

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, and*

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 or*
25 *imprisonment 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, make bonds, or enter into**
 12 **undertakings as surety, for any offense that is not a misdemeanor;**

13 **(b) Furnish bail or funds or property to serve as bail in excess of two thousand**
 14 **dollars (\$2,000); or**

15 **(c) Make bonds or enter into undertakings as surety in excess of two thousand**
 16 **dollars (\$2,000);**

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

22 **(4) It shall be unlawful for any charitable bail organization to furnish bail or funds**
 23 **or property to serve as bail, or to make bonds or enter into undertakings as**
 24 **surety, including misdemeanors, for any offense of domestic violence and abuse**
 25 **as defined in KRS 403.720 or dating violence and abuse as defined in KRS**
 26 **456.010.**

27 **(5)**~~(2)~~ Nothing contained herein shall serve to release any bail bondsman heretofore

1 licensed by this state from the obligation of undischarged bail bond liability existing
2 on June 19, 1976.

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

11 (6)~~[(4)]~~ KRS 431.510 to 431.550 shall not be construed to limit or repeal KRS
12 431.021 or to prevent licensed insurers providing security required by Subtitle 39 of
13 KRS Chapter 304 and nonprofit associations from posting or causing to be posted
14 by licensed insurers security or acting as surety for their insureds or members for an
15 offense arising from the operation of a motor vehicle, provided that such posting of
16 security or acting as surety is merely incidental to the terms and conditions of an
17 insurance contract or a membership agreement and provided further that no separate
18 premium or charge therefor is required from the insureds or members.