

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1083, Page 1, Section 476.419, Line 15, by
2 inserting after all of said section and line the following:

3
4 "543.270. ~~[1. When any person shall be unable to pay any fine and costs assessed against him, the~~
5 ~~associate circuit judge shall have power, at the request of the defendant, to commute such fine and costs to~~
6 ~~imprisonment in the county jail, which shall be credited at the rate of ten dollars of such fine and costs for~~
7 ~~each day's imprisonment.~~

8 ~~_____ 2.] When a fine is assessed by [an] a municipal judge, associate circuit judge, or circuit judge, it shall~~
9 ~~be within his or her discretion to provide for the payment of the fine on an installment basis under such terms~~
10 ~~and conditions as he or she may deem appropriate. In no event shall the recovery of costs incurred by a~~
11 ~~municipality or county for the detention, imprisonment, or holding of any person be the subject of any~~
12 ~~condition of probation, nor shall the failure to pay such costs be the sole basis for the issuance of a warrant.~~

13 ~~558.006. [1.] When an offender sentenced to pay a fine defaults in the payment of the fine or in any~~
14 ~~installment, [the court upon motion of the prosecuting attorney or upon its own motion may require him or~~
15 ~~her to show cause why he or she should not be imprisoned for nonpayment. The court may issue a warrant of~~
16 ~~arrest or a summons for his or her appearance.~~

17 ~~_____ 2. Following an order to show cause under subsection 1 of this section, unless the offender shows~~
18 ~~that his or her default was not attributable to an intentional refusal to obey the sentence of the court, or not~~
19 ~~attributable to a failure on his or her part to make a good faith effort to obtain the necessary funds for~~
20 ~~payment, the court may order the defendant imprisoned for a term not to exceed one hundred eighty days if~~
21 ~~the fine was imposed for conviction of a felony or thirty days if the fine was imposed for conviction of a~~
22 ~~misdemeanor or infraction. The court may provide in its order that payment or satisfaction of the fine at any~~
23 ~~time will entitle the offender to his or her release from such imprisonment or, after entering the order, may at~~
24 ~~any time reduce the sentence for good cause shown, including payment or satisfaction of the fine.~~

25 ~~_____ 3. If it appears that the default in the payment of a fine is excusable under the standards set forth in~~
26 ~~subsection 2 of this section, the court may enter an order allowing the offender additional time for payment,~~
27 ~~reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or~~
28 ~~in part.~~

29 ~~_____ 4. When a fine is imposed on a corporation it is the duty of the person or persons authorized to make~~
30 ~~disbursement of the assets of the corporation and their superiors to pay the fine from the assets of the~~
31 ~~corporation. The failure of such persons to do so shall render them subject to imprisonment under~~
32 ~~subsections 1 and 2 of this section.~~

33 ~~_____ 5. Upon default in the payment of a] the fine or [any] installment [thereof, the fine may] shall be~~
34 ~~collected by any means authorized for the [enforcement] collection of money judgments, or may be waived at~~
35 ~~the discretion of the sentencing judge."; and~~

36
37 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken _____ Date _____