

CHAPTER 328

(SB 326)

AN ACT relating to court fees and costs.

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

Section 1. KRS 23A.205 is amended to read as follows:

- (1) Court costs for a criminal case in the Circuit Court shall be ***eighty-two***~~[seventy five]~~ dollars ***(\$82)***~~[(\$75)]~~, which shall include the fee mandated in KRS 346.185.
- (2) Except as provided in KRS 346.185, taxation of costs against a defendant, upon conviction, may be probated or suspended at the discretion of the court.
- (3) Additional fees shall be charged in Circuit Court criminal matters as follows:
 - (a) Preparing a certification \$1.00
 - (b) Preparing a copy of a document (per page) \$0.15
- (4) The additional fees required by subsection (3) of this section shall be paid to the clerk at the time the service is requested.
- (5) The circuit clerk shall monthly pay ***twelve***~~[five]~~ dollars ***(\$12)***~~[(\$5)]~~ from each court cost collected pursuant to subsection (1) of this section to the sheriff for ***the payment of bailiffs for court security***~~[use by the sheriff for providing security services and related activities to the court]~~ as provided for in KRS 64.092. The clerk shall include among his reports to the Administrative Office of the Courts the amounts paid to the sheriff.

Section 2. KRS 24A.175 is amended to read as follows:

- (1) Court costs for a criminal case in the District Court shall be:
 - (a) For an offense for which prepayment is permitted under KRS 189.394, 431.451, or 431.452 and for which prepayment has been made prior to trial as required by law ***\$49.00***~~[\$42.00]~~
 - (b) For an offense for which prepayment is not permitted or has not been made ***\$74.00***~~[\$67.00]~~
 - (c) Court costs designated in paragraph (b) of this subsection shall include the fee mandated by KRS 346.185.
- (2) There shall be no court costs for a parking citation when:
 - (a) The fine is paid to the clerk before the trial date in the same manner as provided for speeding citations under KRS 189.394(3); and
 - (b) The citation does not involve parking in a fire lane or blocking the traveled portion of the highway.
- (3) Additional costs shall be assessed in District Court criminal matters as follows:

- (a) Preparing an attestation \$0.50 (b)
 Preparing a certification \$1.00 (c)
 Preparing a copy of a document (per page) \$0.25
- (4) Taxation of costs against a defendant, upon conviction, including persons sentenced to state traffic school as provided under KRS 186.574, shall be mandatory and shall not be probated or suspended.
- (5) The circuit clerk shall, at the time fines and costs are paid over to the state, pay five dollars (\$5) from each court cost collected pursuant to subsection (1) of this section to the county treasurer for use by the fiscal court for the sole purpose of defraying the costs of operation of the county jail and the transportation of prisoners and shall include among his reports to the Administrative Office of the Courts the amounts paid to the county.
- (6) The circuit clerk shall, at the time fines and costs are paid over to the state, pay ten dollars (\$10) from each court cost collected pursuant to subsection (1) of this section to the State Treasury for the benefit and use of the Kentucky Local Correctional Facilities Construction Authority pursuant to KRS 441.625 to 441.695.
- (7) The circuit clerk shall monthly pay ~~twelve~~~~{five}~~ dollars (~~\$12~~){(\$5)} from each court cost collected pursuant to subsection (1) of this section to the sheriff for use by the sheriff for providing security services and related activities to the court as provided for in KRS 64.092. The clerk shall include among his reports to the Administrative Office of the Courts the amounts paid to the sheriff.

Section 3. KRS 64.092 is amended to read as follows:

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

- (1) Compensation shall be provided only for the actual time for which the sheriff or other officer is ordered to be physically present in the courtroom or is ordered to be physically present to discharge a duty ordered by the Chief Circuit Judge, Chief District Judge, or Judge of the Court of Appeals, as appropriate.
- (2) Compensation shall not be provided for more than one (1) sheriff or other officer per courtroom unless the need for additional personnel is certified in writing by the Chief Circuit Judge, Chief District Judge, or Judge of the Court of Appeals, as appropriate, and the utilization of additional personnel is approved by the Chief Justice, or his designee. In the event of an emergency of such nature precluding contacting the Chief Justice or his designee, the Chief Circuit Judge, Chief District Judge, or Judge of the Court of Appeals may authorize such assignment of additional personnel for a period not to exceed twentyfour (24) hours.
- (3) Where a single sheriff or other law enforcement officer serves more than one (1) court or courtroom during a single day, he shall be paid as if he had served only one (1) courtroom during that day. Dual compensation for service during a single day shall not be permitted.
- (4) Time, for compensation purposes, shall be computed as the actual time spent in the courtroom pursuant to court direction or order and the actual time spent in other service to the court as directed or ordered by the appropriate judge.

- (5) Time spent in court service by a sheriff or other law enforcement officer shall be certified by the judge of the court which the officer attended and by the Chief Judge of the Circuit Court, if the service was to the Circuit Court, or by the Chief Judge of the District Court, if the service was to the District Court.
- (6) The sheriff or other law enforcement officer serving a Circuit or District Court shall be compensated at the rate of eight dollars (\$8) per hour of service. If service is for a part of an hour, then compensation for such service shall be prorated for the actual number of minutes' service within a given hour.
- (7) The sheriff shall receive ~~twelve~~~~five~~ dollars (~~\$12~~)(~~\$5~~) from each court cost collected pursuant to KRS 23A.205, 23A.215, 24A.175, and 24A.180 to help defray the cost of providing security services and related activities to the court. The moneys received by the sheriff under this subsection are authorized official expenses to be considered operating expenses of the sheriff's office and shall not be considered as part of his compensation.

Approved April 6, 2000