

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

BAIL

RCr 4.00 Recognizance and bail; definitions of terms

As used in these rules the following terms mean:

(a) "Bail bond" means a written undertaking, executed by the defendant or one or more sureties, that the defendant designated in such instrument will, while at liberty as a result of an order fixing bail and of the execution of a bail bond in satisfaction thereof, appear in a designated criminal action or proceeding when the defendant's attendance is required and otherwise render himself or herself amenable to the orders and processes of the court, and that in the event the defendant fails to do so, the signers of the bond will pay to the court the amount of money specified in the order fixing bail.

(b) "Cash bail bond" means a sum of money, in the amount designated in an order fixing bail, posted by a defendant or by another person on the defendant's behalf with a court or other authorized public officer upon condition that such money will be forfeited if the defendant does not comply with the directions of a court requiring the defendant's attendance at the criminal action or proceeding involved and does not otherwise render himself or herself amenable to the orders and processes of the court.

(c) "Conditions of release" may include financial as well as nonfinancial requirements upon which the defendant's release is dependent. All methods of pre-trial release include the conditions of release requiring the defendant to appear before court when required and to submit himself or herself to the orders and processes of the court.

(d) "Pre-trial release" is release of a defendant from custody before his or her trial date. It may be secured by any authorized method of pre-trial release including but not limited to release on personal recognizance, on nonfinancial conditions or upon execution of a bail bond. It does not include the procedure for issuance of citation as provided in KRS 431.015.

(e) "Pre-trial services agency" means the agency established or authorized by Supreme Court order to provide pre-trial release investigation and services for trial courts having jurisdiction of criminal causes

(f) "Release on personal recognizance" means release of a defendant on personal recognizance when, having acquired control over the defendant's person, the court permits the defendant to be at liberty during the pendency of the criminal action or proceeding upon the defendant's written promise to appear whenever his or her attendance before court may be required and to render himself or herself amenable to the orders and processes of the court.

(g) "Surety" means a person other than the defendant who executes a bail bond and assumes the obligations therein.

(h) "Unsecured bail bond" means a bail bond for which the defendant is fully liable upon failure to appear in court when ordered to do so or upon breach of a material condition of release, but which is not secured by any deposit of or lien upon property.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendment eff. 1-1-78; adopted eff. 6-19-76