

1 AN ACT relating to bonds.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 431.520 is amended to read as follows:

4 Any person charged with an offense shall be ordered released by a court of competent  
5 jurisdiction pending trial on his ***or her*** personal recognizance or upon the execution of an  
6 unsecured bail bond in an amount set by the court or as fixed by the Supreme Court as  
7 provided by KRS 431.540, unless the court determines in the exercise of its discretion  
8 that such a release will not reasonably assure the appearance of the person as required, or  
9 the court determines the person is a flight risk or a danger to others. When such a  
10 determination is made, the court shall, either in lieu of or in addition to the above  
11 methods of release, impose any of the following conditions of release:

- 12 (1) Place the person in the custody of a designated person or organization agreeing to  
13 supervise him;
- 14 (2) Place restrictions on the travel, association, or place of abode of the person during  
15 the period of release;
- 16 (3) ***(a)*** Require the execution of a bail bond:

17 ~~1. *(a)*~~ With sufficient personal surety or sureties acceptable to the court;  
18 in determining the sufficiency of such surety or sureties, the court shall  
19 consider his ***or her*** character, ~~his~~ place of residence, ~~his~~ relationship  
20 with the defendant, and ~~his~~ financial and employment circumstances; ~~or~~  
21 ~~or~~

22 ~~2. *(b)*~~ With the ten percent (10%) deposit as provided in KRS 431.530;  
23 provided that if the defendant is permitted to earn credit toward bail  
24 pursuant to KRS 431.066, that credit shall be applied to the ten percent  
25 (10%) deposit; or

26 ~~3. *(c)*~~ With the deposit of cash equal to the amount of the bond or in lieu  
27 thereof acceptable security as provided in KRS 431.535. ~~;~~

1           **(b) A person who is subject to an order of protection pursuant to KRS Chapter**  
2           **403 or 456 shall not be released on the surety of, or on a deposit paid by,**  
3           **any person protected by that order;**

- 4 (4) If the person's record indicates a history of controlled substance or alcohol abuse:
- 5           (a) Order the person to submit to periodic testing for use of controlled substances  
6           or alcohol and pay a reasonable fee, not to exceed the actual cost of the test  
7           and analysis, as determined by the court with the fee to be collected by the  
8           circuit clerk, held in an agency account, and disbursed, on court order, solely  
9           to the agency or agencies responsible for testing and analysis as compensation  
10           for the cost of the testing and analysis performed under this subsection. If the  
11           person is declared indigent, the testing fee may be waived by the court. The  
12           Administrative Office of the Courts shall establish pilot projects to implement  
13           the provisions of this subsection; or
- 14           (b) Order the person to use an alcohol monitoring device, as defined in KRS  
15           431.068. All costs associated with the device, including administrative and  
16           operating costs, shall be paid by the defendant. If the court determines that the  
17           defendant is indigent, and a person, county, or other organization has not  
18           agreed to pay the costs for the defendant in an attempt to reduce incarceration  
19           expenses and increase public safety, the court shall consider other conditions  
20           of release provided for in this section;
- 21 (5) (a) During all or part of a person's period of release pursuant to this section, order  
22           the person to participate in a global positioning monitoring system program  
23           operated by a county pursuant to KRS 67.372 and 67.374 under the same  
24           terms and conditions provided under KRS 431.517.
- 25           (b) If the person is charged with a sex crime as defined in KRS 17.500, consider  
26           requiring that he or she be monitored electronically, and shall consider  
27           requiring the person be subject to home incarceration;

- 1 (6) Impose any other condition deemed reasonably necessary to assure appearance as  
2 required, including a condition requiring that the person return to custody after  
3 specified hours;
- 4 (7) A court authorizing the release of a person pursuant to this section shall cause the  
5 issuance of an appropriate order containing a statement of the conditions imposed,  
6 if any, shall cause such person to be informed of the penalties applicable to  
7 violations of the conditions of his or her release, and shall cause the person~~[him]~~ to  
8 be informed that a warrant for his or her arrest will be issued immediately upon any  
9 such violation;
- 10 (8) A person for whom conditions of release are imposed and who after twenty-four  
11 (24) hours from the time of the imposition of said conditions continues to be  
12 detained as a result of his or her inability to meet the conditions of release shall,  
13 upon written application or upon the court's own motion, be entitled to have the  
14 conditions reviewed by the court which imposed them. A person who is ordered  
15 released on a condition which requires that he return to custody after specified  
16 hours shall, upon written application or upon the court's own motion, be entitled to  
17 a review by the court which imposed the condition; or
- 18 (9) If at any time following release of a defendant and before he is required to appear  
19 for trial, the court is advised of a material change in the defendant's circumstances  
20 or that he has not complied with all conditions imposed upon his or her release, the  
21 court having jurisdiction may:
- 22 (a) Order the arrest of the defendant;
- 23 (b) Enter an order requiring the defendant, his or her surety or sureties to appear  
24 and show cause why the bail bond should not be forfeited or the conditions of  
25 ~~[his]~~ release be changed; or
- 26 (c) Both.
- 27 A copy of said order shall be served upon the defendant, his or her surety or

1           sureties. If the defendant fails to appear before the court as ordered or if, after  
2           hearing, the court finds the conditions of release have not been complied with, the  
3           court may change the conditions imposed or forfeit the bail bond or any portion  
4           thereof and enter a judgment for the Commonwealth against the defendant and his  
5           or her surety or sureties for the amount of the bail bond or any portion thereof and  
6           cost of the proceedings.