

STATEMENT OF EMERGENCY
501 KAR 6:460E

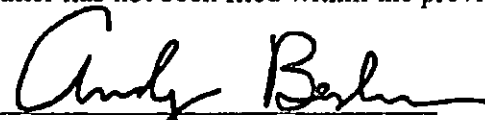
(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1 to meet an imminent threat to public health, safety, or welfare. It is being promulgated as part of a set of five (5) emergency administrative regulations designed to limit the amount of sentencing credit inmates can accrue after returning to custody because their Mandatory Reentry Supervision ("MRS") has been revoked by the Parole Board. A separate emergency administrative regulation in this set also limits the use of administrative release for revoked MRS inmates. These changes are needed to ensure revoked MRS inmates who violate the terms of their release are not eligible for a reduction of the time remaining on the minimum expiration date of their sentences. These changes will address the imminent threat to public health, safety, and welfare posed by inmates who are revoked from MRS for failure to comply with the terms of their release being immediately allowed to earn credits again.


(2) This emergency administrative regulation is necessary to prevent MRS inmates returned to custody after having MRS revoked by the Parole Board from immediately accruing sentencing credits, lessening the minimum expiration date of their sentence after having just violated the terms of their release. Therefore, an ordinary regulation does not sufficiently address the potential harm.

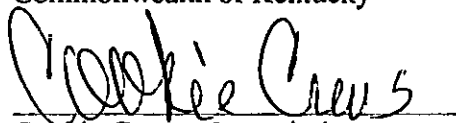
(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because this change is necessary to properly ensure inmates exhibiting failure to comply are not immediately allowed to earn credits and ensure if they violate the terms of their MRS that there are appropriate consequences.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.


Andy Beshear, Governor
Commonwealth of Kentucky


Keith Jackson, Secretary
Justice and Public Safety Cabinet


Cookie Crews, Commissioner
Department of Corrections

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

(Emergency Amendment)

501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

RELATES TO: KRS Chapters 196, 197, 197.065, 197.070, 197.110, 197.120, 197.150

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.047, 197.110, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 19", November 19, 2025 [~~October 15, 2024~~], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 19 includes:

19.1	Governmental Services Program (10/15/24)
19.2	Sentence Credit for Work <u>(11/19/25)</u> [(10/15/24)]
19.3	Inmate Wage/Time Credit Program (5/15/24)
19.4	Work Release for State Inmates in Jails (10/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

11/19/2025
Date

Cookie Crews
Cookie Crews
Commissioner, Department of Corrections

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this emergency administrative regulation shall be held on January 27, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

Contact Person: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning inmate work programs for inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate work programs. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate work programs. It provides direction and information to department employees and offenders concerning the operations of the department.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 19.2, specifically its provisions related who may be awarded work time credits. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits

such inmate from earning work time credits.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate work programs. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Appropriated funding

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees or funding necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

Contact Person: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.047.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole will be affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: Approximately \$2,700,000 to \$4,100,000 per year.

For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school

districts): Local jails will be affected by this amendment.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year.

For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion:

In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release.

Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

ESTIMATED FISCAL IMPACT TO DOC PER YEAR				
Felony Class	Total Number of Returned Inmates in 2024	Cost to DOC per Day to Incarcerate	60 Day Cost to DOC to Incarcerate	90 Day Cost to DOC to Incarcerate
Class B	35	\$116.41	\$244,461.00	\$366,691.50
Class C	169	\$116.41	\$1,180,397.40	\$1,770,596.10
Class D*	610	\$35.34	\$1,293,444.00	\$1,940,166.00
Total			\$2,718,302.40	\$4,077,453.60

*This analysis assumes that most Class D inmates are housed in county and regional jails.

ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR				
Felony Class	Total Number of Returned Inmates in 2024	Cost** to Jailers per Day to Incarcerate	60 Day Cost to Jailers to Incarcerate	90 Day Cost to Jailers to Incarcerate
Class D	610	\$15.00	\$549,000.00	\$823,500.00
Total			\$549,000.00	\$823,500.00

**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.

501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The total number of pages incorporated by reference is 2.

- | | |
|----------|---|
| CPP 19.1 | Governmental Services Program (10/15/24) |
| CPP 19.2 | Sentence Credit for Work (11/19/25) |
| | The administrative regulation amendment amends CPP 19.2, specifically its provisions related who may be awarded work time credits. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits such inmate from earning work time credits. |
| CPP 19.3 | Inmate Wage/Time Credit Program (5/15/24) |
| CPP 19.4 | Work Release for State Inmates in Jails (10/15/24) |

KRS 13A.190(8)(a)(3) DOCUMENTATION


Accrual of Sentencing Credits after Revocation from Mandatory Reentry Supervision ("MRS")		
Column A	Column B	Column C
Highest Felony	Inmates Released from Custody in 2024 Whose Last Admission Type was MRS Return¹	Total Days of Sentencing Credit² for Inmates in Column A After Return from MRS³
Class B (10 - 20 years)	30	4844
Class C (5 - 10 years)	180	30738
Class D (1 - 5 years)	622	76764

Admission Type - Return from MRS				
Highest Felony	2021	2022	2023	2024
Class B (10 - 20 years)	30	43	30	35
Class C (5 - 10 years)	190	182	188	171
Class D (1 - 5 years)	493	520	648	613

¹ At least some of these inmates were subsequently incarcerated beyond the minimum expiration date of their initial sentence because they were incarcerated on new charges.

² These credits include: Educational Credit; Meritorious Good Time; Parole Compliance Credit; Parole Supervision Credit; Program Credit; Statutory Good Time Restoration; Supervision Compliance Credit; and Work Time Credit. Data is not kept in format where the Department of Corrections can easily ascertain how much statutory good time was earned post-return from MRS.

³ Because some inmates were subsequently incarcerated on new charges after their initial admission, these numbers reflect sentencing credits earned both on their original sentence and new sentence.

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	19.2	2
	Date Filed	Effective Date
	November 19, 2025	
	Supersedes Effective Date	
Authority/References KRS 196.035, 197.020, 197.047, 197.110, 197.120, 197.150, CPP 19.3, 15.3	Subject SENTENCE CREDIT FOR WORK	

I. DEFINITIONS

“Work time credit” means a time credit earned by performing work in an approved job assignment after March 31, 2003 that shall be deducted from an eligible inmate’s sentence calculation, as provided in KRS Chapter 197.

II. POLICY AND PROCEDURE

A. Review Procedure

Upon entry of sentence, an inmate’s eligibility shall be determined for work time credits for work performed in accordance with KRS 197.047.

1. Inmates serving a life sentence, regardless of parole eligibility, shall not be eligible for work time credits.
2. If an inmate receives a new conviction or a change in current convictions, this information shall be reviewed by appropriate institutional staff to determine if his eligibility status has changed.

B. Calculation of Work Time Credits

1. The number of work time credits earned shall be converted into days by:
 - a. determining how many hours an inmate worked during the review period, and
 - b. dividing the number of hours worked by forty (40).
2. When an inmate’s work time credits are calculated, only whole days shall be applied to his sentence.
3. Remaining work time credits that are less than a whole day shall carry over to the next review period.

Policy Number	Effective Date	Page
19.2		2

C. Application of Work Time Credits


1. Any work time credits earned shall be applied to the inmate's maximum expiration date after the date has been adjusted to reflect any statutory good time, jail credit, meritorious good time, educational good time, exceptional award of good time or any other adjustments that have been previously made to his sentence.
2. Work for time credits earned shall be calculated and applied to an inmate's sentence up to thirty (30) days prior to their expiration date.

D. Prohibition on Earning Future Credits

1. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period of nine (9) months, beginning on the date that an inmate's Mandatory Reentry Supervision is revoked, an inmate shall not earn work credit in any amount.

E. Forfeiture

1. Work time credits awarded shall not be subject to forfeiture by the adjustment committee unless all statutory good time and meritorious good time have been forfeited.
2. Work time credits that have been earned shall not be denied or reduced when an inmate is reviewed for an award except as provided for in section II(B)(3) of this policy.

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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E. Forfeiture

1. Work time credits awarded shall not be subject to forfeiture by the adjustment committee unless all statutory good time and meritorious good time have been forfeited.
2. Work time credits that have been earned shall not be denied or reduced when an inmate is reviewed for an award except as provided for in section II(B)(3) of this policy.