

431.100 Withholding of money payable by Commonwealth to defendant in satisfaction of money judgment in criminal proceeding -- Fines and forfeitures go to Commonwealth -- Disposition of fines from offenses relating to alcohol and to criminal littering -- Monetary penalties payable to person other than circuit clerk -- Notice to defendant required.

- (1) When a money judgment is entered against a defendant in a criminal proceeding and each sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the Commonwealth of Kentucky to such defendant an amount equal to the unpaid amount of the judgment. Under no circumstances shall the general fund be used to reimburse court costs or pay for judgment.
- (2) Except as provided in this section, all fines and forfeitures imposed by law or ordinance shall inure to and vest in the Commonwealth.
- (3) Fines and forfeitures imposed by law for violation of KRS 222.202 or ordinances relating to similar subject matter shall inure to and vest in the Commonwealth and shall be placed in a special fund in the State Treasury, which shall not lapse, and which, effective July 1, 1987, shall be used solely by the Cabinet for Health and Family Services for the provision of treatment and counseling programs for alcoholics.
- (4) Sixty percent (60%) of fines for violation of KRS 512.070 shall, when collected, be transferred by the circuit clerk to the county treasurer for inclusion in the general fund of the county in which the offense occurs and forty percent (40%) shall be transferred to the agency that issued the citation.
- (5) The court shall not order a fine, forfeiture, service fee, cost, or any other money due the Commonwealth or any other public officer paid to any person or organization other than one specifically required by the Kentucky Revised Statutes, nor shall a court suspend payment of a fine, forfeiture, service fee, cost, or any other money due the Commonwealth if the defendant makes a payment to another person or organization, unless so authorized by the court and the Kentucky Revised Statutes.
- (6) When, as authorized in the Kentucky Revised Statutes, a court does order a fine, forfeiture, service fee, cost, or any other monetary penalty to be paid to a person other than the circuit clerk, notice of this order will be served on the defendant and a copy of the order will be delivered to the person. Such an order constitutes a judgment of the court and carries with it all lawful means of enforcement and collection.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 649, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 183, sec. 25, effective August 1, 2002; and ch. 342, sec. 12, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 426, sec. 600, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 358, sec. 6, effective July 15, 1997. -- Amended 1992 Ky. Acts ch. 234, sec. 1, effective July 14, 1992; and ch. 463, sec. 64, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 336, sec. 8, effective July 1, 1986. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 438, effective January 2, 1978. -- Amended 1966 Ky. Acts ch. 255, sec. 283. -- Amended 1964 Ky.

Acts ch. 125, sec. 34. -- Amended 1962 Ky. Acts ch. 234, sec. 42. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1139.

Legislative Research Commission Note (7/15/96). Under 1996 Ky. Acts ch. 358, sec. 67(1), the amendment of this statute by Section 6 of that Act becomes effective July 15, 1997.

Legislative Research Commission Note (7/15/2002). This section was amended by 2002 Ky. Acts chs. 183 and 342. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 342, which was last enacted by the General Assembly, prevails under KRS 446.250.