

CHAPTER 139: GENERAL PENALTY FOR TITLE XIII

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§ 139.01 FINES FOR MISDEMEANORS AND VIOLATIONS.

(A) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized a fine may be levied in addition to the imprisonment or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether or not the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury, the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(B) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any offense other than a felony shall be sentenced to pay a fine in an amount not to exceed:

- (1) For a Class A misdemeanor, \$500; or
- (2) For a Class B misdemeanor, \$250; or
- (3) For a violation, \$250.

(C) This section does not apply to a corporation.
(KRS 534.040)

§ 139.02 SENTENCE OF IMPRISONMENT FOR MISDEMEANOR.

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

(A) For a Class A misdemeanor, the term shall not exceed 12 months; and

(B) For a Class B misdemeanor, the term shall not exceed 90 days.
(KRS 532.090)

§ 139.03 FINES FOR FELONIES.

(A) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any felony and granted a sentence of probation or conditional discharge shall be sentenced to pay a fine in an amount not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000) or double his gain from commission of the offense, whichever is the greater.

(B) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

(1) The defendant's ability to pay the amount of the fine;

(2) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;

(3) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and

(4) The amount of the defendant's gain, if any, derived from the commission of the offense.

(C) When a defendant is convicted of two or more felonies committed through a single act and is sentenced to fines pursuant to division (A) above, the aggregate amount of such fines shall not exceed \$10,000 or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(D) This section does not apply to a corporation.
(KRS 534.030)

§ 139.04 SENTENCE OF IMPRISONMENT FOR FELONY.

(A) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by division (B) below, and subject to modification by the trial judge pursuant to KRS 532.070.

(B) The authorized maximum terms of imprisonment for felonies are:

(1) For a Class A felony, not less than 20 years nor more than life imprisonment;

(2) For a Class B felony, not less than 10 years nor more than 20 years;

(3) For a Class C felony, not less than 5 years nor more than 10 years; and

(4) For a Class D felony, not less than one year nor more than 5 years.

(C) The actual time of release within the maximum established by division (A) above, or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

(KRS 532.060)