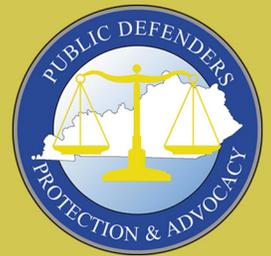


The Advocate



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COSTS, FEES, FINES AND RESTITUTION: A PRACTITIONERS GUIDE by Glenn McClister



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IMPOSING COSTS

Court costs in both District and Circuit courts are \$140.00.

KRS 23A.205; KRS 24A.175	\$100.00
KRS 23A.206; KRS 24A.176	\$20.00
KRS 23A.2065; KRS 24A.1765	\$10.00
(new) KRS 23A.209; KRS 24A.179	\$10.00

An additional \$30.00 will be assessed in cases involving sex crimes (KRS chap. 510; 530.020; 530.064(1)(a); 531.310; 531.320) and stalking (KRS 508.140; 508.150). KRS 23A.208 & KRS 24A.178. A \$30.00 fee also applies to all cases diverted to a Traffic Safety Program. KRS 186.574. Persons convicted of DUI Under 21 do not pay the DUI Service Fee. KRS 189A.050(1).

Generally, court costs cannot be waived, even as part of a plea bargain. The exception is when the court finds that “the defendant is a poor person as defined by KRS 453.190(2) and that he or she is unable to pay court costs and will be unable to pay the court costs in the foreseeable future.” KRS 23A.205(2); KRS 24A.175(2)

A poor person is “a person who is unable to pay the costs and fees of the proceeding in which he is involved without depriving himself or his dependents of the necessities of life, including food, shelter, or clothing.” KRS 453.190(2).

Qualifying for appointment of a public defender does not necessarily entail a waiver of court costs if the person can pay the costs in the foreseeable future. A “needy” person entitled to the appointment of a public defender under KRS Chapter 31 might still not qualify as a “poor person” unable to pay court costs in the foreseeable future under KRS Chapter 453. *Maynes v. Commonwealth*, 361 S.W.3d 922 (Ky.2012).

The court clarified that “without some reasonable basis for believing that the defendant can or will soon be able to pay, the imposition of court costs is indeed improper.” (At 930.) (See also, *Spicer v. Commonwealth*, 442 S.W.3d 26 (Ky.2014), *Galloway v. Commonwealth*, 424 S.W.3d 921

(Ky.2014), and *Nunn v. Commonwealth*, 461 S.W.3d 741 (Ky. 2015)).

Maynes was appointed a public defender but his case was diverted, and the court ruled that imposition of costs was appropriate in that case. On the other hand, e.g., it was improper to impose costs on a defendant who received a sentence of seven and a half years in *Butler v. Commonwealth*, 367 S.W.3d 609 (Ky.App.2012).

KRS 23A.205 requires a finding on the record regarding the defendant’s future ability to pay before costs are imposed. *Galloway v. Commonwealth*, 424 S.W.3d 921 (Ky.2014); *McElroy v. Commonwealth*, 389 S.W.3d 130 (Ky.App. 2012); *Smith v. Commonwealth*, 370 S.W.3d 871 (Ky. 2012). Yet it is only sentencing error when costs are imposed upon someone already found to be a poor person. *Spicer v. Commonwealth*, 442 S.W.3d 26 (Ky.2014).

Costs should be assessed at or near sentencing. A court cannot grant itself “continuing jurisdiction” over imposition of costs. *Buster v. Commonwealth*, 381 S.W.3d 294 (Ky.2012). A court does not have jurisdiction to reserve to itself the issue of costs for the time when the defendant is released from prison. *Miller v. Commonwealth*, 391 S.W.3d 857 (Ky. 2013). Similarly, the court does not have

jurisdiction to reserve the review of the question of costs until the defendant's release on parole. *Goncalves v. Commonwealth*, 404 S.W.3d 180 (Ky. 2013).

If the defendant is not a poor person and yet cannot pay court costs immediately upon sentencing, the court can order that payment be made either by a certain date (or the defendant must appear to show cause), or by installments. "All court costs and fees under the installment plan 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. Installment payments will be applied first to court costs, then to restitution, then to fees, and then to fines." KRS 23A.205(3), KRS 24A.175(4), KRS 534.020(1).

Thus, the trial court may not assess court costs based on theoretical future earnings, but what can be paid within a year. Courts should re-examine the practice of imposing court costs on indigent clients based on relatively short sentences. As Justice Venters observed,

"It is hard to find any economic advantage in the judge's decision to assess court costs against a defendant who had only \$1.00 to his name and would likely spend a substantial part of the next 22 years in prison, especially when the judge then invited Appellant to appeal the ruling and declared him to be indigent so that he could do so at taxpayer expense that will far exceed the court cost the judge sought to collect."

Smith v. Commonwealth, 370 S.W.3d 871, 881 fn 13 (Ky. 2012)

IMPOSING FINES

Except otherwise provided for offenses outside the penal code, imposition of a fine in addition to any other punishment imposed is mandatory in the case of felonies and should amount to not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) or double the amount of gain the defendant received from commission of the offense, whichever is greater. KRS 534.030(1).

Nevertheless, in imposing the amount of the fine and the method of its payment, the court must consider the defendant's likely ability to pay, the hardship payment might bring upon dependents of the defendant, the impact of paying the fine on also paying restitution, and the defendant's gain from commission of the offense. KRS 534.030(2).

Fines for misdemeanors may be imposed in addition to, as an alternative to, or in lieu of imprisonment. KRS 534.040(1).

Maximum fines for misdemeanors and violations are: Class A Misdemeanor - \$500.00; Class B Misdemeanor - \$250.00; a violation - \$250.00. KRS 534.040(2). Note that crimes which are not included in the penal code may not conform

to this statute. For instance, the charge of "No Insurance," KRS 304.99-060, carries a fine of up to \$1,000.00.

Fines are not to be imposed upon individuals found to be indigent pursuant to KRS Chapter 31 for either felonies or misdemeanors. KRS 534.030(4), KRS 534.040(4), *Simpson v. Commonwealth*, 889 S.W.2d 781 (Ky. 1994); *Travis v. Commonwealth*, 327 S.W.3d 456, 459 (Ky.2010); and *Roberts v. Commonwealth*, 410 S.W.3d 606, 610 (Ky.2013).

An indigent person may nevertheless waive an objection to the imposition of fines. In *Carver v. Commonwealth*, 328 S.W.3d 206, 214 (Ky.App.2010), the Court of Appeals ruled that, "Even upon review for palpable error, we would reverse the circuit court's imposition of a fine upon an indigent person. Assessment of a fine would be a ruling in clear contravention of the law." Yet the trial court in that case did not commit palpable error by imposing \$1,000.00 in fines on the indigent defendant because the defense attorney told the trial court it could impose the fines, and that constituted a waiver of the right to object.

STATUTORY PROCEDURE UPON NONPAYMENT OF A FINE

KRS 534.060 outlines the procedure a court must follow upon a finding that fines have not been paid.

The statute requires that a hearing must be held before a court can imprison someone for failure to pay. When a court is imposing a fine, a sentence of imprisonment for failure to pay cannot also be imposed at the same time. KRS 534.020(2). As such, “pay or stay” warrants, without a hearing, are a violation of this rule. (The commentary to KRS 534.010 says specifically that the procedure outlined in the chapter does away with the practice of “\$30 or 30 days.”)

“The court’s judgement must specifically set out the court’s findings of fact regarding defendant’s ability to pay”

See also *Powers v. Hamilton County Public Defender Commission*, 501 F.3rd 592 (6th Cir. Court of Appeals, 2007), in which the Ohio public defenders were sued in a class action for violating the constitutional rights of indigent defendants who were jailed without a hearing for failure to pay fines, when the public defenders did not demand those hearings and were chiefly responsible for the fact the defendants did not receive them.

A person facing incarceration has a right to counsel, including the appointment of a public defender if appropriate. KRS 31.110(1)(a).

The defendant must show that his failure to pay was not an “intentional refusal to obey” and also was not a “failure on his part to make a good faith effort.” *Tate, supra*.

A defendant can only be jailed for failure to pay a fine when he has had the means to pay and has willfully refused to do so.

Alternatives to imprisonment must be considered if the defendant is indigent and cannot pay fines or restitution. *Bearden v. Georgia*, 461 U.S. 660, 103 S.Ct. 2064, 76 L.Ed.2d 221 (1983).

It is a violation of the Equal Protection Clause to incarcerate an indigent person without means to pay for nonpayment of fines. *Tate v. Short*, 401 U.S. 395, 91 S.Ct. 668, 28 L.Ed.2d 130 (1971).

If the failure to pay is excusable, the court retains jurisdiction to grant additional time to pay, reduce the amount of installment payments, or even give credit for

community service. KRS 534.060(3).

The court’s judgment must specifically set out the court’s findings of fact regarding the defendant’s ability to pay and refusal to do so. *Mauk v. Commonwealth*, 700 S.W.2d 803 (Ky.App. 1985), adopting *Bearden, supra*.

Under KRS 534.060(3), a court can convert fines to imprisonment. *Owens v. Williams*, 955 S.W.2d 196 (Ky. App. 1997). However, there are limits on the amount of time a defendant may be ordered to serve. Imprisonment may never exceed the maximum sentence the defendant could have gotten for the crime. *Williams v. Illinois*, 399 U.S. 235, 90 S.Ct. 2018, 26 L.Ed.2d 586 (1970). KRS 534.060(2) sets statutory limits of six (6) months for felonies, one third (1/3) of the maximum jail time allowable for the offense if it is a misdemeanor, and ten (10) days for a violation.

The statute presumes that once a term of imprisonment has been imposed, the obligation to pay the fine is satisfied. The commentary to KRS 534.060 says, “service of the jail term will satisfy the obligation to pay the fine.” A court cannot simply keep re-jailing someone for the same debt.

KRS 534.070 requires granting credit earned toward payment of fines and costs when a defendant is jailed as the result of an order to show cause, specifying fifty dollars (\$50) per day credit if the defendant does not do community service, one hundred dollars (\$100) a day if the defendant does community service, one eighth (1/8) of one hundred dollars for each individual hour worked short of a full eight hours, and specifying that the credit shall not be collected but rather that portion of the fines or costs shall be considered paid.

“Pay or stay” warrants, without a hearing, are a clear violation of KRS 543.020(2).

A defendant is entitled to \$5/day credit toward fines for every day spent in jail prior to conviction. RCr 4.58.

A defendant who has completely served his jail sentence cannot continue to be held merely because he has not yet paid his fine, if he has no money to pay. *Spurlock v. Noe*, 467 S.W.2d 320 (Ky.App. 1971).

Fines may be collected through any normal civil proceedings. KRS 534.060(5).

RESTITUTION - KRS 533.030(3)

A court may sentence a defendant to probation until restitution is paid, regardless of the normal 2-year limit on misdemeanor probation. KRS 533.020(4). If restitution is owed, the defendant cannot be released from probation until it is paid. KRS 532.033(8).

Although due process protections at sentencing are somewhat less than those before guilt has been found, sentencing must be based on reliable facts. *U.S. v. Silverman*, 976 F.2d 1502, 1504 (6th Cir. 1992). Due process includes notice, the assistance of counsel, a hearing, the opportunity for the defense to present evidence, and proof from the Commonwealth by a preponderance of evidence. *Fields v. Commonwealth*, 123 S.W.3d 914 (Ky.App. 2003). Imposition of restitution based solely on unsworn and uncross-examined statements from a victim's mother was found to have violated due process in *Jones v. Commonwealth*, 382 S.W.3d 22 (Ky. 2011). An order for restitution entered prior to termination of the time given to the defendant to controvert the evidence of the Commonwealth was held to be a violation of due process in *Donovan v. Commonwealth*, 376 S.W.3d 628 (Ky. App. 2012).

If the court did not order that probation be extended until restitution is paid, a defendant can ask for such an extension. A waiver of the 2-year limit (for misdemeanors) must be made knowingly and voluntarily. *Commonwealth v. Griffin*, 942 S.W.2d 289 (Ky. 1997). Extension of probation for the time necessary to pay restitution takes a court order. KRS 533.020(4), which allows a probationary period to be extended for "the time necessary to complete restitution," does not automatically prolong the court's jurisdiction without a duly entered court order. *Commonwealth v. Wright*, 2012 WL1890365, Ky. App. 2012, unpublished.

Imprisonment for failure to pay a fine or restitution is only appropriate when the defendant has had the means to pay but has willfully refused to do so. Alternatives to imprisonment must be considered if the defendant is indigent and cannot pay fines or restitution. *Bearden v. Georgia*, 461 U.S. 660, 103 S.Ct. 2064, 76 L.Ed.2d 221 (1983); *Clayborn v. Commonwealth*, 701 S.W.2d 413 (Ky. App. 1985).

However, a court order ordering a defendant to pay restitution at an amount to be determined in the future is not a valid order for restitution because it does not fix the amount. KRS 532.033 lists the requirements of a valid order of restitution and requires that the court fix

the amount at sentencing. KRS 431.200 controls post-sentencing attempts to collect restitution in cases of damaged property, and requires the filing of a verified petition within 90 days of sentencing.

Since that petition was never filed, and the court normally loses jurisdiction over a case 10 days after the entry of final judgment, and since the court waited for 7 years for the defendant to serve out his sentence before setting the amount of restitution, the court had lost jurisdiction over the defendant to order restitution. *Rollins v. Commonwealth*, 294 S.W.3d 463 (Ky.App. 2009). On the other hand, the defendant waived the issue of whether the court retained jurisdiction to order an amount of restitution 10 days after entry of the final judgment in the case, when he agreed to a restitution hearing after sentencing. *Commonwealth v. Steadman*, 411 S.W.3d 717 (Ky. 2013).

An order of restitution that failed to fix the amount was also ruled invalid in *Brown v. Commonwealth*, 326 S.W.3d 469 (Ky.App. 2010).

Trial courts do not have statutory authority to order defendants to repay the State Treasury for the costs of extradition. *Vaughn v. Commonwealth*, 371 S.W.3d 784 (Ky. App. 2012). See also *Southern v. Commonwealth*, ___ S.W.3d ___, 2012 WL 4209260, Ky.App., unpublished. But see also *Sevier v. Commonwealth*, 434 S.W.3d 443 (Ky.2014), in which the defendants had to pay for the cleanup on a methamphetamine lab.

Unlike fines or costs, the payment of restitution cannot be suspended. KRS 532.032(1).

If the defendant has put up a cash bond, the money (minus the 10% bail fee and the 5% administrative fee) must be applied to restitution, cost, fines, and the public defender fee. KRS 431.530(4), RCr 4.46(1). However, if the money is in someone else's name, he or she must agree to allow the bond to be applied to these expenses. KRS 431.532(3).

QUICK REFERENCE GUIDE: COSTS AND FINES

IMPOSING COSTS



Circuit and District Court
Total Court Costs = \$140



Sentencing:

Costs must be assessed at or near sentencing.

Additional Potential Costs:

- + \$30 in sex crimes cases
- + \$30 in stalking cases
- + \$30 for the Traffic Safety Program

Exclusions:

No DUI Service Fee for persons convicted of DUI, Under 21.

Requirements for Imposing Court Costs:

- Court Costs can be waived if the Court finds that “the defendant is a poor person as defined by KRS 453.190(2) and unable to pay court costs in the foreseeable future.”
- A finding of ability to pay in the “foreseeable future” should be put on the record.
- If the person is not a “poor person” as defined by statute, the court can order that payment be made either by a certain date (or the defendant must appear to show cause), or by installments.
- Under an installment plan, all costs and fees must be paid within one year of sentencing. Installment payments are to be applied in a certain order: costs, restitution, fees, and then fines.

IMPOSING FINES

Amount:

Felonies (the greater of):

- \$1,000-\$10,000; or
- Double the amount of gain by commission

Misdemeanors:

- Class A - \$500.00;
- Class B - \$250.00;
- Violation - \$250.00.

Procedure Upon Finding a Fine is Not Paid:

It is a violation of the Equal Protection Clause to incarcerate an indigent person for nonpayment of fines.

- A hearing must be held before a person can be jailed.
- The defendant has a right to counsel.
- Jail is appropriate only if the person can pay and has willfully refused to do so.
- Alternatives to imprisonment must be considered.
- The court retains jurisdiction to grant additional time to pay, reduce the amount of installment payments, or even give credit for work performed.
- The judgment must specify the defendant’s ability to pay and refusal to do so.
- Hardships including impact on dependents and restitution owed must be considered by the Court.



Fines for either felonies or misdemeanors are not to be imposed upon individuals found to be indigent pursuant to KRS Chapter 31. An indigent person may waive an objection to the imposition of fines.

REQUIREMENTS IF JAIL TIME IS IMPOSED

Jail Service Credit (KRS 534.070):

- \$50/day credit for jail service
- \$100/day credit for jail service with community service for 8-hours/day
- 1/8 of \$100 for every hour of community service worked.

A defendant who has completely served his jail sentence cannot continue to be held due to failure to pay a fine.

Limits to Jail Service:

- Felonies: 6 Months
- Misdemeanors: 1/3 of the maximum allowable sentence

Imprisonment may never exceed the maximum sentence the defendant could have gotten for the crime.

KRS 534.060(2)



SPECIFIC LIMITATIONS ON IMPOSING RESTITUTION:

- A defendant is entitled to an itemized statement of damages. *Clayborn*, supra.
- The term “victim” in KRS 532.350(1) means direct victim. It does not include secondary victims. *Blevins v. Commonwealth*, 435 S.W.3d 637 (Ky.App.2014).
- Restitution to a victim does not include loss already covered by insurance and cannot go directly to an insurance company. *Clayborn*, supra.
- Victims have a duty to minimize damages. *Davis v. Fischer Single Family Homes, Ltd.*, 231 S.W.3d 767, 780 (Ky. App. 2007); *Equitable Life Assurance Society of United States v. Merlock*, 69 S.W.2d 12, 15 (1934).
- Restitution can include post-judgment interest. *Hearn v. Commonwealth*, 80 S.W.3d 432 (Ky. 2002). Restitution made pursuant to probation or conditional discharge under KRS 533.030 can also include victim relocation expenses.
- 5% administrative fee goes to the circuit clerk in addition to the actual amount of restitution. KRS 533.030(3)(b).
- Restitution must be ordered in addition to incarceration, diversion, or probation. KRS 532.032(1). *Commonwealth v. O’Bryan*, 97 S.W.3d 454 (Ky.App. 2003). See also KRS 532.358.

PROBATION REVOCATION FOR FAILURE TO PAY FINES, RESTITUTION OR CHILD SUPPORT

Relying on the United States Supreme Court holding in *Bearden v. Georgia*, 461 U.S. 660 (1983), the Supreme Court of Kentucky noted that, “when considering revocation for failure to pay fines and restitution, the trial court must consider (1) whether the probationer made sufficient bona fide attempts to make payments but [had] been unable to do so through no fault of his own and, if so, (2) whether alternatives to imprisonment might suffice to serve interests in punishment and deterrence.” The trial court must specifically identify the evidence it relies upon in making these determinations on the record, as well as the specific reason(s) for revoking probation on the record. *Commonwealth v. Marshall*, 345 S.W.3d 822, 828 (Ky. 2011). See also *Gamble v. Commonwealth*, 293 S.W.3d 406 (Ky.2009).

It was an abuse of discretion to revoke the defendant when the trial court recognized that the defendant was making a good faith effort to comply with her restitution payment schedule, but revoked the defendant anyway. *Wills v. Commonwealth*, 396 S.W.3d 319 (Ky.App.2013). See also *Hamm v. Commonwealth*, 367 S.W.3d 605 (Ky.App.2012).

The *Bearden* standard was applied to fines in Kentucky in *Mauk v. Commonwealth*, 700 S.W.2d 803 (Ky.App.1985), applied to restitution in Kentucky in *Clayborn v. Commonwealth*, 701 S.W.2d 413 (Ky.App.1985), and applied to child support (as a type of restitution) in *Marshall*.

The Supreme Court’s holding in *Bearden*, by logical extension, also applies to the failure to find and/or maintain employment. The court must consider whether the defendant made attempts to find employment but could not. *Mbaye v. Commonwealth*, 382 S.W.3d 69 (Ky. App.2012).

Courts have observed that the receipt of Supplemental Security Income (SSI) benefits does not preclude the enforcement of a child support obligation where there is evidence that the obligor retains or has regained the ability to earn income from which child support could be paid. However, the court is not free to completely disregard the Social Security Administration’s determinations that an SSI recipient is disabled and needs the full amount of his or her award for subsistence. If child support is to be demanded from the SSI benefit, there must be evidence clearly establishing the recipient’s ability to afford the support payment. *Commonwealth v. Ivy*, 353 S.W.3d 324 (Ky. 2011). See also *Com. ex rel. Hale v. Stovall*, 2007 WL 1784081, Ky. App., 2007, unpublished, in which the court did not abuse its discretion when it set the defendant’s child support at \$0.00 because the defendant’s only income was bare subsistence level SSI.

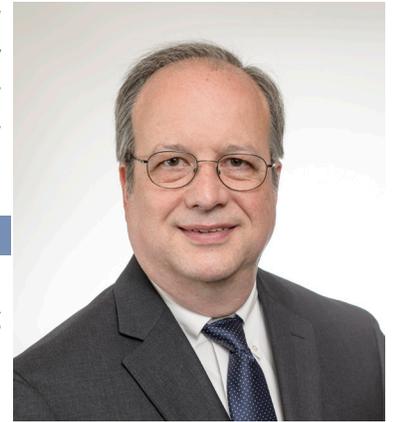
In a revocation for failure to pay child support, the trial court is required to set a purge amount upon its original finding of contempt and imposition of conditional discharge. In order to preserve for appeal the issue of whether the trial court erred in not setting a purge amount following a finding of contempt, the defendant must request a purge amount at the time he was found in contempt. In order to find the defendant in contempt, the court must determine whether the ex-husband made bona fide attempts to make ordered support payments but was unable to do so through no fault of his own, and whether alternatives to imprisonment might accomplish the objectives of the Commonwealth prior to revocation. *Shaffeld v. Commonwealth*, 368 S.W.3d 129 (Ky. Ct. of App. 2012).

The child support guidelines are at KRS 403.211 et seq.

MORE REFORMS ARE NECESSARY

by Ed Monahan

HB 463 (2011) brought substantial savings while not adversely affecting public safety in Kentucky. More reforms are necessary to continue to reduce waste in the Kentucky criminal justice system safely. While Kentucky's crime rate declines, the Kentucky corrections population continues to be above projections at a significant and unnecessary cost to the state with many low and moderate risk persons needlessly confined pretrial.



Ed Monahan
Public Advocate

10 COMMONSENSE WAYS TO REDUCE SAFELY

Defense Generated Alternatives to Incarceration: Each Alternative Sentencing Social Worker brings over \$100,000 in incarceration savings to counties and the state by creating alternatives to incarceration with individualized community-based treatment plans.

Providing Alternative Sentencing Plans for Flagrant NonSupport Instead of Imprisonment:

- Felony Flagrant Nonsupport offenders imprisoned in FY 2015 – 678
- Felony offenders incarcerated on Flagrant Nonsupport only in FY 2015 – 249
- Average sentence length for FY 2015 Flagrant Nonsupport only offenders – 1662 days (4.55 years)
- Total Time served in FY 2015 by Flagrant Nonsupport only offenders – 54,989 days
- A minimum of \$3.8 million per year is spent incarcerating the 249 persons only there on a Nonsupport sentence.

Reducing Days in the County Jail by Creating “Clear and Convincing” Standard for the Pretrial Release Decision:

Considerable savings to county jails that have an average cost of housing an inmate of \$36.25 per day.

Reclassifying Minor Misdemeanors to Violations: Substantial savings to jails, reducing court time, and increasing General Fund revenue from fines.

Creating “Gross Misdemeanor” Classification for Low Level Felonies: Reduction of prison population that has a daily per inmate cost of at least \$46 by lowering the sentence for many non-violent offenses.

Presuming Parole for Eligible Low-Risk Offenders: Since the beginning of FY 2013, over 2,000 low risk inmates have been denied parole, an average of 694 per year. If each of these inmates spent one additional year in custody as a result of that decision, and many have spent much more, the total cost to the taxpayers of these decisions would be between \$36,851,400 and \$46,424,436. That is an average annual cost of between \$12,283,800 and \$15,474,812 per year.

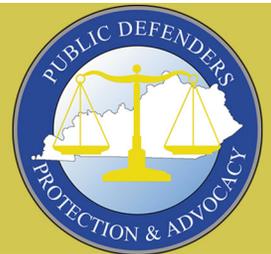
Promoting Employment / Reducing Recidivism by Creating Class D Felony Expungement: If all 94,645 eligible Kentuckians had their felonies expunged, this would mean \$4.7 million to the general fund and \$4.7 million to a trust and agency account for deputy clerks.

Reducing Waste by Limiting Capital Prosecutions: This is neither a liberal nor conservative idea. It is a commonsense idea. Indiana found in 2010 that the average cost of a death penalty case is around \$450,000 with some costing more than \$1 million. Prosecuting a capital case greatly increases costs, even when the result is a sentence of less than death.

Modify Violent offender and PFO Statutes: Ensure that the most costly punishments are used to protect the safety of the public. Changes include: Repeal 10-year parole eligibility requirement for PFO, First-Degree; Eliminate use of prior felonies that have not resulted in imprisonment from PFO; Eliminate PFO 2d. In FY14, the Commonwealth spent \$65,388,822 to incarcerate 2,967 individuals serving PFO-enhanced sentences for non-violent offenses. The average sentence of these individuals is more than 20 years. By the end of their sentence, the total cost will be more than \$1.3 billion to house these non-violent offenders.

Increase the Felony Theft Limit from \$500 to \$2000: As of January 1, 2014, there were 758 inmates serving felony sentences for only non-violent theft convictions. Over the course of a year, this number of inmates costs the state \$9,570,015 to incarcerate.

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IN THIS MONTH'S ADVOCATE

**COSTS, FEES, FINES AND RESTITUTION:
A PRACTITIONERS GUIDE**

QUICK REFERENCE: FINES, FEES AND RESTITUTION

MORE REFORMS ARE NECESSARY

Including: 10 Commonsense Ways to Reduce Safely