Measures to prevent receipt of prisoner mail containing intoxicants, including in fabricated legal mail; and
- iv. 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; and

b. The appointment or employment of persons who have attained the age of eighteen (18) years or older who are otherwise qualified to serve in the position in which they are appointed or employed to work inside the secure perimeter of the jail; however, no person under the age of twenty-one (21) years shall be employed as a deputy jailer, possess or exercise peace officer powers, or function in a role similar to that of a deputy jailer, nor shall an individual under the age of twenty-one (21) years be employed in a position that involves supervision over inmates or persons yet to be booked into the jail. Persons who are under the age of twenty-one (21) years shall have a high school diploma or a High School Equivalency Diploma;

(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 and shall permit persons who have attained the age of eighteen (18) years or older who are otherwise qualified to serve in the position in which they are appointed or employed to work inside the secure perimeter of the jail; however, no person under the age of twenty-one (21) years shall be employed as a deputy jailer, possess or exercise peace officer powers, or function in a role equal to that of a deputy jailer, nor shall an individual under the age of twenty-one (21) years be employed in a position that involves supervision over inmates or persons yet to be booked into the jail. Persons who are under the age of twenty-one (21) years shall have a high school diploma or a High School Equivalency Diploma.
- (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.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 44, sec. 1, effective June 29, 2023. -- Amended 2021 Ky. Acts ch. 138, sec. 1, effective June 29, 2021. -- Amended 2018 Ky. Acts ch. 115, sec. 1, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 132, sec. 21, effective July 15, 2014. -- Amended 1998 Ky. Acts ch. 102, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 108, sec. 3, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 211, sec. 114, effective July 14, 1992; and ch. 262, sec. 1, effective July 14, 1992. -- Created 1982 Ky. Acts ch. 385, sec. 6, effective July 1, 1982.

Formerly codified as KRS 441.011.

Legislative Research Commission Note (7/14/2018). Pursuant to 2018 Ky. Acts ch. 115, sec. 12, that Act shall be known as the Women's Dignity in the Justice System Act. This statute was amended in Section 1 of that Act.

Legislative Research Commission Note (7/14/92). This section was amended by two 1992 Acts. Where those Acts are not in conflict, they have been compiled together. Where a conflict exists, the Act which was last enacted by the General Assembly prevails, pursuant to KRS 446.250.

Legislative Research Commission Note (10/5/90, restored 11/12/99). Pursuant to KRS 7.136(1), "KRS Chapter 13A" was substituted for prior references to "KRS Chapter 13" in this statute. The sections in KRS Chapter 13 were repealed by 1984 Ky. Acts ch. 417, sec. 36, and KRS Chapter 13A was created in that same chapter of the 1984

Ky. Acts.