

FILED WITH LRC
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Donna Little
REGULATIONS COMPILER

1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Corrections

3 (Amendment)

4 501 KAR 16:330. Lethal injection protocols [~~protocool~~].

5 RELATES TO: KRS 196.030, 196.070, 196.180, 431.213 – 431.270

6 STATUTORY AUTHORITY: KRS 196.035, 197.020, 431.218, 431.220, 431.224, 431.240,

7 431.250, 431.260, 431.270

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 and 197.020 authorize the

9 Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative

10 regulations necessary and suitable for the proper administration of the Cabinet or any of its

11 divisions. KRS 431.220 establishes requirements for the execution of the death penalty. This

12 administrative regulation establishes the protocols [~~protocool~~] for execution by lethal injection.

13 Section 1. Procurement, Storage, and Accountability of Substances [~~Chemicals~~].

14 (1) Upon receipt of an execution order, the warden shall check the supply of substances

15 [~~chemicals~~] and their expiration dates. If additional substances [~~chemicals~~] are needed, the

16 warden shall place an order to obtain the necessary substances [~~chemicals~~] for the lethal injection

17 protocols listed in Section 3 [~~an execution by lethal injection~~].

18 (2) The substances shall be stored [~~The warden shall transport the chemicals from the point of~~

19 ~~procurement and place them~~] in a secured area of the penitentiary in locked containers.

20 ~~Pancuronium bromide shall be stored separately from the other chemicals in its own locked~~

21 ~~container, which shall be refrigerated at a temperature of at least forty (40) degrees~~

1 ~~Fahrenheit~~. The warden shall maintain control of the keys to the secured areas and containers [at
2 all times. A duplicate set of keys shall not be made].

3 (3) A log shall be maintained in the storage containers which shall record:

4 (a) New supplies of substances [~~chemicals~~] received and added to inventory;

5 (b) Substances [~~Chemicals~~] removed for use;

6 (c) Disposal of substances [~~chemicals~~] due to expiration; and

7 (d) Any other reason that a substance [~~chemical~~] is removed or deducted from inventory.

8 Section 2. Preliminary Steps.

9 (1) The condemned person shall be executed by using the One Drug Protocol in Section 3(2). If
10 the necessary substance or quantity of the substance for the One Drug Protocol is not in the
11 warden's possession by seven (7) days prior to the execution, the condemned person shall be
12 executed by using the Two Drug Protocol in Section 3(3). The commissioner shall notify the
13 condemned person at least seven (7) days prior to the execution of the protocol to be used.

14 (2)[(1)] The penitentiary shall have a minimum of two (2) phone lines available for
15 communication with the courts and counsel on the day of execution. The phones shall be
16 checked to determine if they [warden shall determine if necessary phone lines] are operational
17 prior to the execution.

18 (3)[(2)] If the condemned person is to be executed by lethal injection:

19 (a) If male, his chest shall be shaved by a designated member of the execution team for
20 heart monitor leads on the day of execution; and

21 (b) The IV team shall complete an examination of the condemned person's veins within
22 twenty-four (24) hours prior to the execution to determine possible locations of the IV
23 sites.

1 ~~(4)~~~~(3)~~ On the day of execution the warden shall provide to the IV team sufficient amounts of
2 each substance ~~[chemical]~~ listed in Section 3 of this administrative regulation to prepare two (2)
3 syringes for the drug protocol selected to be used. One (1) syringe shall serve as the primary
4 syringe. The other syringe shall be a back-up.

5 ~~(5)~~~~(4)~~ At the execution building, each substance ~~[chemical]~~ shall be prepared in accordance
6 with the manufacturer's instructions, if applicable, and drawn into the two (2) syringes by one (1)
7 member of the IV team designated by the warden. The other member of the IV team shall
8 observe preparation of the substances ~~[chemicals]~~ and verify that the instructions and procedures
9 have been carried out correctly.

10 ~~(6)~~~~(5)~~ Any syringes that are loaded with lethal injection substances ~~[chemicals]~~ that are not
11 used during the execution shall be ~~be~~ ~~:~~

12 (a) ~~Not be used;~~

13 (b) ~~Be returned to the warden; and~~

14 (c) ~~Be~~ destroyed and documented in the log maintained in accordance with Section 1(3)
15 of this administrative regulation.

16 ~~(7)~~~~(6)~~ Any unused substances ~~[chemicals]~~ that were not prepared for ~~[mixed in preparation of]~~
17 the lethal injection shall be:

18 (a) Returned to the warden;

19 (b) Locked in the storage container; and

20 (c) Documented in the log maintained in accordance with Section 1(3) of this
21 administrative regulation.

22 ~~(8)~~~~(7)~~ A member of the IV team shall determine the appropriate size needle based on the
23 examination of the condemned person's veins within the five (5) hours prior to the execution.

1 ~~(9)~~~~(8)~~ The warden shall order the condemned person escorted to the execution chamber and
2 strapped to the gurney.

3 ~~(10)~~~~(9)~~ The IV team shall run the IV lines to the condemned person by the following:

4 (a) Site and insert one (1) primary IV line; and

5 (b) Site and insert one (1) backup IV line.

6 ~~(11)~~~~(10)~~ The location of the IV sites on the body of the condemned person shall be determined
7 by the IV team members. The insertion site of preference shall be the following order:

8 (a) Arms;

9 (b) Hands;

10 (c) Ankles; or

11 (d) Feet.

12 ~~(12)~~~~(11)~~ To best ensure that a needle is inserted properly into a vein, the IV team members
13 shall look for the presence of blood in the valve of the sited needle.

14 ~~(13)~~~~(12)~~ If the IV team cannot secure two (2) IV sites within one (1) hour, the Commissioner
15 shall contact the Governor's Office and request that the execution be scheduled for a later date.

16 ~~(14)~~~~(13)~~ If the IV team is able to establish the two IV lines, the team shall start a saline flow.

17 ~~(15)~~~~(14)~~ The execution team shall:

18 (a) Securely connect the electrodes of the cardiac monitor to the condemned person; and

19 (b) Ensure the equipment is functioning.

20 ~~(16)~~~~(15)~~ Counsel assigned by the cabinet and counsel assigned by the office of the Attorney
21 General shall be asked whether any stays, orders, pardons, or commutations of sentence have
22 been received.

23 ~~(17)~~~~(16)~~ The viewing curtain shall be opened.

1 (18)[(17)] The warden shall announce the execution to the witnesses.

2 (19)[(18)] The warden shall ask the condemned person if he wants to make a final statement. If a
3 statement is made by the condemned person, it shall be limited to two (2) minutes. The witnesses
4 shall be allowed to hear the condemned person's statement.

5 (20)[(19)] The warden shall order the execution to proceed.

6 Section 3. Protocols and Sequence of Substances [Chemicals].

7 (1) The lethal injection protocols shall be as follows.

8 (2) One Drug Protocol.

9 (a) A designated execution team member shall inject via IV three (3) gm of Sodium
10 Thiopental (60 ml of a 50mg/ml solution) or five (5) gm of Pentobarbital (100 ml of a 50 mg/ml
11 solution) under whatever generic or trade names they may be known or sold.

12 (b) If it appears to the warden based on his visual inspection that the condemned person is
13 not unconscious within sixty (60) seconds of his command to proceed, the warden shall stop the
14 flow of the Sodium Thiopental or Pentobarbital in the primary site and order that the backup IV
15 be used with a new flow of the substance.

16 (c) A designated execution team member shall start a stopwatch once the lethal injection
17 is complete.

18 (d) A designated execution team member shall:

- 19 1. Observe the heart monitor; and
20 2. Advise the coroner and physician when electrical activity of the heart has
21 ceased as indicated by a flat line on the heart monitor.

22 (e) The viewing curtain shall be drawn before the:

- 23 1. Coroner enters the chamber to declare death; and

1 2. Physician enters the chamber to certify the cause of death.

2 (f) An additional injection of the substance listed in subsection (2)(a) of this section shall
3 be used if the:

4 1. Heart monitor does not indicate a flat line after ten (10) minutes;

5 2. Coroner is not able to declare death; and

6 3. Physician is unable to certify the cause of death after the ten (10) minute
7 period.

8 (g) The injections shall continue until death has occurred.

9 (h) During the execution by lethal injection the warden and deputy warden shall watch
10 the primary IV site for failure, leakage, the catheter coming out of a vein, or any other problem.

11 If an IV fails or leaks, the catheter comes out of the vein, or any other problem arises, the
12 execution team shall be instructed to switch to the backup IV.

13 (3) Two Drug Protocol.

14 (a) A designated execution team member shall inject via IV 10 mg of midazolam
15 (5mg/ml concentration) and 40 mg of hydromorphone (10 mg/ml concentration) under whatever
16 generic or trade names they may be known or sold.

17 (b) If it appears to the warden based on his visual inspection that the condemned person is
18 not unconscious within sixty (60) seconds of his command to proceed, the warden shall stop the
19 flow of midazolam and hydromorphone in the primary site and order that the backup IV be used
20 with a new flow of the substances listed for this protocol in subsection (3)(a) of this section.

21 (c) A designated execution team member shall start a stopwatch once the lethal injection
22 is complete.

23 (d) A designated execution team member shall:

1 1. Observe the heart monitor; and

2 2. Advise the coroner and physician when electrical activity of the heart has
3 ceased as indicated by a flat line on the heart monitor.

4 (e) The viewing curtain shall be drawn before the:

5 1. Coroner enters the chamber to declare death; and

6 2. Physician enters the chamber to certify the cause of death.

7 (f) An additional injection of the lethal substances listed in subsection (3)(a) of this
8 section shall be used if the:

9 1. Heart monitor does not indicate a flat line after ten (10) minutes;

10 2. Coroner is not able to declare death; and

11 3. Physician is unable to certify the cause of death after the ten (10) minute
12 period.

13 (g) Any additional injections after the initial and second injections shall be 60 mg of
14 hydromorphone (10 mg/ml concentration). The injections shall continue until death has occurred.

15 (h) During the execution by lethal injection the warden and deputy warden shall watch
16 the primary IV site for failure, leakage, the catheter coming out of a vein, or any other problem.
17 If an IV fails or leaks, the catheter comes out of the vein, or any other problem arises, the
18 execution team shall be instructed to switch to the backup IV.

19 ~~[At the warden's order to proceed, a designated execution team member shall begin a rapid flow~~
20 ~~of lethal chemicals in the following sequence:~~

21 ~~—(a) Three (3) gm of Sodium Thiopental;~~

22 ~~—(b) Twenty-five (25) milligrams of Saline;~~

23 ~~—(c) Fifty (50) milligrams of Pancuronium Bromide;~~

- 1 —(d) Twenty five (25) milligrams of Saline;
- 2 —(e) 240 milliequivalents of Potassium Chloride; and
- 3 —(f) Twenty five (25) milligrams of Saline.
- 4 —(2) If it appears to the warden based on his visual inspection that the condemned person is
- 5 not unconscious within sixty (60) seconds of his command to proceed, the warden shall stop the
- 6 flow of Sodium Thiopental in the primary site and order that the backup IV be used with a new
- 7 flow of Sodium Thiopental and the other chemicals listed in subsection (1) of this section.
- 8 —(3) If it appears to the warden based on his visual inspection that the condemned person is
- 9 unconscious after the injection of Sodium Thiopental, the warden shall order the designated team
- 10 member to continue the injections of the other chemicals listed in subsection (1) of this section
- 11 through the primary IV.
- 12 —(4) A designated execution team member shall start a stopwatch once the lethal injections are
- 13 complete.
- 14 —(5) A designated execution team member shall:
- 15 —(a) Observe the heart monitor; and
- 16 —(b) Advise the coroner and physician when electrical activity of the heart has ceased as
- 17 indicated by a flat line on the heart monitor.
- 18 —(6) The viewing curtain shall be drawn before the:
- 19 —(a) Coroner enters the chamber to declare death; and
- 20 —(b) Physician enters the chamber to certify the cause of death.
- 21 —(7) The warden shall order an additional set of lethal chemicals to be administered if the:
- 22 —(a) Heart monitor does not indicate a flat line after ten (10) minutes;
- 23 —(b) Coroner is not able to declare death; and

1 — ~~(e) Physician unable to certify the cause of death during the ten (10) minute period.~~

2 — ~~(8) The process established in subsection (1) of this section shall continue until death has~~
3 ~~occurred.~~

4 — ~~(9) During the execution by lethal injection the warden and deputy warden shall watch the~~
5 ~~primary iv site for failure, leakage, the catheter coming out of a vein, or any other problem. In~~
6 ~~the event that an IV fails, leaks, if the catheter comes out of the vein, or any other problem arises,~~
7 ~~the execution team shall be instructed to switch to the backup IV.]~~

8 Section 4. Post Lethal Injection Steps.

9 (1) If the Coroner declares death, the warden shall ~~[be informed.~~

10 ~~(2) The warden shall]~~ announce the completion of the execution to the witnesses. The viewing
11 curtain shall be open during the warden's announcement.

12 ~~(2)[(3)]~~ The witnesses shall be escorted out of the witness room.

13 Section 5. Stabilization Procedure.

14 (1) Before an execution commences:

15 (a) The warden shall arrange for an ambulance and staff to be present on penitentiary
16 property during the execution; and

17 (b) A medical crash cart and defibrillator shall be located in the execution building.

18 (2) If at any time during the execution process the Governor grants a pardon or commutes the
19 sentence of the condemned person or if a court of competent jurisdiction issues a stay after an
20 execution has commenced:

21 (a) The execution team shall stop the execution; and

22 (b) The medical staff on site shall attempt to stabilize the condemned person with the
23 equipment and personnel listed in subsection (1) of this section.

1 Section 6. Volunteer.

2 (1) If a condemned person, who is a volunteer, tells department staff that he does not wish to
3 continue with the execution process, the staff shall tell the warden.

4 (2) If the execution is in process:

5 (a) The execution team shall stop the execution; and

6 (b) If any of the substances [~~chemicals~~] have been injected [~~administered~~], the medical
7 staff on site shall attempt to stabilize the condemned person with the equipment and
8 personnel listed in Section 5(1) of this administrative regulation.

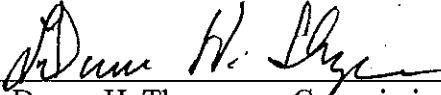
9 (3) The warden shall allow the condemned person to contact his attorney.

10 (4) The warden shall notify the commissioner.

11 (5) The commissioner shall notify the Governor's Office or court issuing the mandate.

7-17-12

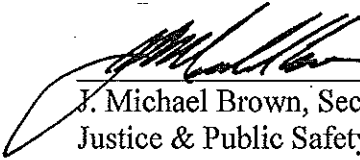
Date



LaDonna H. Thompson, Commissioner
Department of Corrections

7-20-2012

Date



J. Michael Brown, Secretary
Justice & Public Safety Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 25, 2012, at 9:00 a.m. in the Kentucky Transportation Cabinet Building's Auditorium, 200 Mero Street, Frankfort, Kentucky, 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 until October 1, 2012. 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: Amy V. Barker, Assistant General Counsel, Department of Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky, 40601, telephone number (502) 564-3279, facsimile number (502) 564-6686.

**REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT**

Administrative Regulation #: 501 KAR 16:330
Contact Person: Amy V. Barker

- (1) Provide a brief summary of:
- (a) What this administrative regulation does: **Establishes the protocols for conducting an execution by lethal injection.**
 - (b) The necessity of this administrative regulation: **KRS Chapter 431.220 establishes lethal injection as one of the methods of carrying out the death penalty. KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and the Department of Corrections to promulgate administrative regulations for the proper administration of the functions of the cabinet or any division in the cabinet, for the government and discipline of penitentiaries, and for official conduct of all officials connected with the penitentiary. This administrative regulation is necessary for the Department to establish the process for carrying out an execution by lethal injection.**
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: **This administrative regulation establishes the lethal injection process, the promulgation of which is authorized by KRS 196.035 and 197.020.**
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation establishes a clear procedure for execution by lethal injection in this Commonwealth.**
- (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 amendment revises the protocols for execution by lethal injection and expands the protocols to include more than one method of lethal injection.**
 - (b) The necessity of the amendment to this administrative regulation: **This amendment address issues in pending litigation.**
 - (c) How the amendment conforms to the content of the authorizing statutes: **Statutes authorize the Justice and Public Safety Cabinet and the Department of Corrections to promulgate administrative regulations for the proper administration of the functions of the cabinet or any division in the cabinet. The Department of Corrections is responsible for the execution of death penalties. This amendment addresses that responsibility.**
 - (d) How the amendment will assist in the effective administration of the statutes: **The amendment revises the protocols for execution by lethal injection and expands the protocols to include more than one method of lethal injection.**
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **This administrative regulation will primarily impact the Kentucky Department of Corrections and Kentucky State Penitentiary. However, the Kentucky State Police, Kentucky Department of Fish and Wildlife, Kentucky National Guard, Kentucky State Medical Examiners Office, Lyon**

County Sheriff's Office, Lyon County Coroner, Eddyville Fire Department, Kuttawa Fire Department, Office of the Commonwealth's Attorney for Lyon County, Lyon County Ambulance Service, Office of the Attorney General, and Kentucky Department of Public Advocacy will also be impacted during the execution process.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment: **Except for the Department of Corrections personnel, none of the entities listed above are mandated to take any action to comply with this administrative regulation. Department of Corrections employees will be trained to comply with it.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **Again, this administrative regulation is primarily applicable only to personnel of the Department of Corrections. However, other individuals and state and local government agencies are affected by the Execution process. In the event that an execution is carried out, it is estimated that the cost will be the following approximate figures:**

Department of Corrections, \$22,000;

Kentucky State Police, \$2,200;

Kentucky Department of Fish and Wildlife, \$450;

Office of the Kentucky State Medical Examiner, \$2,000;

Lyon County Sheriff's Office, \$600;

Kuttawa Fire Department, volunteer agency with no fiscal impact;

Eddyville Fire Department, volunteer agency with no fiscal impact;

Kentucky National Guard, \$18,975;

Lyon County Ambulance Service, \$750;

Commonwealth's Attorney for Lyon County, the state's 57 Commonwealth's Attorneys handle the prosecution of capital cases in Kentucky and any post-conviction action in these cases that may be filed in the circuit courts. The Commonwealth's Attorneys and Assistant Commonwealth's Attorneys receive general fund dollars for the prosecution of all felony cases in their respective judicial circuits. Their pay does not increase or decrease depending upon whether they prosecute a death penalty case or a Class D felony. With respect to appellate matters, pursuant to KRS 15.020, the Office of the Attorney General represents the Commonwealth in all felony appeals in the Court of Appeals and the Kentucky Supreme Court. The Office of Criminal Appeals within the Attorney General's Office handles all felony appeals within the existing budget of the Office.

Kentucky Department of Public Advocacy, \$34,463.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **This administrative regulation will assist in placing the Department of Corrections in compliance with the decision of the Supreme Court of Kentucky in *Bowling v. Kentucky Department of Corrections*, 301 S.W.3d 478 (Ky. 2009). Further, it will assist**

personnel of the Department of Corrections in the administration of their duties during an execution.

- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) **Initially: This administrative regulation is promulgated in compliance with the Supreme Court of Kentucky decision in *Bowling v. Kentucky Department of Corrections*, 301 S.W.3d 478 (Ky. 2009). The execution process has been in effect for many years, so this process will not be newly implemented. The current cost to conduct an execution is approximately \$81,438.**
 - (b) **On a continuing basis: Each execution is estimated to cost approximately \$81,438.**
- (6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: **Tax dollars designated to the state agencies listed in 4(b) above, via the biennial budget. For the Lyon County Sheriff's Office and Lyon County Ambulance Service, tax dollars designated to them by the county.**
- (7) 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: **This regulation impacts how the Kentucky Department of Corrections and other entities listed in 4(b) above operate, but should not necessitate an increase in funding. No fees are involved.**
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **No fees are established or increased.**
- (9) TIERING: Is tiering applied? **No.** (Explain why tiering was or was not used.) **Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.**

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 501 KAR 16:330

Contact Person: Amy Barker

Phone number: 502-564-3279

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? **This administrative regulation will primarily impact the Kentucky Department of Corrections and Kentucky State Penitentiary. However, the Kentucky State Police, Kentucky Department of Fish and Wildlife, Kentucky National Guard, Kentucky State Medical Examiners Office, Lyon County Sheriff's Office, Lyon County Coroner, Eddyville Fire Department, Kuttawa Fire Department, Office of the Commonwealth's Attorney for Lyon County, Lyon County Ambulance Service, Office of the Attorney General, and Kentucky Department of Public Advocacy will also be impacted during the execution process.**

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. **KRS 196.035, 197.020. Further, this administrative regulation is authorized under the Supreme Court of Kentucky decision in *Bowling v. Kentucky Department of Corrections*, 301 S.W.3d 478 (Ky. 2009).**

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? **The promulgation of this administrative regulation will not generate any revenue for the entities listed in #1 above.**

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? **The promulgation of this administrative regulation will not generate any revenue.**

(c) How much will it cost to administer this program for the first year? **No new programs are created. The promulgation of this administrative regulation relates to the procedures by which the Kentucky Department of Corrections will conduct executions, but does not increase costs from what was previously budgeted to the Department of Corrections. The promulgation of this administrative regulation should not increase costs. The other entities listed in the response to Question #1 above should also not see any increase in costs. Executions are very rarely performed. In the event that an execution is carried out, it is estimated that the cost will be the following approximate figures:**

Department of Corrections, \$22,000;

Kentucky State Police, \$2,200;

Kentucky Department of Fish and Wildlife, \$450;

Office of the Kentucky State Medical Examiner, \$2,000;

Lyon County Sheriff's Office, \$600;
Kuttawa Fire Department, volunteer agency with no fiscal impact;
Eddyville Fire Department, volunteer agency with no fiscal impact;
Kentucky National Guard, \$18,975;
Lyon County Ambulance Service, \$750;

Commonwealth's Attorney for Lyon County, the state's 57 Commonwealth's Attorneys handle the prosecution of capital cases in Kentucky and any post-conviction action in these cases that may be filed in the circuit courts. The Commonwealth's Attorneys and Assistant Commonwealth's Attorneys receive general fund dollars for the prosecution of all felony cases in their respective judicial circuits. Their pay does not increase or decrease depending upon whether they prosecute a death penalty case or a Class D felony. With respect to appellate matters, pursuant to KRS 15.020, the Office of the Attorney General represents the Commonwealth in all felony appeals in the Court of Appeals and the Kentucky Supreme Court. The Office of Criminal Appeals within the Attorney General's Office handles all felony appeals within the existing budget of the Office.

Kentucky Department of Public Advocacy, \$34,463.

(d) How much will it cost to administer this program for subsequent years? **No new programs are created. The promulgation of this administrative regulation relates to the procedures by which the Kentucky Department of Corrections will conduct executions, but does not increase costs from what was previously budgeted to the Department of Corrections. The other entities listed in the response to 3(c) above should also not see any increase in costs. Executions are very rarely performed. In the event that an execution is carried out, it is estimated that the costs for each entity involved will be that set out in 3(c).**

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): **None.**

Expenditures (+/-): **\$81,438.00**

Other Explanation: **None.**