

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CRIMINAL PROCEDURE**

INITIAL APPEARANCE AND PRELIMINARY HEARING BEFORE DISTRICT COURT

RCr 3.02 Initial appearance before the judge

(1) An officer making an arrest under a warrant issued upon a complaint shall take the arrested person without unnecessary delay before a judge as commanded in the warrant. If the arrest is made in a county other than that in which the warrant was issued and the arrested person is not taken as commanded in the warrant, the arrested person shall be taken before a judge of the county in which the arrest is made, who shall consider the defendant for release on personal recognizance and so release the arrested person or admit the arrested person to bail for his or her appearance before the proper judge to whom the bail bond and other papers may be transmitted by mail. If the offense is nonbailable, or if the person arrested is unable to give bail, the judge shall commit that person to jail and he or she shall be taken as commanded in the warrant within a reasonable time by an officer of the county in which it was issued.

(2) Any person making an arrest without a warrant shall take the arrested person without unnecessary delay before a judge and shall file with the court a post-arrest complaint specifying the offense for which the arrest was made and the essential facts constituting probable cause on which the complaint is based. Such complaint need not be verified but shall be signed by the person making the arrest. If the judge before whom the arrested person is taken is in a county other than the county in which the offense was committed, the judge shall proceed as directed in paragraph (1) of this Rule 3.02 as on an arrest under warrant in a county other than that in which the warrant was issued.

(3) If no judge is available in the county in which the arrest was made the defendant shall be taken to jail, and any documents relating to the arrest shall be given to the jailer. If the defendant is ineligible to post bail under Rule 4.20 or cannot make the bail endorsed on the arrest warrant, the jailer shall take the defendant before the judge without unnecessary delay.

(4) Any documents relating to the arrest that are in the possession of the jailer shall be delivered to the clerk on or before the next business day.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendments eff. 9-1-81 (Order 81-5), 6-19-76; adopted eff. 1-1-63