

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

**BAIL**

**RCr 4.34 Justification of security**

(1) If the bail bond is secured by real estate, the defendant or surety must file with the bond a sworn schedule and a statement of value from the property valuation administrator of the county in which the real estate is located. The sworn schedule shall contain:

- (a) legal description of the real estate;
- (b) description of any and all encumbrances on the real estate including the amount of each and the holder thereof; and
- (c) market value of the unencumbered equity owned by the affiant or affiants.

(2) If the bail bond is secured by stocks and bonds, the defendant or surety must file with the bond a sworn schedule which shall contain:

- (a) descriptions sufficient for identification of the stocks and bonds deposited;
- (b) present market value of each stock and bond; and
- (c) total market value of stocks and bonds listed.

(3) In either case, unless the defendant or the defendant's relative is using his or her own property as security, a statement must be filed stating that the property has not been used or accepted as security on a bail bond in the Commonwealth during the twelve months preceding the date of the bond.

(4) The sworn schedule in either case must further include a statement that affiant or affiants are the sole owners of the unencumbered equity; that the property is not exempt from execution; and that the property is security for the appearance of the defendant in accordance with the conditions of release imposed by the court.

(5) If a bail bond is to be secured by real estate, the unencumbered equity of the real estate must have a fair market value at least double the amount of the bail bond.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendments eff. 9-1-81 (Order 81-5), 11-1-78; adopted eff. 6-19-76