

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) "Bail bondsman" means any person, partnership, or corporation engaged***
6 ***for profit in the business of furnishing bail, making bonds or entering into***
7 ***undertakings, as surety, for the appearance of persons charged with any***
8 ***criminal offense or violation of law or ordinance punishable by fine,***
9 ***imprisonment, or death, before any of the courts of this state, or securing***
10 ***the payment of fines imposed and of costs assessed by those courts upon***
11 ***final disposition thereof, and the business of a bail bondsman shall be***
12 ***limited to the acts, transactions, and undertakings described in this***
13 ***paragraph and to no other; and***

14 ***(b) "Charitable bail organization" means an organization exempt under***
15 ***Section 501(c)(3) of the Internal Revenue Code that solicits or accepts***
16 ***donations from the public and engages in the practice of furnishing bail,***
17 ***making bonds or entering into undertakings, as surety, for the appearance***
18 ***of persons charged with any criminal offense or violation of law or***
19 ***ordinance punishable by fine, imprisonment, or death, before any of the***
20 ***courts of this state, or securing the payment of fines imposed and of costs***
21 ***assessed by such courts upon final disposition thereof.***

22 **(2)** It shall be unlawful for any person to engage in the business of bail bondsman[~~as~~
23 ~~defined in subsection (3) of this section~~], ***to operate a charitable bail organization,***
24 or to otherwise for compensation or other consideration:

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

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

27 for the appearance of persons charged with any criminal offense or violation of law

1 or ordinance punishable by fine, imprisonment or death, before any of the courts of
2 this state, including city courts, or to secure the payment of fines imposed and of
3 costs assessed by such courts upon a final disposition.

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

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

15 (4) KRS 431.510 to 431.550 shall not be construed to limit or repeal KRS 431.021 or to
16 prevent licensed insurers providing security required by Subtitle 39 of KRS Chapter
17 304 and nonprofit associations from posting or causing to be posted by licensed
18 insurers security or acting as surety for their insureds or members for an offense
19 arising from the operation of a motor vehicle, provided that such posting of security
20 or acting as surety is merely incidental to the terms and conditions of an insurance
21 contract or a membership agreement and provided further that no separate premium
22 or charge therefor is required from the insureds or members.