

**431.530 Deposit of bail security -- Payments into public advocate special account --
Return of deposit when innocent or charges dropped or dismissed.**

- (1) Any person who has been permitted to execute a bail bond in accordance with KRS 431.520(3)(b) shall deposit with the clerk of the court before which the action is pending a sum of money equal to ten percent (10%) of the bail, but in no event shall such deposit be less than ten dollars (\$10) unless the defendant earned full credit toward the applicable amount of bail pursuant to KRS 431.066, in which case the defendant shall not be required to make a deposit with the clerk of the court.
- (2) Upon depositing said sum the defendant shall be released from custody subject to all conditions of release imposed by the court.
- (3) Except as provided in subsection (5) of this section, if the conditions of release have been performed and the defendant has been discharged from all obligations in the action the clerk of the court shall return to the defendant, unless the court orders otherwise, ninety percent (90%) of the sum deposited and shall retain as bail costs ten percent (10%) of the amount deposited; provided, however, in no event shall the amount retained by the clerk as bail costs be less than five dollars (\$5). It is further provided that the court shall order the clerk of court to pay into the public advocate special account any amount of the sum deposited by the defendant, in excess of bail costs, which in its sound discretion represents a reasonable fee for any public advocate legal or investigative services provided for the defendant under KRS Chapter 31, but in no event shall the amount so paid to the public advocate special account as public advocate legal and investigative fees be less than five dollars (\$5) per case. At the request of the defendant the court may order the amount repayable to defendant from such deposit to be paid to defendant's attorney of record.
- (4) Except as provided in subsection (5) of this section, if a final judgment for a fine and court costs or either is entered in the prosecution of an action in which a deposit has been made in accordance with subsection (1) of this section, the balance of such deposit, after deduction of bail costs and public advocate fees as provided for in subsection (3) of this section, shall be applied to the satisfaction of the judgment.
- (5) If the defendant has performed all conditions of release and if the defendant is found not guilty of the offense for which bail was posted, or if all charges against him relating to the offense for which bail was posted are dropped or dismissed, then all bail money deposited by the defendant or by another person on his behalf shall be returned to him with no deductions therefrom as provided in subsection (3) or (4) of this section.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 156, sec. 3, effective July 12, 2012. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 7, sec. 9, effective July 1, 1979. -- Amended 1978 Ky. Acts ch. 384, sec. 118, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 24, sec. 6. -- Created 1976 Ky. Acts ch. 2, sec. 5.