



COLLECTING CRIMINAL JUSTICE DEBT THROUGH THE STATE CIVIL JUSTICE SYSTEM

Table 1: Statutes Denying the Usual Exemption Rules to Criminal Justice Debt

CITATION	TEXT OR SUMMARY	COMMENTS
Alaska Stat. § 09.38.065(a)(3)	<p>“A creditor may make a levy against exempt property of any kind to enforce the claim of a victim, including a judgment of restitution on behalf of a victim of a crime or a delinquent act, if the claim arises from conduct of the debtor that results in a conviction of a crime or an adjudication of delinquency, except that the debtor is entitled to an exemption in property (A) not to exceed an aggregate value of \$3,000 chosen by the debtor from the following categories of property:</p> <ul style="list-style-type: none"> (i) household goods and wearing apparel reasonably necessary for one household; (ii) books and musical instruments, if reasonably held for the personal use of the debtor or a dependent of the debtor; and (iii) family portraits and heirlooms of particular sentimental value to the debtor; and <p>(B) not to exceed an aggregate value of \$2,800 of the debtor’s implements, professional books, and tools of the trade.”</p>	<p>By contrast, for a civil debt there is an exemption for up to \$72,900 in a home, up to \$4,050 in a car, up to \$4,050 in household goods, and up to \$2,970 in a bank account if the debtor is not earning wages. Alaska Stat. §§ 09.38.010, 09.38.020, 09.38.030. These amounts are adjusted biennially for inflation, Alaska Stat. § 09.38.115 and new amounts are reported in Alaska Admin. Code tit. 8, §95.030.</p>
Colo. Rev. Stat. § 16-11-101.6(4)	<p>Allows court to order that up to 50% of a defendant’s earnings be withheld and applied to unpaid fines or fees.</p>	<p>By contrast, Colo. Rev. Stat. § 13-54-104 limits wage garnishment for other debts to 20% of disposable earnings. Note that garnishment of 50% of a defendant’s earnings for an obligation other than child support likely violates federal law.</p>
Del. Code Ann. tit. 11, § 4104(c)	<p>“Any court may, in its discretion, direct any person sentenced to pay a fine or restitution upon conviction of a crime, who is employed within this State or by a Delaware resident or employer, to execute an assignment of a specified periodic sum not to exceed 1/3 of the person’s total earnings, which assignment shall direct the person’s employer to withhold and remit that amount to this State up to the total of the fine, costs and restitution imposed.”</p>	<p>By contrast, Del. Code Ann. tit. 10, § 4913 protects 85% of wages from garnishment for other debts. Note that requiring a person to execute a wage assignment of 1/3 of earnings would likely violate federal law, which restricts wage garnishment to 25% of disposable earnings. 15 U.S.C. § 1673.</p>

CITATION	TEXT OR SUMMARY	COMMENTS
Iowa Code § 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.”	In addition, Iowa protects 40 times (rather than the federal minimum of 30 times) the minimum wage from wage garnishment, but only if the debt arises from a consumer credit contract. Iowa Code § 537.5105.
La. Rev. Stat. Ann. 20:1(C)(8)	Homestead exemption does not apply to “any obligation arising from the conviction of a felony or misdemeanor which has the possibility of imprisonment of at least six months.”	In addition, La. Rev. Stat. Ann. § 13:3881(D) exempts certain pensions and retirement funds, but La. Rev. Stat. Ann. § 11:292 denies this exemption to certain public employees’ retirement funds for criminal fines, restitution, or incarceration expenses.
Me. Rev. Stat. Ann. tit. 9-A, § 5-105(2)	Protects 40 times the state or federal minimum wage (rather than the federal minimum of 30 times the federal minimum wage) from garnishment, but only for debts arising from consumer credit transactions.	
N.C. Gen. Stat. § 1C-1601(e)	State exemptions do not apply: ... “(10) For criminal restitution orders docketed as civil judgments pursuant to G.S. 15A-1340.38 .”	
N.D. Cent. Code § 28-22-02	Only the exemptions made absolutely exempt by § 28-22-15 apply to debt for fines, penalties or costs of criminal prosecution.	
42 Pa. Cons. Stat. § 8127(a)	Generally forbids wage garnishment, but allows it: “(5) For restitution to crime victims, costs, fines or bail judgments pursuant to an order entered by a court in a criminal proceeding.”	In addition, 42 Pa. Cons. Stat. § 9730 allows the sentencing court to “assign an amount not greater than 25% of the defendant’s gross salary, wages or other earnings to be used for the payment of court costs, restitution or fines.”
S.D. Codified Laws § 43-45-10	Only the homestead and other exemptions made absolutely exempt by § 43-45-2 apply to judgment for fines, penalties or costs of criminal prosecution.	
Vt. Stat. Ann. tit. 12, §§ 3170(b)	Protects 40 times (rather than the federal minimum of 30 times) the federal minimum wage from garnishment, but only for debts arising from consumer credit transactions.	

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Wash. Rev. Code § 6.27.150	Protects a higher percentage of wages than federal law requires (80% rather than 75%), but only for consumer debt.	
W. Va. Code § 46A-2-136	Exempts “children’s books, pictures, toys, and other such personal property of children, and all medical health equipment used for health purposes”, but only for consumer credit transactions and consumer leases.	
Wis. Stat. § 973.05(4)(b)	“(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: [...] (b) Issue an order assigning not more than 25 percent of the defendant’s commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102, and other money due or to be due in the future to the clerk of circuit court for payment of the unpaid fine, surcharge, costs, or fees.”	Wis. Stat. §§ 812.34, 812.38 protects a greater amount of wages for other debts. In addition, Wisconsin exempts certain specified household goods, but only for debts that arise from a consumer credit transaction. Wis. Stat. § 425.106.