

534.070 Incarceration for failure to pay fine or court costs or failure to appear in court -- Daily credit against fine or court costs for time served -- Application of partial payment.

- (1) A defendant who has been sentenced to jail for failure to pay court costs, fees, or fines or for failure to appear in court on a date set for the sole purpose of addressing nonpayment of court costs, fees, or fines shall receive credit against the court costs, fees, or fines owed for each day the defendant spends in jail at the following rates:
 - (a) Fifty dollars (\$50) per day if the defendant does not work at a community service or community labor program; or
 - (b) One hundred dollars (\$100) per day if the defendant works eight (8) hours per day at a community service or community labor program. If the defendant works less than eight (8) hours in a community service or community labor program, the defendant shall be allowed an amount of one-eighth (1/8) of the one hundred dollars (\$100) for each hour worked in a community service or community labor program.
- (2) Credit against court costs, fees, or fines earned by a defendant pursuant to this section shall prohibit the collection of any part of court costs, fees, or fines which has been credited pursuant to this section, and that portion of the court costs, fees, or fines shall be considered paid.
- (3)
 - (a) The jailer shall be responsible for monitoring a defendant's community service and tracking the number of days to be served to pay any outstanding court costs, fees, or fines.
 - (b) Unless the defendant is incarcerated pursuant to orders in other cases, upon the service of sufficient days in jail to have sufficient credit to satisfy the court costs, fees, or fines, the defendant shall be released from jail.
- (4) If a partial payment is made by the defendant or on behalf of a defendant, that payment shall be applied first to court costs, then to fees, and then to fines pursuant to KRS 534.020 prior to the application of any credit earned pursuant to this section. Credit earned pursuant to this section shall not be applied to restitution.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 6, effective June 29, 2017. -- Amended 2012 Ky. Acts ch. 156, sec. 5, effective July 12, 2012. -- Created 2011 Ky. Acts ch. 2, sec. 86, effective June 8, 2011.