

431.510 Bail bondsman and charitable bail organization -- Prohibitions.

- (1) As used in this section:
 - (a) 1. "Bail bondsman" means any person, partnership, or corporation engaged for profit in the business of:
 - a. Furnishing bail, making bonds, or entering into undertakings, as surety, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death, before any of the courts of this state; or
 - b. Securing the payment of fines imposed and of costs assessed by those courts upon final disposition thereof.
 2. The business of a bail bondsman is limited to the acts, transactions, and undertakings described in this paragraph and to no other; and
 - (b) "Charitable bail organization" means an organization, including but not limited to an organization exempt under Section 501(c)(3) of the Internal Revenue Code, that solicits or accepts donations from the public for the purpose of:
 1. Furnishing bail, making bonds, or entering into undertakings, as surety, whether through direct payment or by payment through a third party, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death before any of the courts of this state; or
 2. Securing the payment of fines imposed and of costs assessed by any of the courts of this state upon final disposition thereof.
- (2) It shall be unlawful for any person to engage in the business of bail bondsman or to otherwise for compensation or other consideration:
 - (a) Furnish bail or funds or property to serve as bail; or
 - (b) Make bonds or enter into undertakings as surety;for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death, before any of the courts of this state, or to secure the payment of fines imposed and of costs assessed by such courts upon a final disposition.
- (3) It shall be unlawful for any charitable bail organization to:
 - (a) Furnish bail or funds or property to serve as bail in an amount of five thousand dollars (\$5,000) or more; or
 - (b) Make bonds or enter into undertakings as surety in an amount of five thousand dollars (\$5,000) or more;for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine or imprisonment before any of the courts of this state, or to secure the payment of fines imposed and of costs assessed by those courts upon a final disposition.
- (4) Notwithstanding subsection (3) of this section, it shall be unlawful for any charitable bail organization to furnish bail or funds or property to serve as bail, or to make bonds or enter into undertakings as surety, regardless of amount, for any

person:

- (a) Alleged to have committed an offense:
 1. Of domestic violence and abuse as defined in KRS 403.720;
 2. Of dating violence and abuse as defined in KRS 456.010; or
 3. That would classify the person as a violent offender under KRS 439.3401;
 - (b) Held under a civil court order or warrant issued under KRS 222.430 to 222.437; or
 - (c) Who has previously received bail or funds or property to serve as bail from a charitable bail organization.
- (5) Any person who posts bail or bond on behalf of any organization under this section shall provide a photo identification.
- (6) A charitable bail organization shall maintain and annually report the following information to the Legislative Research Commission for referral to the Interim Joint Committee on Judiciary no later than October 31 of each year, and shall make publicly available on the organization's website, or by publishing in a newspaper of general circulation that complies with the requirements of KRS 424.120 if the organization does not maintain a website:
- (a) The expenditures of the organization, including a separate reporting of the amount furnished for bail, or funds or property to serve as bail; and
 - (b) The number of individuals and classification of offenses for those individuals for which any bail, or funds or property to serve as bail, has been provided.
- (7) Any bond posted by a charitable organization under this section that is ordered forfeited as a result of the commission of a new criminal offense shall be distributed to the victim of the new criminal offense, if a victim is identified.
- (8) Nothing contained in this section shall serve to release any bail bondsman previously licensed by this state from the obligation of undischarged bail bond liability existing on June 19, 1976.
- (9) KRS 431.510 to 431.550 shall not be construed to limit or repeal KRS 431.021 or to prevent licensed insurers providing security required by Subtitle 39 of KRS Chapter 304 and nonprofit associations from posting or causing to be posted by licensed insurers security or acting as surety for their insureds or members for an offense arising from the operation of a motor vehicle, provided that such posting of security or acting as surety is merely incidental to the terms and conditions of an insurance contract or a membership agreement and provided further that no separate premium or charge therefor is required from the insureds or members.

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History: Amended 2024 Ky. Acts ch. 174, sec. 24, effective July 15, 2024. -- Amended 2004 Ky. Acts ch. 24, sec. 47, effective July 13, 2004. -- Created 1976 Ky. Acts ch. 2, sec. 1.