

534.060 Response to nonpayment of fines.

- (1) When an individual sentenced to pay a fine defaults in the payment of the fine or any installment, the court upon motion of the prosecuting attorney or upon its own motion may require him to show cause why he should not be imprisoned for nonpayment. The court may issue a warrant of arrest or a summons for his appearance.
- (2) Following an order to show cause under subsection (1) of this section, unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court and not attributable to a failure on his part to make a good-faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not to exceed:
 - (a) Six (6) months, if the fine was imposed for the conviction of a felony; or
 - (b) One-third (1/3) of the maximum authorized term of imprisonment for the offense committed, if the fine was imposed for conviction of a misdemeanor; or
 - (c) Ten (10) days, if the fine was imposed for conviction of a violation.
- (3) If the default in payment of a fine is determined to be excusable under the standards set forth in subsection (2) of this section, the court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or modifying the manner of payment in any other way.
- (4) When a fine is imposed on a corporation, it is the duty of the person or persons authorized to make disbursement of the assets of the corporation and their superiors to pay the fine from assets of the corporation. The failure of such persons to do so shall render them subject to imprisonment under subsections (1) and (2) of this section.
- (5) Following a default in the payment of a fine or any installment thereof, the fine may be collected by any means authorized for the enforcement of money judgments rendered in favor of the Commonwealth.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 156, sec. 4, effective July 12, 2012. -- Created 1974 Ky. Acts ch. 406, sec. 295, effective January 1, 1975.