

1 AN ACT relating to jail construction and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 441.420 TO 441.450 IS CREATED
4 TO READ AS FOLLOWS:

- 5 *(1) A political subdivision of this Commonwealth, combination of subdivisions, or*
6 *regional jail authority shall not build, reconstruct, remodel, renovate, or*
7 *otherwise change the physical structure of a local correctional facility, unless:*
8 *(a) The correctional facility is a regional jail owned and operated by two (2) or*
9 *more counties through a regional jail authority as provided in KRS*
10 *441.800; and*
11 *(b) The regional jail authority has received express approval from the General*
12 *Assembly to build, reconstruct, remodel, renovate, or otherwise change the*
13 *physical structure of the correctional facility.*
14 *(2) The provisions of this section shall not apply where a court of law has specifically*
15 *issued an order requiring a political subdivision to build, reconstruct, remodel,*
16 *renovate, or otherwise change the physical structure of an existing local*
17 *correctional facility.*
18 *(3) This section shall not prevent a political subdivision of this Commonwealth,*
19 *combination of subdivisions, or regional jail authority from acting to keep,*
20 *maintain, or bring an existing facility into compliance with Kentucky statutes,*
21 *administrative regulations, or state or federal constitutional guidelines applicable*
22 *to detention facilities.*
23 *(4) The provisions of this section shall not apply where a political subdivision of this*
24 *Commonwealth, combination of subdivisions, or regional jail authority elects to*
25 *replace or rebuild a facility following a catastrophic event, including but not*
26 *limited to tornado, fire, and flood. Notwithstanding any statute or administrative*
27 *regulation to the contrary, a local correctional facility shall be rebuilt with no*

1 *more than its last recorded capacity prior to the catastrophic event.*

2 ➔Section 2. Whereas the costs associated with the construction of local
3 correctional facilities is having immediate and significant impacts on the finances of local
4 governments and local taxpayers, an emergency is declared to exist, and this Act takes
5 effect upon its passage and approval by the Governor or upon its otherwise becoming a
6 law.