

1 AN ACT relating to bail.

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

3 ➔Section 1. KRS 431.510 is amended to read as follows:

4 (1) *As used in this section:*

5 *(a) 1. "Bail bondsman" means any person, partnership, or corporation*  
6 *engaged for profit in the business of:*

7 *a. Furnishing bail, making bonds, or entering into undertakings,*  
8 *as surety, for the appearance of persons charged with any*  
9 *criminal offense or violation of law or ordinance punishable by*  
10 *fine, imprisonment, or death, before any of the courts of this*  
11 *state; or*

12 *b. Securing the payment of fines imposed and of costs assessed by*  
13 *those courts upon final disposition thereof.*

14 *2. The business of a bail bondsman shall be limited to the acts,*  
15 *transactions, and undertakings described in this paragraph and to no*  
16 *other; and*

17 *(b) "Charitable bail organization" means an organization, including but not*  
18 *limited to an organization exempt under Section 501(c)(3) of the Internal*  
19 *Revenue Code, that solicits or accepts donations from the public for the*  
20 *purpose of:*

21 *1. Furnishing bail, making bonds, or entering into undertakings, as*  
22 *surety, whether through direct payment or by payment through a third*  
23 *party, for the appearance of persons charged with any criminal*  
24 *offense or violation of law or ordinance punishable by fine,*  
25 *imprisonment, or death before any of the courts of this state; or*

26 *2. Securing the payment of fines imposed and of costs assessed by any of*  
27 *the courts of this state upon final disposition thereof.*

1 **(2)** It shall be unlawful for any person to engage in the business of bail bondsman~~—as~~  
2 ~~defined in subsection (3) of this section,~~ or to otherwise for compensation or other  
3 consideration:

4 (a) Furnish bail or funds or property to serve as bail; or

5 (b) Make bonds or enter into undertakings as surety;

6 for the appearance of persons charged with any criminal offense or violation of law  
7 or ordinance punishable by fine, imprisonment or death, before any of the courts of  
8 this state~~—, including city courts~~, or to secure the payment of fines imposed and of  
9 costs assessed by such courts upon a final disposition.

10 **(3) It shall be unlawful for any charitable bail organization to:**

11 **(a) Furnish bail or funds or property to serve as bail in an amount of five**  
12 **thousand dollars (\$5,000) or more; or**

13 **(b) Make bonds or enter into undertakings as surety in an amount of five**  
14 **thousand dollars (\$5,000) or more;**

15 **for the appearance of persons charged with any criminal offense or violation of**  
16 **law or ordinance, except as provided in subsection (4) of this section, punishable**  
17 **by fine, imprisonment, or death, before any of the courts of this state, or to secure**  
18 **the payment of fines imposed and of costs assessed by such courts upon a final**  
19 **disposition.**

20 **(4) It shall be unlawful for any charitable bail organization to furnish bail or funds**  
21 **or property to serve as bail, or to make bonds or enter into undertakings as**  
22 **surety, regardless of amount, for any:**

23 **(a) Offense of domestic violence and abuse as defined in KRS 403.720 or dating**  
24 **violence and abuse as defined in KRS 456.010; or**

25 **(b) Person held under a civil court order or warrant issued under KRS 222.430**  
26 **to 222.437.**

27 **(5) Any person who posts bail or bond on behalf of any organization under this**

1 section shall provide a photo identification.

2 (6) A charitable bail organization shall maintain and annually report the following  
3 information to the Interim Joint Committee on Judiciary no later than October  
4 31 of each year, and shall make publicly available on the organization's Web site,  
5 or by publishing in a newspaper of general circulation that complies with the  
6 requirements of KRS 424.120 if the organization does not maintain a Web site:

7 (a) The expenditures of the organization, including a separate reporting of the  
8 amount furnished for bail, or funds or property to serve as bail; and

9 (b) The number of individuals and classification of offenses for those  
10 individuals for which any bail, or funds or property to serve as bail, has  
11 been provided.

12 (7) Any bond posted by a charitable organization under this section that is ordered  
13 forfeited as a result of the commission of a new criminal offense shall be  
14 distributed to the victim of the new criminal offense, if a victim is identified.

15 ~~(8)(2)~~ Nothing contained herein shall serve to release any bail bondsman heretofore  
16 licensed by this state from the obligation of undischarged bail bond liability existing  
17 on June 19, 1976.

18 ~~[(3) "Bail bondsman" shall mean any person, partnership, or corporation engaged for~~  
19 ~~profit in the business of furnishing bail, making bonds or entering into undertakings,~~  
20 ~~as surety, for the appearance of persons charged with any criminal offense or~~  
21 ~~violation of law or ordinance punishable by fine, imprisonment, or death, before any~~  
22 ~~of the courts of this state, or securing the payment of fines imposed and of costs~~  
23 ~~assessed by such courts upon final disposition thereof, and the business of a bail~~  
24 ~~bondsman shall be limited to the acts, transactions, and undertakings described in~~  
25 ~~this subsection and to no other.]~~

26 (9)(4) KRS 431.510 to 431.550 shall not be construed to limit or repeal KRS  
27 431.021 or to prevent licensed insurers providing security required by Subtitle 39 of

1           KRS Chapter 304 and nonprofit associations from posting or causing to be posted  
2           by licensed insurers security or acting as surety for their insureds or members for an  
3           offense arising from the operation of a motor vehicle, provided that such posting of  
4           security or acting as surety is merely incidental to the terms and conditions of an  
5           insurance contract or a membership agreement and provided further that no separate  
6           premium or charge therefor is required from the insureds or members.