

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

INITIAL APPEARANCE AND PRELIMINARY HEARING BEFORE DISTRICT COURT

RCr 3.07 Trial or preliminary hearing

When a person is brought or appears before a judge having authority to try the offense charged, the judge shall proceed in accordance with Chapters VI-XIII of these Rules. If the judge does not have authority to try the offense charged but does have venue to hold a preliminary hearing, the judge shall proceed in accordance with the remainder of Chapter III. A defendant who has not been indicted is entitled to a preliminary hearing, unless waived, when charged with an offense requiring an indictment pursuant to Section 12 of the Kentucky Constitution. If the judge does not have authority to try the case or venue to hold the preliminary hearing, the judge shall order the defendant to be taken before the proper court for further proceedings and may release the defendant on personal recognizance or admit the defendant to bail for his or her appearance before that court, if the offense is bailable, or commit the defendant to jail to await trial or preliminary hearing.

HISTORY: Amended by Order 98-3, eff. 3-1-99; adopted by Order 81-5, eff. 9-1- 81