

1 AN ACT relating to court costs and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) There is hereby established in the State Treasury a trust and agency account to be*  
6 *known as the Department of Kentucky State Police forensic laboratory fund.*

7 *(2) The fund shall consist of moneys received from the imposition of courts costs*  
8 *under Sections 2, 3, and 7 of this Act.*

9 *(3) The fund shall be administered by the Department of Kentucky State Police.*

10 *(4) Amounts deposited in the fund shall be used for salaries of employees working in,*  
11 *and equipment purchased for the use by, the Department of Kentucky State*  
12 *Police forensic laboratory.*

13 *(5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal*  
14 *year shall not lapse but shall be carried forward into the next fiscal year.*

15 *(6) Any interest earnings of the fund shall become a part of the fund and shall not*  
16 *lapse.*

17 *(7) Moneys deposited in the fund are hereby appropriated for the purposes set forth*  
18 *in this section and shall not be appropriated or transferred by the General*  
19 *Assembly for any other purposes.*

20 ➔Section 2. KRS 23A.205 is amended to read as follows:

21 (1) Court costs for a criminal case in the Circuit Court shall be one hundred *ten* dollars  
22 *(\$110)*~~*(\$100)*~~.

23 (2) The taxation of court costs against a defendant, upon conviction in a case, shall be  
24 mandatory and shall not be subject to probation, suspension, proration, deduction,  
25 or other form of nonimposition in the terms of a plea bargain or otherwise, unless  
26 the court finds that the defendant is a poor person as defined by KRS 453.190(2)  
27 and that he or she is unable to pay court costs and will be unable to pay the court

1 costs in the foreseeable future.

2 (3) If the court finds that the defendant does not meet the standard articulated in  
3 subsection (2) of this section and that the defendant is nonetheless unable to pay the  
4 full amount of the court costs, fees, or fines at the time of sentencing, then the court  
5 may establish an installment payment plan in accordance with KRS 534.020.

6 ➔Section 3. KRS 24A.175 is amended to read as follows:

7 (1) Court costs for a criminal case in the District Court shall be one hundred ten dollars  
8 (\$110)~~(\$100)~~, regardless of whether the offense is one for which prepayment is  
9 permitted.

10 (2) There shall be no court costs for a parking citation when:

11 (a) The fine is paid to the clerk before the trial date in the same manner as  
12 provided for speeding citations under KRS 189.394(3); and

13 (b) The citation does not involve parking in a fire lane or blocking the traveled  
14 portion of the highway.

15 (3) The taxation of court costs against a defendant, upon conviction in a case, including  
16 persons sentenced to state traffic school as provided under KRS 186.574, shall be  
17 mandatory and shall not be subject to probation, suspension, proration, deduction,  
18 or other form of nonimposition in the terms of a plea bargain or otherwise, unless  
19 the court finds that the defendant is a poor person as defined by KRS 453.190(2)  
20 and that he or she is unable to pay court costs and will be unable to pay the court  
21 costs in the foreseeable future.

22 (4) If the court finds that the defendant does not meet the standard articulated in  
23 subsection (3) of this section and that the defendant is nonetheless unable to pay the  
24 full amount of the court costs, fees, or fines at the time of sentencing, then the court  
25 may establish an installment payment plan in accordance with KRS 534.020.

26 (5) Notwithstanding any other provision to the contrary, the court shall not adjudicate a  
27 traffic violation involving a defendant who is under the age of eighteen (18), unless

1 the person that assumed liability of the minor under the provisions of KRS 186.590  
2 is present. This subsection shall not apply to emancipated minors.

3 ➔Section 4. KRS 42.320 is amended to read as follows:

4 (1) There is hereby established the court cost distribution fund, which is created to  
5 provide a central account into which the court costs collected by all circuit clerks,  
6 under KRS 23A.205(1) and 24A.175(1), shall be paid.

7 (2) The fund shall be administered by the Finance and Administration Cabinet, which  
8 shall make monthly disbursements from the fund according to the following  
9 schedule:

10 (a) *The first ten dollars (\$10) of each court cost shall be transferred to the*  
11 *Department of Kentucky State Police forensic laboratory fund established in*  
12 *Section 1 of this Act; and*

13 (b) *Of the remaining amount of each court cost:*

14 1. Forty-nine percent (49%) of each court cost shall be paid into the general  
15 fund;

16 2.~~(b)~~ Ten and eight-tenths percent (10.8%) of each court cost, up to five  
17 million four hundred thousand dollars (\$5,400,000), shall be paid into  
18 the State Treasury for the benefit and use of the Kentucky Local  
19 Correctional Facilities Construction Authority under KRS 441.605 to  
20 441.695;

21 3.~~(e)~~ Six and one-half percent (6.5%) of each court cost, up to three  
22 million two hundred fifty thousand dollars (\$3,250,000), shall be paid  
23 into the spinal cord and head injury research trust fund created in KRS  
24 211.504;

25 4.~~(d)~~ Five and one-half percent (5.5%) of each court cost, up to two  
26 million seven hundred fifty thousand dollars (\$2,750,000), shall be paid  
27 into the traumatic brain injury trust fund created in KRS 211.476;

1           ~~5.(e)~~       Five percent (5%) of each court cost, up to two million five  
2                   hundred thousand dollars (\$2,500,000), shall be paid into a trust and  
3                   agency account with the Administrative Office of the Courts and is to be  
4                   used by the circuit clerks to hire additional deputy clerks and to enhance  
5                   deputy clerk salaries;

6           ~~6.(f)~~       Three and one-half percent (3.5%) of each court cost, up to one  
7                   million seven hundred fifty thousand dollars (\$1,750,000), shall be paid  
8                   to a special trust and agency account that shall not lapse for the  
9                   Department of Public Advocacy;

10          ~~7.(g)~~       Three and four-tenths percent (3.4%) of each court cost, up to one  
11                   million seven hundred thousand dollars (\$1,700,000), shall be paid into  
12                   the crime victims' compensation fund created in KRS 49.480;

13          ~~8.(h)~~       Seven-tenths of one percent (0.7%) of each court cost, up to three  
14                   hundred fifty thousand dollars (\$350,000), shall be paid to the Justice  
15                   and Public Safety Cabinet to defray the costs of conducting record  
16                   checks on prospective firearms purchasers pursuant to the Brady  
17                   Handgun Violence Prevention Act and for the collection, testing, and  
18                   storing of DNA samples;

19          ~~9.(i)~~       Ten and one-tenth percent (10.1%) of each court cost, up to five  
20                   million fifty thousand dollars (\$5,050,000), deposited in the fund shall  
21                   be paid to the county sheriff in the county from which the court cost was  
22                   received; and

23          ~~10.(j)~~      Five and one-half percent (5.5%) of each court cost, up to two  
24                   million seven hundred fifty thousand dollars (\$2,750,000), deposited in  
25                   the fund shall be paid to the county treasurer in the county from which  
26                   the court cost was received and shall be used by the fiscal court in that  
27                   county for the purposes of defraying the costs of operation of the county

1 jail and the transportation of prisoners.

2 (3) Any moneys remaining in the fund after the monthly disbursements in subsection  
3 (2) of this section shall be paid into the general fund.

4 (4) Any moneys collected above the prescribed amount shall be paid into the general  
5 fund.

6 ➔Section 5. KRS 49.480 is amended to read as follows:

7 (1) There is established in the State Treasury the crime victims' compensation fund,  
8 hereinafter referred to as the "fund," to be administered by the commission. Nothing  
9 herein shall be construed to limit the power of the court to order additional forms of  
10 restitution including public or charitable work or reparation to the victim, to the  
11 fund, or otherwise as authorized by law.

12 (2) The fund shall consist of moneys from the following: appropriations by the General  
13 Assembly; the federal government; disbursements provided under KRS  
14 42.320(2)(b)~~7.(e)~~; and any other public or private source. Any unexpended  
15 balance remaining in the fund at the end of the biennium shall not lapse and be  
16 transferred to the general fund, but shall remain in the crime victims' compensation  
17 fund. Any funds not utilized by the commission shall be used to provide assistance  
18 to programs for victims and the commission shall allocate such funds to any agency  
19 providing services to victims. In the event there are insufficient funds in the fund to  
20 pay all claims in full, all claims shall be paid at seventy percent (70%). If there are  
21 no moneys in the fund, then no claim shall be paid until moneys have again  
22 accumulated. In addition to payment of claims, moneys in the fund shall be used to  
23 pay all the necessary and proper expenses of the commission.

24 ➔Section 6. KRS 64.092 is amended to read as follows:

25 Compensation of sheriffs and other law enforcement officers or agencies for attending  
26 court shall be as follows:

27 (1) Compensation shall be provided only for the actual time for which the sheriff or

- 1 other officer is ordered to be physically present in the courtroom or is ordered to be  
2 physically present to discharge a duty ordered by the Chief Circuit Judge, Chief  
3 District Judge, or Judge of the Court of Appeals, as appropriate.
- 4 (2) Compensation shall not be provided for more than one (1) sheriff or other officer  
5 per courtroom unless the need for additional personnel is certified in writing by the  
6 Chief Circuit Judge, Chief District Judge, or Judge of the Court of Appeals, as  
7 appropriate, and the utilization of additional personnel is approved by the Chief  
8 Justice, or his designee. In the event of an emergency of such nature precluding  
9 contacting the Chief Justice or his designee, the Chief Circuit Judge, Chief District  
10 Judge, or Judge of the Court of Appeals may authorize such assignment of  
11 additional personnel for a period not to exceed twenty-four (24) hours.
- 12 (3) Where a single sheriff or other law enforcement officer serves more than one (1)  
13 court or courtroom during a single day, he shall be paid as if he had served only one  
14 (1) courtroom during that day. Dual compensation for service during a single day  
15 shall not be permitted.
- 16 (4) Time, for compensation purposes, shall be computed as the actual time spent in the  
17 courtroom pursuant to court direction or order and the actual time spent in other  
18 service to the court as directed or ordered by the appropriate judge.
- 19 (5) Time spent in court service by a sheriff or other law enforcement officer shall be  
20 certified by the judge of the court which the officer attended and by the Chief Judge  
21 of the Circuit Court, if the service was to the Circuit Court, or by the Chief Judge of  
22 the District Court, if the service was to the District Court.
- 23 (6) The sheriff or other law enforcement officer serving a Circuit or District Court shall  
24 be compensated at the rate of eight dollars (\$8) per hour of service. If service is for  
25 a part of an hour, then compensation for such service shall be prorated for the actual  
26 number of minutes' service within a given hour.
- 27 (7) The sheriff shall receive the disbursements provided for in KRS 42.320(2)(b) ~~9.(4)~~

1 to help defray the cost of providing security services and related activities to the  
2 court. The moneys received by the sheriff under this subsection are authorized  
3 official expenses to be considered operating expenses of the sheriff's office and  
4 shall not be considered as part of his compensation.

5 ➔Section 7. KRS 186.574 is amended to read as follows:

6 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and  
7 for traffic offenders. The school shall be composed of uniform education and  
8 training elements designed to create a lasting influence on new drivers and a  
9 corrective influence on traffic offenders. District Courts may in lieu of assessing  
10 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to  
11 state traffic school and no other. The Transportation Cabinet shall enroll a person in  
12 state traffic school who fails to complete a driver's education course pursuant to  
13 KRS 186.410(5).

14 (2) If a District Court stipulates in its judgment of conviction that a person attend state  
15 traffic school, the court shall indicate this in the space provided on the abstract of  
16 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the  
17 Transportation Cabinet, or its representative, shall schedule the person to attend  
18 state traffic school. Failure of the person to attend and satisfactorily complete state  
19 traffic school in compliance with the court order, may be punished as contempt of  
20 the sentencing court. The Transportation Cabinet shall not assess points against a  
21 person who satisfactorily completes state traffic school. However, if the person  
22 referred to state traffic school holds or is required to hold a commercial driver's  
23 license, the underlying offense shall appear on the person's driving history record.

24 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic  
25 school, and shall promulgate administrative regulations pursuant to KRS Chapter  
26 13A governing facilities, equipment, courses of instruction, instructors, and records  
27 of the program. In the event a person sentenced under subsection (1) of this section

1 does not attend or satisfactorily complete state traffic school, the Transportation  
2 Cabinet may deny that person a license or suspend the license of that person until he  
3 reschedules attendance or completes state traffic school, at which time a denial or  
4 suspension shall be rescinded.

5 (4) Persons participating in the state traffic school as provided in this section shall pay a  
6 fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if  
7 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),  
8 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are  
9 dedicated to the road fund for use in the state driver education program may be used  
10 for the purposes of state traffic school.

11 (5) The following procedures shall govern persons attending state traffic school  
12 pursuant to this section:

13 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters  
14 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of  
15 the trial judge, be sentenced to attend state traffic school. Upon payment of the  
16 fee required by subsection (4) of this section, and upon successful completion  
17 of state traffic school, the sentence to state traffic school shall be the person's  
18 penalty in lieu of any other penalty, except for the payment of court costs;

19 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to  
20 attend state traffic school who has been cited for a violation of KRS Chapters  
21 177, 186, or 189 that has a penalty of mandatory revocation or suspension of  
22 an offender's driver's license;

23 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to  
24 attend state traffic school for any violation if, at the time of the violation, the  
25 person did not have a valid driver's license or the person's driver's license was  
26 suspended or revoked by the cabinet;

27 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to



- 1 attend state traffic school more than once in any one (1) year period, unless  
2 the person wants to attend state traffic school to comply with the driver  
3 education requirements of KRS 186.410; and
- 4 (e) The cabinet shall notify the sentencing court regarding any person who was  
5 sentenced to attend state traffic school who was ineligible to attend state  
6 traffic school. A court notified by the cabinet pursuant to this paragraph shall  
7 return the person's case to an active calendar for a hearing on the matter. The  
8 court shall issue a summons for the person to appear and the person shall  
9 demonstrate to the court why an alternative sentence should not be imposed.
- 10 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may  
11 operate a traffic safety program for traffic offenders prior to the adjudication  
12 of the offense.
- 13 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders  
14 holding a commercial driver's license under KRS Chapter 281A, or offenders  
15 coming within the provisions of subsection (5)(b) or (c) of this section shall be  
16 excluded from participation in a county attorney-operated program.
- 17 (c) A county attorney that operates a traffic safety program:
- 18 1. May charge a reasonable fee to program participants, which shall only  
19 be used for payment of county attorney office operating expenses; and
- 20 2. Shall, by October 1 of each year, report to the Prosecutors Advisory  
21 Council the fee charged for the county attorney-operated traffic safety  
22 program and the total number of traffic offenders diverted into the  
23 county attorney-operated traffic safety program for the preceding fiscal  
24 year categorized by traffic offense.
- 25 (d) Each participant in a county attorney-operated traffic safety program shall, in  
26 addition to the fee payable to the county attorney, pay a twenty-five dollar  
27 (\$25) fee to the court clerk, which shall be paid into a trust and agency

1 account with the Administrative Office of the Courts and is to be used by the  
2 circuit clerks to hire additional deputy clerks and to enhance deputy clerk  
3 salaries.

4 (e) Each participant in a county attorney-operated traffic safety program shall, in  
5 addition to the fee payable to the county attorney and the fee required by  
6 paragraph (d) of this subsection, pay a ~~forty~~<sup>thirty</sup> dollar ~~(\$40)~~<sup>(\$30)</sup> fee to  
7 the county attorney in lieu of court costs. On a monthly basis, the county  
8 attorney shall forward the fees collected pursuant to this paragraph to the  
9 Finance and Administration Cabinet to be distributed as follows:

10 1. *The first ten dollars (\$10) of the fee shall be transferred to the*  
11 *Department of Kentucky State Police forensic laboratory fund*  
12 *established in Section 1 of this Act;*

13 2. *Of the remaining amount of the fee:*

14 *a.* Ten and eight-tenths percent (10.8%) to the spinal cord and head  
15 injury research trust fund created in KRS 211.504;

16 *b.*~~[2.]~~ Nine and one-tenth percent (9.1%) to the traumatic brain injury  
17 trust fund created in KRS 211.476;

18 *c.*~~[3.]~~ Five and eight-tenths percent (5.8%) to the special trust and agency  
19 account set forth in KRS 42.320(2)~~(b)6.~~~~[(f)]~~ for the Department of  
20 Public Advocacy;

21 *d.*~~[4.]~~ Five and seven-tenths percent (5.7%) to the crime victims  
22 compensation fund created in KRS 49.480;

23 *e.*~~[5.]~~ One and two-tenths percent (1.2%) to the Justice and Public Safety  
24 Cabinet to defray the costs of conducting record checks on  
25 prospective firearms purchasers pursuant to the Brady Handgun  
26 Violence Prevention Act and for the collection, testing, and storing  
27 of DNA samples;

- 1                    ~~f.[6.]~~ Sixteen and eight-tenths percent (16.8%) to the county sheriff in  
 2                    the county from which the fee was received;
- 3                    ~~g.[7.]~~ Nine and one-tenth percent (9.1%) to the county treasurer in the  
 4                    county from which the fee was received to be used by the fiscal  
 5                    court for the purposes of defraying the costs of operation of the  
 6                    county jail and the transportation of prisoners;
- 7                    ~~h.[8.]~~ Thirty-three and two-tenths percent (33.2%) to local governments  
 8                    in accordance with the formula set forth in KRS 24A.176(5); and
- 9                    ~~i.[9.]~~ Eight and three-tenths percent (8.3%) to the Cabinet for Health and  
 10                    Family Services for the implementation and operation of a  
 11                    telephonic behavioral health jail triage system as provided in KRS  
 12                    210.365 and 441.048.

13                    ➔ Section 8. KRS 211.504 is amended to read as follows:

- 14                    (1) The revenues received from the disbursements provided under KRS  
 15                    42.320(2)(~~b~~)3.~~(c)~~ shall be credited to the spinal cord and head injury research trust  
 16                    fund which is hereby created.
- 17                    (2) Federal funds or other funds which may be made available to supplement or match  
 18                    state funds for spinal cord and head injury research programs provided for by KRS  
 19                    211.500 to 211.504 shall be credited to the trust fund created in subsection (1) of  
 20                    this section.
- 21                    (3) Funds deposited to the credit of the spinal cord and head injury research trust fund  
 22                    shall be used to finance the spinal cord and head injury research programs  
 23                    authorized under the provisions of KRS 211.500 to 211.504 and for the operation of  
 24                    the Kentucky Spinal Cord and Head Injury Research Board. Funds for research shall  
 25                    only be used for spinal cord and head injury research undertaken by the University  
 26                    of Kentucky or University of Louisville.
- 27                    (4) Funds unexpended at the close of a fiscal year shall not lapse but shall be carried

1 forward to the next fiscal year or biennium, but any surplus shall be included in the  
2 budget considered and approved by the board for the ensuing period.

3 ➔Section 9. KRS 441.685 is amended to read as follows:

- 4 (1) There is created and established a Kentucky Local Correctional Facilities  
5 Construction Authority fund which shall consist of the following:
- 6 (a) Rentals received under leases made by the authority pursuant to KRS 441.625  
7 to 441.695;
  - 8 (b) Appropriations by the General Assembly;
  - 9 (c) Contributions, grants, and gifts from any source, both public and private,  
10 which may be used by the authority for any project or projects;
  - 11 (d) Disbursements provided under KRS 42.320(2)(b)2.; and
  - 12 (e) All interest earned on investments made by the state from moneys deposited  
13 in this fund.
- 14 (2) Moneys accruing to this fund shall be deposited by the State Treasurer in the fund's  
15 trust and agency account, and shall be invested by the state for the benefit and use of  
16 the authority, pending their application to the expenses of the authority and to  
17 payments of interest and principal of bonds, notes, and other obligations of the  
18 authority. Notwithstanding the provisions of the foregoing sentence, at such time or  
19 times as the moneys contained in the fund are sufficient to pay the principal on all  
20 bonds, notes, and obligations of the authority that would become due in the next  
21 ensuing twelve (12) month period, the authority may use moneys in the fund in  
22 excess thereof for such purposes as provided for in KRS 441.625 to 441.695.