

431.525 Conditions for establishing amount of bail -- Pilot projects for controlled substance or alcohol abuse testing.

- (1) The amount of the bail shall be:
 - (a) Sufficient to insure compliance with the conditions of release set by the court;
 - (b) Not oppressive;
 - (c) Commensurate with the nature of the offense charged;
 - (d) Considerate of the past criminal acts and the reasonably anticipated conduct of the defendant if released; and
 - (e) Considerate of the financial ability of the defendant.
- (2) When a person is charged with an offense punishable by fine only, the amount of the bail bond set shall not exceed the amount of the maximum penalty and costs.
- (3) When a person has been convicted of an offense and only a fine has been imposed, the amount of the bail shall not exceed the amount of the fine.
- (4) When a person has been charged with one (1) or more misdemeanors, the amount of the bail for all charges shall be encompassed by a single amount of bail that shall not exceed the amount of the fine and court costs for the one (1) highest misdemeanor charged. This subsection shall apply only to misdemeanor offenses not involving physical injury or sexual contact.
- (5) When a person has been convicted of a misdemeanor offense and a sentence of jail, probation, conditional discharge, or sentence other than a fine only has been imposed, the amount of bail for release on appeal shall not exceed double the amount of the maximum fine that could have been imposed for the one (1) highest misdemeanor offense for which the person was convicted. This subsection shall apply only to misdemeanors not involving physical injury or sexual contact.
- (6) The provisions of this section shall not apply to a defendant who is found by the court to present a flight risk or to be a danger to others.
- (7) If a court determines that a defendant shall not be released pursuant to subsection (6) of this section, the court shall document the reasons for denying the release in a written order.
- (8) The Administrative Office of the Courts shall establish pilot projects to implement controlled substance or alcohol abuse testing as specified under this subsection. If the person's record indicates a history of controlled substance or alcohol abuse, the court may order the person to submit to periodic testing for use of controlled substances or alcohol and to pay a reasonable fee, not to exceed the actual cost of the test and analysis, as determined by the court, with the fee to be collected by the circuit clerk, held in an agency account, and disbursed, on court order, solely to the agency or agencies responsible for testing and analysis as compensation for the cost of the testing and analysis performed under this subsection. If the person is declared indigent, the testing fee may be waived by the court. If the court finds the conditions of release have not been complied with, the court may change the conditions imposed or forfeit the bail bond or any portion thereof and enter a judgment for the Commonwealth against the person and his surety or sureties for the amount of the

bail bond or any portion thereof and the cost of the proceedings.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 2, sec. 47, effective June 8, 2011. -- Amended 1998 Ky. Acts ch. 606, sec. 33, effective July 15, 1998. -- Created 1976 Ky. Acts ch. 2, sec. 4.