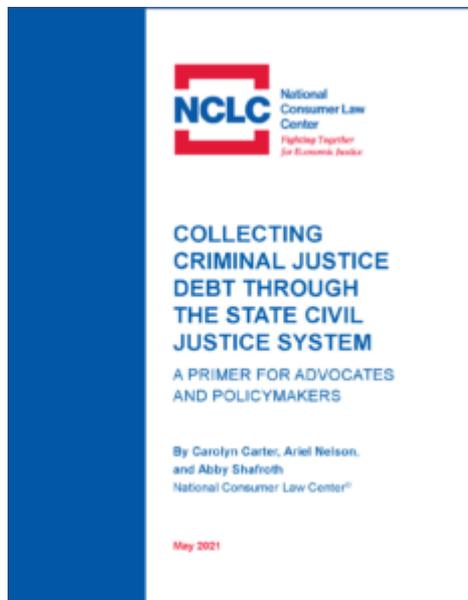


Collecting Criminal Justice Debt Through the State Civil Justice System: a Primer for Advocates & Policymakers



- Report
- Appendix A: State Laws Allowing Restitution Obligation to Be Treated as a Civil Judgement
- Appendix B: Statutes Allowing Fines, Court Costs, or Indigent Defense Costs to Be Treated as Civil Judgements
- Table 1: Statutes Denying the Usual Exemption Rules to Criminal Justice Debt
- Table 2: At a Glance: Will Moving Collection of Criminal Justice Debt to the Civil Justice Collection System Achieve the Improvements Advocates Seek?

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Overview

The use of the criminal justice system to collect fines, fees, restitution, and other types of criminal justice debt has been condemned as punitive, self-defeating, discriminatory, and, in some cases, unconstitutional. This National Consumer Law Center report looks at the advantages and disadvantages of using a state's existing civil justice system as an alternative.

Key Recommendations

Using the civil justice system to collect criminal justice debt offers the hope of a fairer, less punitive,

and less self-defeating system. But advocates and policymakers should not assume that the existing civil justice collection system in their state offers the improvements they seek. If advocates and policymakers decide they should move collection of criminal justice debt to the civil system, they should ensure that their proposal:

- Identifies collection through the civil justice system as the exclusive method of collection.
- Makes the state's ban on imprisonment for civil debt watertight, and ensures that it applies to criminal justice debt.
- Takes the debtor's ability to pay into account at the point of imposition and the point of enforcement.
- Preserves the sentencing court's authority to order remission of criminal justice debt.
- Preserves a basic income and essential property from collection.
- Prevents the amount of debt from ballooning.
- Applies reasonable time limits to efforts to enforce the debt.
- Reduces or eliminates collateral consequences of criminal justice debt.
- Strips away any financial incentives that could lead to overuse or misuse of civil justice collection methods.

Please read the report for the full list of recommendations.

Related Resources

Online Content

- NCLC's work on criminal justice
- Report: Criminal Justice Debt in the South: a Primer for the Southern Partnership to Reduce Debt, Dec. 2018

Legal Treatise

- Collection Actions

