

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 439.315 is amended to read as follows:

4 (1) ***Except as provided in subsection (2)(b) and (c) of this section,*** a person placed by
5 a releasing authority on probation, parole, or other form of release subject to
6 supervision by the Department of Corrections and all persons supervised pursuant
7 to KRS 439.560 shall pay a fee to offset the costs of supervising the probation,
8 parole, or other supervised release.

9 (2) (a) ***Except as provided in paragraphs (b) and (c) of this subsection,*** the fees
10 shall be as follows:

11 ~~1.~~(a) For a felony, not less than ten dollars (\$10) per month while on
12 active supervision nor more than two thousand five hundred dollars
13 (\$2,500) per year.

14 ~~2.~~(b) For a misdemeanor, not less than ten dollars (\$10) per month while
15 on active supervision nor more than five hundred dollars (\$500) per
16 year, except as provided in subsection (13) of this section.

17 (b) ***Fees shall be waived if a person is placed on administrative supervision***
18 ***pursuant to KRS 439.3105.***

19 (c) ***Fees shall be suspended for the first six (6) months of a person's term of***
20 ***community supervision if a person is released from custody and placed on***
21 ***parole, postincarceration supervision, or other form of release subject to***
22 ***supervision by the Department of Corrections following a term of***
23 ***incarceration, unless the releasing authority determines the person has the***
24 ***ability to pay the fee.***

25 (3) The releasing authority shall order the fee paid in a lump sum or installments. If the
26 fee is to be paid in a lump sum, the person shall not be released from custody until
27 the fee is paid in full, ***unless the releasing authority determines the person does***

1 **not have the ability to pay the fee.**

2 (4) Upon the failure of a person to pay an installment on a fee set forth in a release
3 agreement, the releasing authority shall hold a hearing to determine why the
4 installment has not been paid. Failure without good cause to pay an installment
5 pursuant to a release agreement shall be grounds for the revocation of probation,
6 parole, conditional release, or other form of release upon which the person has been
7 released as provided in KRS 533.050.

8 (5) The releasing authority shall hold a hearing to determine the ability of the defendant
9 to make the payments; and in making this determination, the releasing authority
10 shall take into account the amount of any **court costs, fines, or fees**~~[fine]~~ imposed
11 upon the defendant and any amount the defendant has been ordered to pay in
12 restitution. In counties containing a city of the first class or an urban-county form of
13 government, the releasing authority may waive the payment of the fee in whole or in
14 part for defendants placed under the supervision of the adult misdemeanor
15 probation and work release program, if it finds that any of the factors in subsection
16 (6) of this section exist.

17 (6) **Except as provided in subsection (2)(b) or (c) of this section,** the releasing
18 authority shall not waive **or suspend** any fee unless the commissioner of the
19 Department of Corrections or his designee petitions the releasing authority in
20 written form for the waiver. The Department of Corrections shall not petition
21 unless:

22 (a) The offender is a student in a school, college, university, or course of
23 vocational or technical training designed to fit the student for gainful
24 employment. Certification of student status shall be supplied to the releasing
25 authority by the educational institution in which the offender is enrolled. In
26 such case, the fee may be postponed until completion of education but shall be
27 paid thereafter.

- 1 (b) The offender has an employment disability, as determined by a physical,
2 psychological, or psychiatric examination acceptable to, or ordered by, the
3 releasing authority.
- 4 (7) At any time during the pendency of the judgment or order rendered according to the
5 terms of this section, a defendant may petition the releasing authority to modify or
6 vacate its previous judgment or order on the grounds of change of circumstances
7 with regard to the defendant's ability to pay the fee. The releasing authority shall
8 advise the defendant of this right at the time of the rendering of the judgment or
9 order placing the defendant on probation, parole, or other supervised release.
- 10 (8) All sums paid by the defendant pursuant to this section shall be paid into the general
11 fund, except as provided in subsection (13) of this section.
- 12 (9) When granting a release of any supervised individual~~defendant by way of~~
13 ~~probation, parole, or otherwise~~, the releasing authority shall make the payment of
14 this fee a condition of release, unless the fee has been waived, suspended, reduced,
15 or delayed as provided in this section. Willful nonpayment shall be grounds for
16 revocation of the release as provided in KRS 533.050.
- 17 (10) The releasing authority, if the Department of Corrections petitions the releasing
18 authority to modify the fee, shall consider the petition and may waive the payment
19 of the fee in whole or in part, delay payment of the fee, increase the fee, or deny the
20 petition.
- 21 (11) All fees fixed under the provisions of this section shall be collected by the circuit
22 clerk of the county where the defendant is supervised, except as provided in
23 subsection (13) of this section.
- 24 (12) The Department of Corrections and the Division of Probation and Parole shall, for
25 each person released under its supervision, keep an account of all payments made
26 and report delinquencies to the releasing authority.
- 27 (13) In a city, county, consolidated local government, charter county, or an urban-county

1 government, persons placed by a releasing authority on probation, parole, or other
2 release subject to supervision by the adult misdemeanor probation and work
3 release program of the county, city, consolidated local government, charter county,
4 or urban-county government shall pay a fee to offset the costs of supervising the
5 probation, parole, or other supervised release. The fees shall be assessed by the
6 releasing authority in accordance with the provisions of this section. The fee for a
7 misdemeanor defendant placed under the supervision of an adult misdemeanor
8 probation and work release program of a county, city, consolidated local
9 government, charter county, or an urban-county government shall be not less than
10 one hundred dollars (\$100) nor more than five hundred dollars (\$500) per year. All
11 sums paid by the defendant under this subsection shall be paid into the general fund
12 of the county, city, consolidated local government, charter county, or urban-county
13 government in lieu of the payment specified in subsection (8) of this section. All
14 fees fixed under this subsection shall be collected by the circuit clerk of the county
15 or urban-county involved. The adult misdemeanor probation and work release
16 program of the county, consolidated local government, city, charter county, or
17 urban-county government shall, for each person released under its supervision, keep
18 an account of all payments made, maintain copies of all receipts issued by the
19 circuit clerk, and report delinquencies to the court.