

ADOPTED

Representatives Coomer of the 14th, Golick of the 40th, and Efstration of the 104th offer the following amendment:

1 *Amend the House Committee on Judiciary, Non-civil substitute to SB 407 (LC 29 8110S) by*
2 *replacing "superior" with "state" on line 170.*

3 *By replacing lines 544 through 564 with the following:*

4 A defendant shall be required to serve the number of hours in community service which
5 equals the number derived by dividing the amount ~~of the fine~~ owed by the defendant,
6 including moneys assessed by a provider of probation services, by the federal minimum
7 hourly wage or by the amount specified by the ~~sentencing judge~~ court. If the court orders
8 educational advancement, the court shall determine the numbers of hours required to be
9 completed. Prior to or subsequent to sentencing, a defendant, or subsequent to
10 sentencing, a community supervision officer, may request that the court make all or any
11 portion of ~~a fine~~ the amount owed by the defendant be satisfied under this subsection.
12 (4) At the time of sentencing, the court may waive the imposition of a fine, exclusive of
13 the payment of statutory surcharges, upon a determination that a defendant has a
14 significant financial hardship or inability to pay or other extenuating factors exist that
15 prohibit payment or collection of such fine. When determining significant financial
16 hardship, the court may consider whether the defendant is indigent and whether the
17 defendant or his or her dependents has a developmental disability or is totally and
18 permanently disabled. If the court waives the imposition of a fine under this paragraph,
19 it shall instead impose a theoretical fine and the defendant shall be required to pay the
20 statutory surcharges associated therewith."