



COLLECTING CRIMINAL JUSTICE DEBT THROUGH THE STATE CIVIL JUSTICE SYSTEM

APPENDIX B

STATUTES ALLOWING FINES, COURT COSTS, OR INDIGENT DEFENSE COSTS TO BE TREATED AS CIVIL JUDGMENTS

CITATION	TEXT OR SUMMARY	TYPE OF FINANCIAL OBLIGATION
Alaska Stat. Ann. § 12.55.051(d)	“The state may enforce payment of a fine against a defendant under AS 09.35 as if the order were a civil judgment enforceable by execution. This subsection does not limit the authority of the court to enforce fines.”	Fines.
Ark. Code Ann. § 5-4-204	“(a) When a defendant sentenced to pay a fine or costs defaults in the payment of the fine or costs or of any installment, the fine or costs may be collected by any means authorized for the enforcement of a money judgment in a civil action. (b) A judgment that the defendant pay a fine or costs constitutes a lien on the real property and personal property of the defendant in the same manner and to the same extent as a money judgment in a civil action.”	Fines and costs.
Del. Code tit. 11, § 4104(b)	“Immediately upon imposition by a court, including a justice of the peace, of any sentence to pay a fine, costs, restitution or all 3, the same shall be a judgment against the convicted person for the full amount of the fine, costs, restitution or all 3, assessed by the sentence. Such judgment shall be immediately executable, enforceable and/or transferable by the State or by the victim to whom such restitution is ordered in the same manner as other judgments of the court. If not paid promptly upon its imposition or in accordance with the terms of the order of the court, or immediately if so requested by the State, the clerk or Prothonotary shall cause the judgment to be entered upon the civil judgment docket of the court. . . .”	Fine, costs, and restitution.
Del. Code tit. 10, § 8603	Statute allows court to use its contempt power to enforce an order to pay defense costs. It also provides: “(e)A default in the payment of defense costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of such payment shall not discharge a defendant committed for imprisonment for contempt until the full amount of the fine has actually been collected. The court shall have the power to pursue civil enforcement to obtain the money due on behalf of the State, and to also pursue criminal remedies when civil means are not effective.”	Indigent defense costs.

CITATION	TEXT OR SUMMARY	TYPE OF FINANCIAL OBLIGATION
Fla. Stat. § 938.30	Statute provides that the court may enter judgment upon any court-imposed financial obligation and issue any writ necessary to enforce the judgment in the manner allowed in civil cases. It also provides that “The provisions of this section may be used in addition to, or in lieu of, other provisions of law for enforcing payment of court-imposed financial obligations in criminal cases. “	Any court-imposed financial obligation.
Haw. Rev. Stat. § 291C-171.5	Fines and court costs can be collected in the same manner as a civil judgment, including recovery of court costs and reasonable attorney fees. Specifies that no person shall be imprisoned for failure to pay costs.	Fines and court costs.
Haw. Rev. Stat. § 706-644(5)	Fees, fines, costs or restitution may be collected in the same manner as a civil judgment.	Fees, fines, costs, and restitution.
Iowa Code Ann. § 909.6(1)	“Whenever a court has imposed a fine on any defendant, the judgment in such case shall state the amount of the fine, and shall have the force and effect of a judgment against the defendant for the amount of the fine. The law relating to judgment liens, executions, and other process available to creditors for the collection of debts shall be applicable to such judgments; provided, that no law exempting the personal property of the defendant from any lien or legal process shall be applicable to such judgments.”	Fines.
Iowa Code § 815.9(7), (8)	Statute provides that a judgment for unpaid indigent defense fees may be enforced in the same manner as a civil judgment, and that a defendant who is employed must execute a wage assignment.	Indigent defense fees.
La. Crim. Proc. Art. 886	“In the event of nonpayment of a fine, nonpayment of restitution to the victim, or nonpayment of a fine and costs, within sixty days after the sentence was imposed, and if no appeal is pending, the court which imposed the sentence may sign a judgment against the defendant in a sum equal to the fine or restitution plus judicial interest to begin sixty days after the sentence was imposed plus all costs of the criminal proceeding and subsequent proceedings necessary to enforce the judgment in either civil or criminal court, or both. Collection of the judgment may be enforced in either criminal or civil court, or both, in the same manner as a money judgment in a civil case. . . .”	Fine, fine and costs, or restitution.
Md. Cts. & Jud. Proc. § 7-505(a)	“Unpaid and undischarged fines and unpaid costs may be levied, executed on, and collected in the same manner as judgments in civil cases.” Also provides that costs are not part of the penalty, and a defendant may not be imprisoned for failure to pay costs.	Fines and costs.
Miss. Code Ann. 99-37-13	“A default in the payment of a fine or costs or failure to make restitution or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or restitution shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or restitution has actually been collected.”	Fines, costs, or restitution.
Mo. Stat. Ann. § 558.006	Statute provides: “In case of default, payment of a fine or installment may be collected by any means authorized for the collection of money judgments, other than a lien against real estate, or may be waived in the discretion of the sentencing judge.” The reference to “installment” appears to be a reference to § 558.004, which allows the court to order installment payments on fines.	Fine.

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N.J. Stat. Ann. § 2C:46-2(b)	“Upon any default in the payment of a fine, assessment imposed pursuant to section 2 of P.L.1979, c. 396 (C.2C:43-3.1), monthly probation fee, a penalty imposed pursuant to section 1 of P.L.1999, c. 295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001, c. 81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005, c. 73 (C.2C:14-10), other financial penalties, restitution, or any installment thereof, execution may be levied and such other measures may be taken for collection of it or the unpaid balance thereof as are authorized for the collection of an unpaid civil judgment entered against the defendant in an action on a debt.”	Fines, various specified assessments, probation fees, other financial penalties, and restitution.
N.Y. Crim. Proc. Law § 420.10 (6)(a)	“A fine, restitution or reparation imposed or directed by the court shall be imposed or directed by a written order of the court [...] Such order shall be entered by the county clerk in the same manner as a judgment in a civil action [...] The entered order shall be deemed to constitute a judgment-roll as defined in section five thousand seventeen of the civil practice law and rules and immediately after entry of the order, the county clerk shall docket the entered order as a money judgment pursuant to section five thousand eighteen of such law and rules.”	Fine, restitution, or reparation.
Ohio Rev. Code § 2929.18(D)	“Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. . . . Imposition of a financial sanction and execution on the judgment does not preclude any other power of the court to impose or enforce sanctions on the offender.” Subsection (D)(1) specifies that the state or the victim may use all the procedures available to enforce a civil judgment, including garnishment, execution and property liens. § 2929.18 deals with felonies; § 2929.28 has similar provisions regarding misdemeanors, and provides: “The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.”	Fines, court costs, supervision fees, costs of confinement, many other fees, restitution.
Or. Rev. Stat. § 137.450	“A judgment against the defendant or complainant in a criminal action, so far as it requires the payment of a fine, fee, assessment, costs and disbursements of the action or restitution, may be enforced as a judgment in a civil action.”	Fine, fee, assessment, costs and disbursements, or restitution.
42 Pa. Stat. Ann. § 9728(b) (1)	“The county clerk of courts [the term in Pennsylvania for the clerk of the criminal side of the court of common pleas] shall, upon sentencing, pretrial disposition or other order, transmit to the prothonotary [the term in Pennsylvania for the clerk of the civil side of the court of common pleas] certified copies of all judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, exceed \$1,000, and it shall be the duty of each prothonotary to enter and docket the same of record in his office and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.” If the amount is less than \$1,000, § 9728(b)(2) provides that transmitting the order for entry as a civil judgment is allowed, but not mandatory.	Fines, penalties, fees, costs, restitution, and reparation.

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S.C. Code § § 17-25-323	If defendant is delinquent on court ordered payments, court may, after a hearing, enter a civil judgment in favor of the state for any fines, costs, fees, surcharges or assessments or, for restitution, a judgment in favor of the victim, including costs and reasonable attorney fees. This must be done before the defendant's period of probation or parole expires.	Fines, costs, fees, surcharges, assessments, and restitution.
S.C. Code § § 17-25-325	"The sentence and judgment of the court of general sessions in a criminal case against an individual may be enforced in the same manner by execution against the property of the defendant as is provided by law for enforcing the judgments of the courts of common pleas in civil actions."	
S.D. Codified Laws § 23A-27-25.6	"If the sentence includes a fine, costs, or restitution, execution may issue thereon as a judgment against the convicted defendant in a civil action. Such a judgment is a lien and may be docketed and collected in the same manner. If the defendant is in default on payment, the levy or execution for the collection of the fine, costs, or restitution, do not discharge a defendant committed to imprisonment for contempt pursuant to this chapter until the amount due has actually been collected." In addition, § 23A-27-26 provides that payment of costs may be enforced as a civil judgment.	Fines, costs, or restitution.
Tenn. Code Ann. § 40-24-105(a)	"Unless discharged by payment or service of imprisonment in default of a fine, a fine may be collected in the same manner as a judgment in a civil action. The trial court may also enforce all orders assessing any fine remaining in default by contempt upon a finding by the court that the defendant has the present ability to pay the fine and willfully refuses to pay. Costs and litigation taxes due may be collected in the same manner as a judgment in a civil action, but shall not be deemed part of the penalty, and no person shall be imprisoned under this section in default of payment of costs or litigation taxes."	Fines, costs, and litigation taxes.
Utah Code § 77-18-6	In cases not supervised by the Department of Corrections, the court clerk is to transfer responsibility to collect delinquent fines, forfeitures, surcharges, costs or fees to the Office of State Debt Collection and record a civil judgment in favor of that Office for the amount due. For restitution, the clerk records judgment in favor of the victim. "(b)(2) When a fine, forfeiture, surcharge, cost, fee, or restitution is recorded in the registry of civil judgments, the judgment: (a) constitutes a lien; (b) has the same effect and is subject to the same rules as a judgment for money in a civil action; and (c) may be collected by any means authorized by law for the collection of a civil judgment." In addition, § 77-19-1 provides that when a fine or costs are not paid as ordered, execution or garnishment may be issued as on a judgment in a civil action. § 77-18-7 provides: "Unless specifically authorized by statute, a defendant shall not be required to pay court costs in a criminal case either as a part of a sentence or as a condition of probation or dismissal."	Fines, forfeitures, surcharges, costs, fees, and restitution.

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CITATION	TEXT OR SUMMARY	TYPE OF FINANCIAL OBLIGATION
Vt. Stat. Ann. tit. 13, § 7173	<p>“A mittimus issued by a court for the collection of a penalty, and fine in criminal prosecutions, in the discretion of such court, in addition to the prescribed form, may be issued against the goods, chattels, or lands of the respondent in the form in which executions are issued. Such mittimus may be levied upon the goods, chattels, or lands of the respondent, and the same sold in satisfaction thereof as in the sale of personal property or real estate upon execution.”</p> <p>In addition, Vt. Stat. Ann. tit. 13, § 7180 allows the use of civil contempt for nonpayment of “all financial assessments, including penalties, fines, surcharges, court costs, and any other assessments imposed by statute as part of a sentence for a criminal conviction.”</p>	Penalty and fine.
Wash. Rev. Code Ann. § 10.82.010	<p>“Upon a judgment for fine and costs, and for all adjudged costs, execution shall be issued against the property of the defendant, and returned in the same manner as in civil actions.”</p>	Fine and costs.
W. Va. Code § 62-5-7	<p>“In every criminal case the clerk of the court in which the accused is convicted shall, as soon as may be, make up a statement of all the expenses incident to the prosecution, including such as are certified to him by a justice under the preceding section; and execution for the amount of such expenses shall be issued and proceeded with, and article four of this chapter shall apply thereto in like manner as if, on the day of completing such statement, there was judgment in such court in favor of the State against the accused for such amount as a fine.”</p>	Expenses incident to the prosecution.
Wis. Stat. § 973.05	<p>“(4) If a defendant fails to pay the fine, surcharge, costs, or fees within the period specified under sub. (1) or (1m), the court may do any of the following:</p> <p>(a) Issue a judgment for the unpaid amount and direct the clerk to file and docket a transcript of the judgment, without fee. If the court issues a judgment for the unpaid amount, the court shall send to the defendant at his or her last-known address written notification that a civil judgment has been issued for the unpaid fine, surcharge, costs, or fees. The judgment has the same force and effect as judgments docketed under s. 806.10 [which deals with civil judgments].”</p>	Fine, surcharge, costs, or fees.
Wyo. Stat. Ann. § 7-13-109(b)	<p>“An order to pay room and board costs [for jail] under this section shall be included as a special order in the judgment of conviction. To satisfy the order, the clerk of the sentencing court, upon request of the sheriff or prosecuting attorney, may issue execution against any assets of the defendant including wages subject to attachment, in the same manner as in a civil action.”</p>	Jail costs.