

532.160 Criminal garnishment.

- (1) If a convicted person is unable to pay all court costs, fees, fines, and other monetary penalties at the time of sentencing, then the sentencing court may, consistent with KRS 23A.205, 24A.175, 534.020, and KRS 534.060, issue a criminal garnishment order for all fines under KRS Chapter 534 or KRS 346.185 and for court costs, restitution, and reimbursement charges in this chapter.
- (2) A criminal garnishment applies to any of the following:
 - (a) A convicted person's earnings as defined in KRS 427.005;
 - (b) Indebtedness that is owed to a convicted person by a garnishee for amounts that are not earnings;
 - (c) Money that is held by a garnishee on behalf of a convicted person;
 - (d) The convicted person's personal property that is in the possession of a garnishee; or
 - (e) If the garnishee is a corporation, shares or securities of a corporation or a proprietary interest in a corporation that belongs to a convicted person.
- (3) The debt associated with a criminal garnishment shall constitute a charge against the estate of any decedent owing moneys under this chapter.
- (4) The sentencing court shall combine all fines, court costs, restitution, and reimbursement charges in a single order of garnishment.
- (5) The sentencing court shall require payment of restitution to the victim of the offense before payments of any moneys to the government or a government agency.
- (6) The court shall order payments made under this section to be paid by the defendant directly to the person or organization specified by written order of the court. The court shall not order payments of an order of criminal garnishment to be made through the circuit clerk, except for those payments due from a person under the supervision of the Department of Corrections.

Effective: August 1, 2002

History: Amended 2002 Ky. Acts ch. 183, sec. 31, effective August 1, 2002. -- Created 1998 Ky. Acts ch. 606, sec. 172, effective July 15, 1998.