

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB145

Chairperson: Senator Laura Ebke

Committee: Judiciary

Date of Hearing: March 16, 2017

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 145 amends a number of provisions relating to the imposition of fines for criminal and traffic offenses.

The bill would require a court, prior to imposing a jail sentence to secure the payment of a fine, to specifically find that a defendant has the financial ability to pay such fine. If the court finds that a defendant does not have the financial ability to pay a fine, the court may impose sentence without a fine or may discharge an order of fines or costs. It further allows for courts to order that fines may be paid by installments or that defendants may perform community service as an alternative to payment of a fine.

The bill also provides a procedure in which a defendant, who is arrested on a warrant for failing to pay fines or costs, may appear before a court to determine whether such defendant has the financial ability to pay a fine. The court could then allow such defendant to pay in installments or perform community service. LB 145 also allows for a process in which a defendant who owes fines or costs may request a hearing before the court to show that he or she is not able to pay such fine.'

LB 145 would also implement similar provisions for procedures related to the revocation of an operator's license for fines from traffic offenses. It would provide the opportunity for a defendant to request a hearing before a court prior to the due date for the fine to request additional time to pay, or to argue that he or she does not have the financial ability to pay such fine. Similar to other provisions in the bill, LB 145 allows the court to give the defendant an opportunity to perform community service or to discharge the fine amount if the defendant does not have the financial ability to pay.

Finally, under current law, a defendant may 'sit out' a fine in jail at a rate of \$90 per day. This rate has not been adjusted since 2010. LB 145 would increase this rate to \$150 per day.

Principal Introducer: _____

Senator Matt Hansen