

**441.075 Violation of regulations -- Orders and sanctions -- Procedures for orders.**

- (1) If the department finds that a violation of its regulations, or the laws or other state regulations pertaining to the protection of persons and property, exists in any jail which holds state prisoners, the commissioner of the department, or his or her designee, shall order that the violation be corrected immediately. In order to enforce an order made pursuant to this subsection, the commissioner may order the jail to cease housing state prisoners.
- (2) If the department finds a violation of the health and life safety regulations in KRS 441.055 pertaining to the protection of persons or property, exists in any jail, the commissioner of the department, or his or her designee, shall order that the violations be corrected immediately. In order to enforce an order made pursuant to this subsection, the commissioner may order the jail closed until the violations are corrected.
- (3) No jail that was ordered by the Department of Corrections prior to July 15, 1996, to be closed or to operate other than as a full-service facility shall operate as a full-service facility to hold state prisoners unless it is granted a certificate of occupancy by the Department of Corrections. In order to enforce an order made pursuant to subsection (1) of this section, the commissioner may:
  - (a) Order the jail or portions thereof to be vacated and closed until the violation is eliminated.
  - (b) Order the jail to cease to house certain classes of prisoners or limit the length of time prisoners or certain classes of prisoners may be housed in the jail.
  - (c) Order the state contribution made pursuant to KRS 441.206 to be used, in whole or in part, to contract with another county for the incarceration of prisoners.
- (4) An order issued under this section shall be in writing, incorporating the findings of the department and other agencies, if appropriate, and shall be delivered, electronically mailed, or mailed by certified mail, return receipt requested, to the county jailer and county judge/executive within twenty-four (24) hours of the issuance of the order. The county jailer or county judge/executive may, within seventy-two (72) hours of receipt of the notification, request in writing a public hearing before the commissioner of the department or his or her designee on the matters covered by the order. Upon the hearing, the commissioner of the department or his or her designee may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. The commissioner of the department or his or her designee may issue, modify, or repeal the order at the conclusion of the hearing.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 107, sec. 8, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 108, sec. 5, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 211, sec. 117, effective July 14, 1992; and ch. 262, sec. 3, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 497, sec. 29, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 415, sec. 3, effective July 13, 1984. -- Created 1982 Ky. Acts ch. 385, sec. 8, effective July 1, 1982.

**Formerly codified as** KRS 441.013.

**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.