

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

BAIL

RCr 4.40 Review of conditions of release

(1) The defendant or the Commonwealth may by written motion apply for a change of conditions of release at any time before the defendant's trial. The motion shall state the grounds on which the change is sought. The moving party may request an adversary hearing on the motion, and is entitled to such hearing the first time the moving party requests it. Requests for adversary hearings made in subsequent motions for review of conditions of release shall lie within the discretion of the court.

(2) Whenever the court denies the specific relief requested, the judge shall record in writing the reasons for so doing.

(3)

Motion for change of conditions of release must be in good faith. Where the defendant has appeared when required at previous proceedings in the case, the Commonwealth must demonstrate by clear and convincing evidence the need to modify existing conditions of release.

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