

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

**GRAND JURY**

**RCr 5.22 Procedure upon failure to indict**

(1) If the defendant has been held to answer and the votes of the grand jurors are insufficient in number to find an indictment, the foreperson shall so report forthwith to the circuit court in writing. The circuit court shall order a discharge of the defendant from custody, and exoneration of the bail or a refund of any money or bonds deposited as bail, as the case may be.

(2) Final adjournment of a grand jury without its having indicted a defendant who has been held to answer, pursuant to RCr 3.14(1), shall effect the defendant's discharge from custody or, if the defendant is free on bail that has not been forfeited, shall exonerate the bail unless the grand jury refers the matter to the next grand jury, which referral must be in writing to the circuit court. Money or bonds deposited in lieu of bail shall be refunded upon such discharge. In any event, a defendant who has been held to answer, pursuant to RCr 3.14(1), for longer than 60 days without having been indicted shall be entitled to a discharge from custody.

(3) Failure of the grand jury to return an indictment does not prevent the charge from being submitted to another grand jury.

HISTORY: Amended by Order 2010-09, eff. 1-1-11; prior amendments eff. 1-1-03 (2002-1), 3-1-99 (Order 98-3), 9-1-81 (Order 81-5), 1-1-65; adopted eff. 1-1-63