until the estate receives a written release of that liability.''

1996—Pub. L. 104–132 amended section generally, reenacting section catchline without change and substituting, in subsec. (a), provisions relating to enforcement for provisions relating to lien, in subsec. (b), provisions relating to termination of liability for provisions relating to expiration of lien, in subsec. (c), provisions relating to lien for provisions relating to application of other lien provisions, in subsec. (d), provisions relating to effect of filing notice of lien for provisions relating to effect of notice of lien, in subsec. (e), provisions relating to inapplicability of bankruptcy discharges of debt for provisions relating to alternative enforcement, and in subsec. (f), provisions relating to applicability of order of restitution for provisions relating to inapplicability of bankruptcy discharges of debt.

1990—Subsec. (c). Pub. L. 101–647, which directed amendment of ''Section 3613(c)'' by striking the period before the closing quotation marks and inserting a period after such marks, without identifying a Code title or Act for section 3613, was executed by substituting ''construed to mean 'fine'.'' for ''construed to mean 'fine.' '' in subsec. (c) of this section to reflect the probable intent of Congress.

1986—Subsecs. (b) to (d). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'' wherever appearing.

§ 3613A. Effect of default

(a)(1) Upon a finding that the defendant is in default on a payment of a fine or restitution, the court may, pursuant to section 3565, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, resentence a defendant pursuant to section 3614, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, enter or adjust a payment schedule, or take any other action necessary to obtain compliance with the order of a fine or restitution.

(2) In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the fine or restitution order, and any other circumstances that may have a bearing on the defendant's ability or failure to comply with the order of a fine or restitution.

(b)(1) Any hearing held pursuant to this section may be conducted by a magistrate judge, subject to de novo review by the court.

(2) To the extent practicable, in a hearing held pursuant to this section involving a defendant who is confined in any jail, prison, or other correctional facility, proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other communications technology without removing the prisoner from the facility in which the prisoner is confined.

(Added Pub. L. 104–132, title II, § 207(c)(4), Apr. 24, 1996, 110 Stat. 1239.)

§ 3614. Resentencing upon failure to pay a fine or restitution

(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine or restitution the court may resentence the defendant to any sentence which might originally have been imposed.

(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

(c) EFFECT OF INDIGENCY.—In no event shall a defendant be incarcerated under this section solely on the basis of inability to make payments because the defendant is indigent.

(Added Pub. L. 98–473, title II, § 212(a)(2), Oct. 12, 1984, 98 Stat. 2006; amended Pub. L. 104–132, title II, § 207(c)(5), Apr. 24, 1996, 110 Stat. 1240.)

§ 3615. Criminal default

Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not