

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

BAIL

RCr 4.08 Confidentiality of pre-trial services agency records

Information supplied by a defendant to a representative of the pre-trial services agency during the defendant's initial interview or subsequent contacts, or information obtained by the pre-trial services agency as a result of the interview or subsequent contacts, shall be deemed confidential and shall not be subject to subpoena or to disclosure without the written consent of the defendant except in the following circumstances:

- (a) information relevant to the imposition of conditions of release shall be presented to the court on a standardized form when the court is considering what conditions of release to impose;
- (b) information furnished by the defendant to the pre-trial services agency and recorded on a completed interview form shall be furnished to law enforcement officials upon request if the defendant fails to appear in court when required;
- (c) information concerning compliance with any conditions of release imposed by the court shall be furnished to the court upon its request for consideration of modification of conditions of release or of sentencing or of probation;
- (d) information relevant to sentencing or probation shall be furnished to the court upon its request for consideration in imposing sentence or probation;
- (e) at its discretion, the court may permit the probation officer, for the purpose of preparing the pre-sentence investigation report, and the defense attorney to inspect the completed interview form;
- (f) any person conducting an evaluation of the pre-trial release program may have access to all completed interview forms upon order of the Supreme Court.
- (g) All information obtained from the defendant and all information provided to the court shall be provided to the defendant's attorney.

At the beginning of the initial interview with a representative of the pre-trial services agency, the defendant shall be advised of the above uses of information supplied by the defendant or obtained as a result of information supplied by the defendant.

HISTORY: Amended by Order 2002-1, eff. 1-1-03; prior amendments eff. 3-1-99 (Order 98-3), 1-1-85 (Order 84-2), 11-1-78, 1-1-78, 6-19-76; adopted eff. 1-1-63