

(g) **SECURITY FOR STAYED FINE.**—If a sentence imposing a fine is stayed, the court shall, absent exceptional circumstances (as determined by the court)—

(1) require the defendant to deposit, in the registry of the district court, any amount of the fine that is due;

(2) require the defendant to provide a bond or other security to ensure payment of the fine; or

(3) restrain the defendant from transferring or dissipating assets.

(h) **DELINQUENCY.**—A fine or payment of restitution is delinquent if a payment is more than 30 days late.

(i) **DEFAULT.**—A fine or payment of restitution is in default if a payment is delinquent for more than 90 days. Notwithstanding any installment schedule, when a fine or payment of restitution is in default, the entire amount of the fine or restitution is due within 30 days after notification of the default, subject to the provisions of section 3613A.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1995; amended Pub. L. 100-185, §7, Dec. 11, 1987, 101 Stat. 1280; Pub. L. 101-647, title XXXV, §3587, Nov. 29, 1990, 104 Stat. 4930; Pub. L. 103-322, title II, §20403(a), Sept. 13, 1994, 108 Stat. 1825; Pub. L. 104-132, title II, §207(b), Apr. 24, 1996, 110 Stat. 1236.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (c)(2), are set out in the Appendix to this title.

##### PRIOR PROVISIONS

For a prior section 3572, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

##### AMENDMENTS

1996—Subsec. (b). Pub. L. 104-132, §207(b)(1), inserted “other than the United States,” after “offense.”

Subsec. (d). Pub. L. 104-132, §207(b)(2)(A), (B), substituted “(1) A person sentenced to pay a fine or other monetary penalty, including restitution,” for “A person sentenced to pay a fine or other monetary penalty” and struck out at end “If the judgment permits other than immediate payment, the period provided for shall not exceed five years, excluding any period served by the defendant as imprisonment for the offense.”

Subsec. (d)(2), (3). Pub. L. 104-132, §207(b)(2)(C), added pars. (2) and (3).

Subsec. (f). Pub. L. 104-132, §207(b)(3), inserted “restitution” after “special assessment.”

Subsec. (h). Pub. L. 104-132, §207(b)(4), inserted “or payment of restitution” after “A fine”.

Subsec. (i). Pub. L. 104-132, §207(b)(5), inserted “or payment of restitution” after “A fine” in first sentence and amended second sentence generally. Prior to amendment, second sentence read as follows: “When a fine is in default, the entire amount of the fine is due within 30 days after notification of the default, notwithstanding any installment schedule.”

1994—Subsec. (a)(6) to (8). Pub. L. 103-322 added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

1990—Subsec. (c)(2). Pub. L. 101-647 inserted “of the Federal Rules of Criminal Procedure” after “rule 35”.

1987—Pub. L. 100-185 inserted “and related matters” in section catchline and amended text generally, revis-

ing and restating as subsecs. (a) to (i) provisions formerly contained in subsecs. (a) to (j).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 to be effective, to extent constitutionally permissible, for sentencing proceedings in cases in which defendant is convicted on or after Apr. 24, 1996, see section 211 of Pub. L. 104-132, set out as a note under section 2248 of this title.

##### EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

#### § 3573. Petition of the Government for modification or remission

Upon petition of the Government showing that reasonable efforts to collect a fine or assessment are not likely to be effective, the court may, in the interest of justice—

(1) remit all or part of the unpaid portion of the fine or special assessment, including interest and penalties;

(2) defer payment of the fine or special assessment to a date certain or pursuant to an installment schedule; or

(3) extend a date certain or an installment schedule previously ordered.

A petition under this subsection shall be filed in the court in which sentence was originally imposed, unless the court transfers jurisdiction to another court. This section shall apply to all fines and assessments irrespective of the date of imposition.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1997; amended Pub. L. 100-185, §8(a), Dec. 11, 1987, 101 Stat. 1282; Pub. L. 100-690, title VII, §7082(a), Nov. 18, 1988, 102 Stat. 4407.)

#### Editorial Notes

##### PRIOR PROVISIONS

For a prior section 3573, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

##### AMENDMENTS

1988—Pub. L. 100-690 inserted at end “This section shall apply to all fines and assessments irrespective of the date of imposition.”

1987—Pub. L. 100-185 substituted “Petition of the Government for modification or remission” for “Modification or remission of fine” in section catchline and amended text generally, revising and restating as a single paragraph with three numbered clauses provisions formerly contained in subsecs. (a) and (b).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

#### § 3574. Implementation of a sentence of fine

The implementation of a sentence to pay a fine is governed by the provisions of subchapter B of chapter 229.