

1 AN ACT relating to jail standards.

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

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

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

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

- 11 a. Health and safety conditions;
- 12 b. Fire safety;
- 13 c. Jail operations, recordkeeping, and administration;
- 14 d. Curriculum of basic and continuing annual training for jailers and
15 jail personnel;
- 16 e. Custody, care, and treatment of prisoners;
- 17 f. Medical care; and
- 18 g. Jail equipment, renovation, and construction.

19 2. These minimum standards shall specifically allow for:

20 *a.* ~~*i.*~~ ~~*[a.]*~~ Provision of required documents to prisoners through
21 electronic format;

22 *ii.* ~~*[b.]*~~ Confidential prisoner access to attorneys through
23 unmonitored phone lines in non-contact visitation areas;

24 *iii.* ~~*[c.]*~~ Measures to prevent receipt of prisoner mail containing
25 intoxicants, including in fabricated legal mail; and

26 *iv.* ~~*[d.]*~~ Delivery of mail received from the court, an attorney of
27 record, or a public official to the prisoner via an electronic

1 copy provided on a secure, personal account after opened
 2 and inspected in the presence of the prisoner; and

3 **b. The appointment or employment of persons who have attained**
 4 **the age of eighteen (18) years or older who are otherwise**
 5 **qualified to serve in the position in which they are appointed or**
 6 **employed to work inside the secure perimeter of the jail;**
 7 **however, no person under the age of twenty one (21) years shall**
 8 **be employed as a deputy jailer, possess or exercise peace officer**
 9 **powers, or function in a role similar to that of a deputy jailer,**
 10 **nor shall an individual under the age of twenty one (21) years be**
 11 **employed in a position that:**

12 **1. Involves supervision over inmates or persons yet to be**
 13 **booked into the jail; or**

14 **2. In the normal execution of the person's duties allows**
 15 **direct, physical contact with, or potential assumption of**
 16 **physical control over, inmates or persons yet to be booked**
 17 **into the jail;**

18 (b) Develop a jail standards review process, which shall include the participation
 19 of persons knowledgeable of jail operations to review and amend the
 20 standards as necessary. The jail standards shall be reviewed no later than
 21 December 31, 1992, and at least every two (2) years thereafter. Fifty percent
 22 (50%) of the participants in the review process shall be appointed from
 23 persons representing county interests and fifty percent (50%) shall be
 24 appointed from persons representing state interests; and

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

27 (2) The department shall, for those counties that elect not to hold state prisoners in their

- 1 jails, adopt the recommendations of the Jail Standards Commission and promulgate
2 administrative regulations pursuant to KRS Chapter 13A to establish minimum
3 standards for those jails. These standards shall be limited to health and life safety
4 and shall permit persons who have attained the age of eighteen (18) years or
5 older who are otherwise qualified to serve in the position in which they are
6 appointed or employed to work inside the secure perimeter of the jail; however,
7 no person under the age of twenty one (21) years shall be employed as a deputy
8 jailer, possess or exercise peace officer powers, or function in a role equal to that
9 of a deputy jailer, nor shall an individual under the age of twenty one (21) years
10 be employed in a position that:
- 11 (a) Involves supervision over inmates or persons yet to be booked into the jail;
12 or
13 (b) In the normal execution of the person's duties allows direct, physical
14 contact with, or potential assumption of physical control over, inmates or
15 persons yet to be booked into the jail.
- 16 (3) All minimum standards promulgated by the department applying to jails shall
17 include requirements for adequate nutrition for pregnant prisoners, an adequate
18 number of hygiene products for female prisoners, and an appropriate number of
19 undergarments for female prisoners.
- 20 (4) The department may establish classifications of jails based on the maximum
21 permissible period of incarceration or other criteria and promulgate standards for
22 each class of jail.