

REFERENCE TITLE: Installment Payment Of Fines

JAN 10 1971

State of Arizona
Senate
Thirtieth Legislature
Second Regular Session

S. B. 1063

for Court

Introduced by Sandra O'Connor

AN ACT

RELATING TO CRIMES; PROVIDING FOR PAYMENT OF FINES ON INSTALLMENT BASIS, AND AMENDING TITLE 13, CHAPTER 6, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-1659 TO 13-1661, INCLUSIVE.

- 1 Be it enacted by the Legislature of the State of Arizona:
- 2 Section 1. Title 13, chapter 6, article 7, Arizona Revised
- 3 Statutes, is amended by adding sections 13-1659 to 13-1661, inclusive,
- 4 to read:
- 5 13-1659. Fines; time and method of payment
- 6 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY:
- 7 1. WHEN A DEFENDANT IS SENTENCED TO PAY A FINE, THE COURT MAY
- 8 GRANT PERMISSION FOR THE PAYMENT TO BE MADE WITHIN A SPECIFIED PERIOD
- 9 OF TIME OR IN SPECIFIED INSTALLMENTS. IF NO SUCH PERMISSION IS EMBODIED
- 10 IN THE SENTENCE, THE FINE SHALL BE PAYABLE FORTHWITH.
- 11 2. WHEN A DEFENDANT SENTENCED TO PAY A FINE IS ALSO SENTENCED TO
- 12 PROBATION, THE COURT MAY MAKE THE PAYMENT OF THE FINE A CONDITION OF
- 13 PROBATION.
- 14 13-1660. Consequences of nonpayment; imprisonment for
- 15 contumacious nonpayment; summary collection
- 16 A. WHEN A DEFENDANT SENTENCED TO PAY A FINE DEFAULTS IN THE
- 17 PAYMENT THEREOF OR OF ANY INSTALLMENT, THE COURT, UPON ITS OWN MOTION,

1 MAY REQUIRE HIM TO SHOW CAUSE WHY HIS DEFAULT SHOULD NOT BE TREATED
2 AS CONTUMACIOUS AND MAY ISSUE A SUMMONS OR A WARRANT OF ARREST FOR
3 HIS APPEARANCE. UNLESS THE DEFENDANT SHOWS THAT HIS DEFAULT WAS NOT
4 ATTRIBUTABLE TO A WILFUL REFUSAL TO OBEY THE ORDER OF THE COURT OR TO
5 A FAILURE ON HIS PART TO MAKE A GOOD FAITH EFFORT TO OBTAIN THE FUNDS
6 REQUIRED FOR THE PAYMENT, THE COURT SHALL FIND THAT HIS DEFAULT WAS
7 CONTUMACIOUS AND MAY ORDER HIM COMMITTED UNTIL THE FINE OR A SPECIFIED
8 PART THEREOF IS PAID. THE TERM OF IMPRISONMENT FOR SUCH CONTUMACIOUS
9 NONPAYMENT OF THE FINE SHALL BE SPECIFIED IN THE ORDER OF COMMITMENT
10 AND SHALL NOT EXCEED ONE DAY FOR EACH FIVE DOLLARS OF THE FINE, THIRTY
11 DAYS IF THE FINE WAS IMPOSED UPON CONVICTION OF A VIOLATION OF A MISDE-
12 MEANOR OR ONE YEAR IN ANY OTHER CASE, WHICHEVER IS THE SHORTER PERIOD.
13 A DEFENDANT COMMITTED FOR NONPAYMENT OF A FINE SHALL BE GIVEN CREDIT
14 TOWARDS ITS PAYMENT FOR EACH DAY OF IMPRISONMENT, AT THE RATE SPECIFIED
15 IN THE ORDER OF COMMITMENT.

16 B. IF IT APPEARS THAT THE DEFENDANT'S DEFAULT IN THE PAYMENT OF
17 A FINE IS NOT CONTUMACIOUS, THE COURT MAY MAKE AN ORDER ALLOWING THE
18 DEFENDANT ADDITIONAL TIME FOR PAYMENT, REDUCING THE AMOUNT THEREOF OR
19 OF EACH INSTALLMENT, OR REVOKING THE FINE OR THE UNPAID PORTION THEREOF
20 IN WHOLE OR IN PART.

21 C. UPON ANY DEFAULT IN THE PAYMENT OF A FINE OR ANY INSTALLMENT
22 THEREOF, EXECUTION MAY BE LEVIED AND SUCH OTHER MEASURES MAY BE TAKEN
23 FOR THE COLLECTION OF THE FINE OR THE UNPAID BALANCE THEREOF AS ARE
24 AUTHORIZED FOR THE COLLECTION OF AN UNPAID CIVIL JUDGMENT ENTERED AGAINST
25 THE DEFENDANT IN AN ACTION ON A DEBT. THE LEVY OF EXECUTION FOR THE
26 COLLECTION OF A FINE SHALL NOT DISCHARGE A DEFENDANT COMMITTED TO
27 IMPRISONMENT FOR NONPAYMENT OF THE FINE UNTIL THE AMOUNT OF THE FINE
28 HAS ACTUALLY BEEN COLLECTED.

29 13-1661. Revocation of fine

30 A DEFENDANT WHO HAS BEEN SENTENCED TO PAY A FINE AND WHO IS NOT
31 IN CONTUMACIOUS DEFAULT IN THE PAYMENT THEREOF MAY AT ANY TIME PETITION
32 THE COURT WHICH SENTENCED HIM FOR A REVOCATION OF THE FINE OR OF ANY
33 UNPAID PORTION THEREOF. IF IT APPEARS TO THE SATISFACTION OF THE COURT

1 THAT THE CIRCUMSTANCES WHICH WARRANTED THE IMPOSITION OF THE FINE HAVE
2 CHANGED OR THAT IT WOULD OTHERWISE BE UNJUST TO REQUIRE PAYMENT THE
3 COURT MAY REVOKE THE FINE OR THE UNPAID PORTION THEREOF IN WHOLE OR IN
4 PART.