

Supreme Court of Kentucky

2009-14

**RE: Authorization for Uniform Schedule of Bail Pilot Project in
Bell, Boyd, Boone, Butler, Campbell, Edmonson,
Kenton, Ohio and Pike Counties**

AMENDED ORDER

I. Introduction

This order hereby authorizes a pilot project for the implementation of a Proposed Uniform Schedule of Bail in Bell, Boyd, Boone, Butler, Campbell, Edmonson, Kenton, Ohio and Pike Counties (hereinafter "Pilot Counties"). County and court officials in the Pilot Counties have agreed to participate in this pilot project (hereinafter "Uniform Schedule of Bail Pilot Project"), at the request of the Kentucky Supreme Court and said pilot project shall be in effect in said counties from January 1, 2010, to December 31, 2010.

II. Purpose

The purpose of the Uniform Schedule of Bail Pilot Project is to test the effectiveness of a Proposed Uniform Schedule of Bail (attached to this Order and incorporated herein as "Attachment 1") to increase pretrial release of non-violent Class D felons, Class A and B misdemeanants and violators, thereby decreasing counties' jail costs. Bail in the Pilot Counties will be in accordance with the Proposed Uniform Schedule of Bail to reduce overnight or lengthier stays for those offenders who are not perceived as presenting a risk of harm to the public. The Proposed Uniform Schedule of Bail should also contribute to greater uniformity in bail amounts statewide.

III. Implementation

A. Training

Jailers and deputy jailers in the Pilot Counties will receive training during December 2009 from the Administrative Office of the Courts Pretrial Services on the proper use and execution of the Proposed Uniform Schedule of Bail. County and court officials shall not implement the Uniform Schedule of Bail Pilot Project until January 1, 2010, and after such training has been completed.

B. Use of Proposed Schedule and Exceptions

Pilot Counties shall utilize the Proposed Uniform Schedule of Bail as attached during the calendar year 2010, with the following exceptions:

1. In Pike, Campbell and Kenton Counties, when a person has been charged with five or fewer offenses bailable under the Schedule, bail shall be set at the amount for the offense charged with the highest bail amount. As to persons charged with six or more offenses, Pike, Campbell and Kenton Counties shall comply with the first sentence of Paragraph (2) of the Proposed Uniform Schedule of Bail which sets the bail amount cumulative of all charges.

2. In Kenton and Campbell Counties, paragraph (6)(B) on page three of the Uniform Schedule, shall be replaced in its entirety by the language of KRS 189A.110.

C. Procedure

1. The jailer or deputy jailer will assess whether bail is allowable under the Proposed Uniform Schedule of Bail as soon as practical after an offender is brought to the jail.

2. If the jailer or deputy jailer determines that the Proposed Uniform Schedule of Bail is applicable, he or she will assign the offender a court appearance before the judge and allow the defendant the opportunity to immediately make bail under the Schedule. If the defendant elects not to accept bail under the Schedule, his bail shall be set by a Judge in the normal course.

3. If the jailer or deputy jailer has a question, he or she shall consult with the designated senior pretrial officer on call at all hours for his county.

4. If there is a question as to the applicability of the Schedule and the question has not been resolved, bail for that individual shall be set by a Judge in the normal course.

D. Information Gathering

Pretrial Services shall gather, monitor and coordinate the gathering of data necessary to monitor and evaluate the effectiveness of the Proposed Uniform Schedule of Bail. Evaluations, comments, and recommendations will be given quarterly to the Chief Justice of the Kentucky Supreme Court.

IV. Governance

This pilot project will be governed by the Proposed Uniform Schedule of Bail and all applicable statutes and rules not inconsistent with said Schedule.

V. Termination or Expansion

The Chief Justice shall have the sole authority to amend, terminate or expand the scope of this pilot project. Requests for amendments, or changes, should be submitted to the Chief Justice.

Entered this 3rd day of December, 2009.


CHIEF JUSTICE