

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

**BAIL**

**RCr 4.48 Forfeiture of bail**

(1) If the court has ordered forfeiture of bail following a show-cause hearing as described in Rule 4.42(5), or following the willful failure of the defendant to appear in court when required, the court shall serve a copy of the forfeiture order on the defendant and the defendant's surety or sureties at their last-known addresses. If the defendant or the defendant's surety or sureties do not appear within 20 days after service of the order or return of not found and satisfy the court that appearance or compliance by the defendant was impossible and without his or her fault, the court may order judgment against the defendant and the defendant's surety for the amount of the bail or any part thereof and the costs of the proceedings.

(2) If the declaration of forfeiture is made by a trial court other than the circuit court and the amount of bail is beyond its jurisdiction, or a lien on real estate is involved, the bond shall be filed with the clerk of the circuit court of the county where the amount of forfeiture may be determined and collection proceedings may be so instituted.

(3) A forfeiture may be set aside upon such conditions as the forfeiting court may impose if it appears that justice does not require its enforcement.

(4) When bail is forfeited, the clerk of the court shall enter a record of the forfeiture and date of forfeiture. When real estate is affected, the clerk shall forthwith send notice of the forfeiture and date thereof to the county clerk of each county where the real estate is situated. The county clerk of the latter county shall make an appropriate entry at the end or on the margin of the record of the Commonwealth's lien on the real estate.

HISTORY: Amended by Order 2009-01, eff. 4-1-09; prior amendments eff. 3-1-99 (Order 98-3); adopted eff. 6-19-76