

1 AN ACT relating to payment of restitution.

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

3 ➔Section 1. KRS 534.020 is amended to read as follows:

- 4 (1) When a defendant is sentenced to pay court costs, fees, or fines, the court may
5 provide for payment to be made within a specified period of time or in specified
6 installments. If no such provision is made a part of the sentence, then the court
7 costs, fees, or fines shall be payable forthwith.
- 8 (2) If the court establishes an installment payment plan for a defendant to pay the full
9 amount of court costs, fees, or fines:
- 10 (a) The defendant shall be given notice of the total amount due, the payment
11 frequency, and the date by which all payments must be made. The notice shall
12 indicate that if the defendant has not complied with the installment payment
13 plan by the scheduled date, he or she shall appear on that date to show good
14 cause as to why he or she is unable to satisfy the obligations. This notice shall
15 be given to the defendant in writing on a form provided by the Administrative
16 Office of the Courts;
- 17 (b) Except as provided in subsection (3) of this section, all court costs, fees, and
18 fines shall be paid within one (1) year of the date of sentencing
19 notwithstanding any remaining restitution or other monetary penalty owed by
20 the defendant and arising out of the conviction; and
- 21 (c) Installment payments shall be applied first to **restitution**~~[court costs]~~, then to
22 **court costs**~~[restitution]~~, then to fees, and then to fines.
- 23 (3) (a) If a defendant is required to appear at a show cause hearing pursuant to
24 subsection (2)(a) of this section, the court shall determine whether the
25 defendant's default in payment of court costs, fees, or fines is:
- 26 1. Excusable due to an inability to pay, and if so, the court may enter an
27 order allowing additional time for payment, reducing the amount of each

- 1 installment, or modifying the manner of payment in any other way; or
- 2 2. Willful and not due to an inability to pay, and if so, the court may order
- 3 the defendant to jail on the condition that the defendant shall be released
- 4 upon payment or completion of daily credit pursuant to KRS 534.070.
- 5 (b) If the defendant fails to appear at the show cause hearing, the court may issue
- 6 a warrant for the defendant's arrest. Any warrant for arrest issued for
- 7 nonpayment of court costs, fees, or fines pursuant to this subsection shall
- 8 include a notice to the jailer that the defendant shall be released upon payment
- 9 or completion of daily credit pursuant to KRS 534.070.
- 10 (4) When a defendant is sentenced to pay court costs, fees, or fines, an alternative
- 11 sentence of imprisonment that is to be served in the event the court costs, fees, or
- 12 fines are not paid shall not be imposed at the same time. The response of a court to
- 13 nonpayment shall be determined only after:
- 14 (a) The court costs, fees, or fines have not been paid; and
- 15 (b) 1. The show cause hearing has been held pursuant to subsections (2)(a) and
- 16 (3)(a) of this section; or
- 17 2. The defendant has failed to appear at the show cause hearing as outlined
- 18 in subsection (3)(b) of this section.
- 19 (5) Court costs, fees, or fines being paid under an installment payment plan that is
- 20 actively monitored by the court shall not be reported as part of the inventory of
- 21 liquidated debt pursuant to KRS 45.241.