

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

BAIL

RCr 4.54 Continuation of bail

(1) Except as provided in Rule 5.22 and Rule 12.78, bail taken at any stage of the proceedings shall continue in effect to insure the appearance of the defendant for any and all purposes at all stages of the proceedings, including appeal. In the event a defendant waives the charges to the Grand Jury, or following a preliminary hearing is ordered bound over to the circuit court, control over bail, including any conditions thereof, shall remain with the district court until indictment is returned, at which time control shall pass to the circuit court. Upon the conviction of a defendant, bail may be increased, decreased, revoked, or modified by the trial court without being subject to the hearing requirements of Rule 4.42, and control over bail shall remain with the trial court throughout any appeal.

(2) Subject to RCr 5.22, bail shall terminate (a) when the principal is acquitted or the prosecution is dismissed; (b) when the principal, following conviction, fails to file a notice of appeal within the time limit under Rule 12.04; (c) when the appeal taken by the defendant is dismissed; or (d) on the effective date of an appellate decision affirming the conviction.

(3) In the event of a reversal of a conviction by an appellate court granting the defendant a new trial, the defendant shall be entitled to the rights of pre-trial release under Rule 4.04 as if upon an initial appearance.

(4) The efficacy of a bail bond shall not be affected by the fact that the defendant is prosecuted for an alleged offense or offenses different from but arising out of the same occurrence as the charge named in the bail bond.

HISTORY: Amended by Order 2009-01, eff. 4-1-09; prior amendments eff. 3-1-99 (Order 98-3), 9-1-81 (Order 81-5), 1-1-78; adopted eff. 6-19-76