

35.050 Restraint of person charged with offense -- Bail -- Timely hearing.

- (1) Any subject person charged with an offense under this code shall be ordered apprehended or into arrest or confinement, as circumstances may require. When any subject person is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused. This notification may be done by serving the accused with a copy of the charge sheet or specifications attached to the warrant or order of arrest, confinement or detainment.
- (2) Upon apprehension, arrest or confinement and notification thereof to the convening authority or his authorized representative, steps shall be taken within the shortest practicable period of time to try the accused or otherwise dispose of the charges.
- (3) The convening authority shall, upon issuing a warrant or order for the confinement, arrest or apprehension of a subject person, subject to the exception set out in subsection (4) of this section, provide on the face of same for the admission of the accused to bail. The accused shall be admitted to bail by posting bond in the amount ordered by the convening authority, but not to exceed the maximum fine for the offense. Bail may be accepted by the jailer who has the accused in custody or by a clerk of the Court of Justice, in lieu of the presence of the convening authority or his authorized representative, but if accepted by an officer of the Commonwealth, said bail shall be transmitted to the convening authority or his authorized representative for disposition.
- (4) If it is the determination of the convening authority that bail should not be allowed either because the convening authority has probable cause to believe that the accused would not appear for further proceedings or that if released the accused would present an immediate threat to the public safety and welfare or the good order and discipline of the military, such determination shall be noted on the face of the warrant or order for the detention of the subject person. In the event that such a determination has been made a hearing shall be held within two (2) working days of the apprehension, arrest or confinement of the accused to determine if the accused should be admitted to bail. In the absence of the convening authority or his authorized representative, such hearing may be held by a judge of the Court of Justice.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 239, sec. 3, effective July 15, 1986. -- Amended 1970 Ky. Acts ch. 56, sec. 8. -- Created 1954 Ky. Acts ch. 99, sec. 9, effective July 1, 1954.