

1 AN ACT proposing an amendment to Section 16 of the Constitution of Kentucky
2 relating to bail.

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

4 ➔Section 1. Are you in favor of holding without bail a person who has been
5 arrested if a judge, after a hearing, finds by clear and convincing evidence that there is a
6 substantial risk the person may flee or poses an imminent danger to himself or herself or
7 others?

8 ➔Section 2. It is proposed that Section 16 of the Constitution of Kentucky be
9 amended to read as follows:

10 All prisoners shall be bailable by sufficient securities, unless for capital offenses
11 when the proof is evident or the presumption great; ***or unless after a hearing, a judge***
12 ***finds by clear and convincing evidence that there is a substantial risk that the person***
13 ***may flee or poses an imminent danger to himself or herself, or to any other person or***
14 ***the community;*** and the privilege of the writ of habeas corpus shall not be suspended
15 unless when, in case of rebellion or invasion, the public safety may require it.

16 ➔Section 3. This amendment shall be submitted to the voters of the
17 Commonwealth for their ratification or rejection at the time and in the manner provided
18 for under Sections 256 and 257 of the Constitution, KRS 118.415, and Sections 4 and 5
19 of this Act.

20 ➔Section 4. Notwithstanding any language in KRS 118.415 to the contrary, the
21 Secretary of State shall cause the question relating to the proposed amendment to the
22 Constitution of Kentucky contained in Section 1 of this Act and the entirety of the
23 proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act
24 to be published at least one time in a newspaper of general circulation published in this
25 state, and shall also cause to be published at the same time and in the same manner the
26 fact that the amendment will be submitted to the voters for their acceptance or rejection at
27 the next regular election at which members of the General Assembly are to be voted for.

1 The publication required by this section and KRS 118.415 shall be made no later than the
2 first Tuesday in August preceding the election at which the amendment is to be voted on.

3 ➔Section 5. Notwithstanding any language in KRS 118.415 to the contrary, the
4 Secretary of State, not later than the second Monday after the second Tuesday in August
5 preceding the next regular election at which members of the General Assembly are to be
6 chosen in a year in which there is not an election for President and Vice President of the
7 United States, or not later than the Thursday after the first Tuesday in September
8 preceding a regular election in a year in which there is an election for President and Vice
9 President of the United States, shall certify the entirety of the question relating to the
10 proposed amendment to the Constitution of Kentucky contained in Section 1 of this Act
11 and the entirety of the proposed amendment to the Constitution of Kentucky contained in
12 Section 2 of this Act to the county clerk of each county, and the county clerk shall have
13 the entirety of the question and amendment, as so certified, indicated on the ballots
14 provided to the voters in paper or electronic form as applicable to the voting machines in
15 use in each county or precinct.