

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

BAIL

RCr 4.52 Judgment against surety

(1) By entering into a bail bond (including bail on appeal under Rules 12.78 to 12.82, inclusive) the surety submits himself or herself to the jurisdiction of the court or courts in which the charge is or may thereafter be pending. The surety's liability may be enforced on motion without an independent action. The motion shall be served on the surety at the surety's address which shall be shown on the bond, or at the surety's last known address, at least 20 days prior to the date of hearing thereon. In the event of bail pending appeal, for purposes of this Rule 4.52 the court from which the appeal is or may be taken shall be considered to be the court in which the charge is pending

(2) After entry of judgment the court for sufficient cause may remit wholly or in part the sum specified in the bail bond.

(3)

Unless there are reasonable grounds to believe that the principal has caused himself or herself to be incarcerated elsewhere, or elects to remain under such detention though able to secure his or her release through bail or otherwise, for the purpose of delaying or avoiding appearance, the court shall not declare a forfeiture of bail (or, having declared a forfeiture, shall remit the amount thereof) if it is proved that the defendant's appearance is prevented by detention in a jail or penitentiary outside the Commonwealth or in custody of the United States. An affidavit of the jailer, warden or other responsible officer of such jail or penitentiary or appropriate federal officer, shall be adequate evidence of such detention, and other affidavits may be considered as evidence.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendment eff. 1-1-78; adopted eff. 6-19-76