

FILED WITH LRG TIME: <u>4:30 pm</u> NOV 19 2025 <i>Emily B Caudill</i> REGULATIONS COMPILER

STATEMENT OF EMERGENCY
501 KAR 6:510E

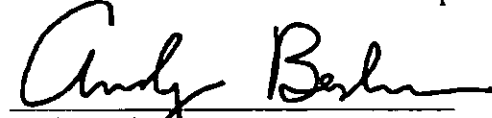
(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1 to meet an imminent threat to public health, safety, or welfare. It is being promulgated as part of a set of five (5) emergency administrative regulations designed to limit the amount of sentencing credit inmates can accrue after returning to custody because their Mandatory Reentry Supervision ("MRS") has been revoked by the Parole Board. This emergency administrative regulation 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 being released early on administrative release 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.

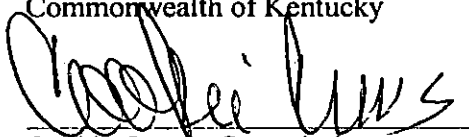
(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.



Andy Beshear, Governor
Commonwealth of Kentucky



Keith Jackson, Secretary
Justice and Public Safety Cabinet



Cookie Crews, Commissioner
Department of Corrections

1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Corrections

3 (Emergency Amendment)

4 501 KAR 6:510E. Corrections policies and procedures: release preparation and temporary release.

5 RELATES TO: KRS Chapters 196, 197, 197.120, 197.140, 197.170, 197.175, 421.500,
6 439.3110, 439.3405, 439.590, 439.600, 439.610, 440.010, 441.146, 441.148, 532.200-532.262

7 STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 441.148

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to
9 promulgate administrative regulations deemed necessary or suitable for the proper administration
10 of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require
11 the Department of Corrections to promulgate administrative regulations for the government and
12 discipline of the penitentiary, government and official conduct of all officials connected with the
13 penitentiary, government of the prisoners in their deportment and conduct, and preservation of the
14 health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative
15 regulations for purposes as the department deems necessary and proper for carrying out the intent
16 of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative
17 regulations to establish standards for the operation of reentry centers established pursuant to KRS
18 441.146. This administrative regulation establishes policies and procedures concerning release
19 preparation and temporary release for the Department of Corrections.

20 Section 1. Incorporation by Reference.

1 (1) "Department of Corrections Policies and Procedures, Chapter 25", November 19, 2025
2 [~~October 15, 2024~~], are incorporated by reference. Department of Corrections Policies and
3 Procedures Chapter 25 includes:

25.2	Public Official Notification of Release of an Inmate (10/15/24)
25.3	Pre-release Program (10/15/24)
25.4	Inmate Furloughs (5/15/24)
25.6	Community Service Center Program and Jail Placement (10/15/24)
25.10	Administrative Release of Inmates <u>(11/19/25)</u> (10/15/24)
25.11	Victim Services (10/15/24)
25.12	Home Incarceration Program (10/15/24)
25.13	Women's Medical Release: Pregnancy (10/15/24)
25.14	Reentry Center Program (10/15/24)
25.15	Early Medical Parole Review (5/15/24)

4 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
5 the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor,
6 Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday,
7 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in
8 the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the
9 regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

501 KAR 6:510E. Corrections policies and procedures: release preparation and temporary release.

11/19/25
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 6:510E. Corrections policies and procedures: release preparation and temporary release.
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 release preparation and temporary release of 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, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release 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 release preparation and temporary release of inmates in the custody of the department. 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 release preparation and temporary release. 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 25.10 regarding who may be released on administrative release. It prohibits inmates who were on Mandatory Reentry Supervision and were revoked from being administratively released.

(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 release preparation and temporary release. 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 6:510E. Corrections policies and procedures: release preparation and temporary release.
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 197.175.

(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, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release 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 6:510E. Corrections policies and procedures: release preparation and temporary release.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The total number of pages incorporated by reference is 2.

CPP 25.2 Public Official Notification of Release of an Inmate (10/15/24)

CPP 25.3 Pre-release Program (10/15/24)

CPP 25.4 Inmate Furloughs (5/15/24)

CPP 25.6 Community Service Center Program and Jail Placement (10/15/24)

CPP 25.10 Administrative Release of Inmates (11/19/25)

The administrative regulation amendment amends CPP 25.10 regarding who may be released on administrative release. It prohibits inmates who were on Mandatory Reentry Supervision and were revoked from being administratively released.


CPP 25.11 Victim Services (10/15/24)

CPP 25.12 Home Incarceration Program (10/15/24)

CPP 25.13 Women's Medical Release: Pregnancy (10/15/24)

CPP 25.14 Reentry Center Program (10/15/24)

CPP 25.15 Early Medical Parole Review (5/15/24)

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	25.10	2
	Date Filed	Effective Date
	November 19, 2025	
	Supersedes Effective Date	
References/Authority KRS 196.035, 197.020, 197.175 ACA 4-4446	Subject ADMINISTRATIVE RELEASE OF INMATES	

I. DEFINITION

“Administrative release date” means the first day of the month during which an inmate’s minimum expiration date falls or the last weekday of the preceding month if the first day falls on Saturday, Sunday, or a legal holiday.

“Non-institutional offender” means a state inmate who is serving a sentence in a county jail, reentry service center or on home incarceration.

II. POLICY and PROCEDURES


A. An inmate shall be released on his administrative release date with the following exceptions:

1. An institutional inmate presently serving segregation time;
2. An inmate who has an outstanding good time loss;
3. An institutional inmate who has a pending disciplinary report;
4. An institutional inmate who has a disciplinary action involving segregation time or good time loss which has been stayed pending appeal;
5. A non-institutional inmate who has committed a major category write-up within the last six (6) months; or
6. An inmate released on Mandatory Reentry Supervision who is revoked.

B. If an inmate has an outstanding detainer, arrangements shall be made prior to the month in which his sentence expires for his release to the detaining authorities on the administrative release date.

Policy Number	Effective Date	Page
25.10		2

- C. There may be extreme circumstances whereby releasing an inmate on his administrative release date is not feasible. In these cases, the inmate shall be released on the first day possible, compatible to the needs of the Department of Corrections and the detaining authorities. Any release to a detainer, on a date other than the administrative release date shall be approved by the Commissioner or his designee.
- D. Only non-institutional inmates who have been reviewed and approved by the Central Office Offender Information Services Branch shall be released on the administrative release date.
- E. Institutional inmates shall be reviewed and approved by the institutional Offender Information Services Office for release on the administrative release date.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	25.10	2
	Date Filed	Effective Date
	November 19, 2025 [October 15, 2024]	
	Supersedes Effective Date	
References/Authority	Subject	
KRS 196.035, 197.020, 197.175 ACA 4-4446	ADMINISTRATIVE RELEASE OF INMATES	

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5. A non-institutional inmate who has committed a major category write-up within the last six (6) months~~[-]; or~~
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Policy Number	Effective Date	Page
25.10		2

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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.