

534.020 Methods of imposing fines -- Installment payment plan -- Determination of reason for defendant's default -- Show cause hearing -- Certain installment payments not to be reported as liquidated debt.

- (1) When a defendant is sentenced to pay court costs, fees, or fines, the court may provide for payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the sentence, then the court costs, fees, or fines shall be payable forthwith.
- (2) If the court establishes an installment payment plan for a defendant to pay the full amount of court costs, fees, or fines:
 - (a) The defendant shall be given notice of the total amount due, the payment frequency, and the date by which all payments must be made. The notice shall indicate that if the defendant has not complied with the installment payment plan by the scheduled date, he or she shall appear on that date to show good cause as to why he or she is unable to satisfy the obligations. This notice shall be given to the defendant in writing on a form provided by the Administrative Office of the Courts;
 - (b) Except as provided in subsection (3) of this section, all court costs, fees, and fines shall be paid within one (1) year of the date of sentencing notwithstanding any remaining restitution or other monetary penalty owed by the defendant and arising out of the conviction; and
 - (c) Installment payments shall be applied first to court costs, then to restitution, then to fees, and then to fines.
- (3)
 - (a) If a defendant is required to appear at a show cause hearing pursuant to subsection (2)(a) of this section, the court shall determine whether the defendant's default in payment of court costs, fees, or fines is:
 1. Excusable due to an inability to pay, and if so, the court may enter an order allowing additional time for payment, reducing the amount of each installment, or modifying the manner of payment in any other way; or
 2. Willful and not due to an inability to pay, and if so, the court may order the defendant to jail on the condition that the defendant shall be released upon payment or completion of daily credit pursuant to KRS 534.070.
 - (b) If the defendant fails to appear at the show cause hearing, the court may issue a warrant for the defendant's arrest. Any warrant for arrest issued for nonpayment of court costs, fees, or fines pursuant to this subsection shall include a notice to the jailer that the defendant shall be released upon payment or completion of daily credit pursuant to KRS 534.070.
- (4) When a defendant is sentenced to pay court costs, fees, or fines, an alternative sentence of imprisonment that is to be served in the event the court costs, fees, or fines are not paid shall not be imposed at the same time. The response of a court to nonpayment shall be determined only after:
 - (a) The court costs, fees, or fines have not been paid; and
 - (b) 1. The show cause hearing has been held pursuant to subsections (2)(a) and (3)(a) of this section; or

2. The defendant has failed to appear at the show cause hearing as outlined in subsection (3)(b) of this section.
- (5) Court costs, fees, or fines being paid under an installment payment plan that is actively monitored by the court shall not be reported as part of the inventory of liquidated debt pursuant to KRS 45.241.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 4, effective June 29, 2017. -- Amended 2002 Ky. Acts ch. 183, sec. 38, effective August 1, 2002. -- Created 1974 Ky. Acts ch. 406, sec. 291, effective January 1, 1975.