

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

BAIL

RCr 4.02 Bailable offenses; eligibility for pretrial release

(1) All persons shall be bailable before conviction, except when death is a possible punishment for the offense or offenses charged and the proof is evident or the presumption is great that the defendant is guilty.

(2) All defendants charged with bailable offenses shall be considered for pretrial release without making formal application except when a capital offense is charged. A person charged with a capital offense must make an application for pretrial release.

(3) On the hearing of an application for admission to pretrial release made before or after indictment for a capital offense, the burden of showing that the proof is evident or the presumption is great that the defendant is guilty is on the Commonwealth.

HISTORY: Amended eff. 6-19-76; adopted eff. 1-1-63