

1 AN ACT relating to the transfer of county jail inmates.

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

3 ➔ Section 1. KRS 441.520 is amended to read as follows:

4 **(1) (a)** If in any county ~~{there is no jail, or the jail is insecure, or }~~there is danger or
5 probable danger that any or all of the persons confined in the jail under any
6 order or process of a court, or held to answer any charge in a court, will be
7 removed from the jail by violence, the Circuit Judge shall, by an order made
8 of record, **citing evidence of the danger or probable danger**, direct that any or
9 all of such persons be transferred to the jail of the nearest county in which the
10 jail is secure and they can be safely kept. When any such order is made, and a
11 copy thereof is furnished to the jailer of the county designated, he **or she** shall
12 receive all such prisoners. If the Circuit Judge is not in the county, the order of
13 transfer may be made by the District Judge, who shall deliver the order, or a
14 copy thereof, to the circuit clerk for revision by the Circuit Court.

15 **(b) In the event of a removal under this subsection the receiving jail shall:**

- 16 **1. Charge no more than three (3) times the daily authorized state inmate**
17 **daily per diem rate;**
18 **2. Perform only medically necessary procedures on the inmate, as**
19 **determined by the receiving jail's medical provider. The originating**
20 **jail shall be financially responsible for these medically necessary**
21 **procedures. If the inmate is sent out of the receiving jail for more than**
22 **eight (8) hours, due to a medically necessary procedure, the**
23 **originating jail shall be financially responsible for all receiving jail**
24 **personnel costs related to the inmate's transportation until the inmate**
25 **is returned to the receiving jail; and**
26 **3. Be no more than two (2) judicial districts away from the originating**
27 **jail.**

1 (c) The Administrative Office of the Courts shall assume all liability for an
2 inmate subject to an order of removal issued under this subsection.

3 (2) In any other removal order between county jails, the Circuit Judge shall receive a
4 written agreement of the transfer from both the receiving and originating jailer
5 or jail administrator. The written agreement shall specify that any associated
6 incarceration costs, including medically necessary expenses as determined by the
7 receiving jail's medical provider, shall be charged to the originating jail. The
8 receiving jail shall be no more than two (2) judicial districts away from the
9 originating jail.

10 (3) The originating county jail's sheriff shall be responsible for the transportation of
11 any inmate being removed under this section.

12 (4) To ensure the ongoing safety and security of the inmate, the ordering Circuit
13 Judge shall review all removal orders, every ninety (90) days, with input from any
14 originating and receiving jailers.