



COLLECTING CRIMINAL JUSTICE DEBT THROUGH THE STATE CIVIL JUSTICE SYSTEM

APPENDIX A

STATE LAWS ALLOWING RESTITUTION OBLIGATION TO BE TREATED AS A CIVIL JUDGMENT

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Ala. Code § 15-18-78(a)	“(a) A restitution order in a criminal case shall be a final judgment and have all the force and effect of a final judgment in a civil action under the laws of the State of Alabama. The victim on whose behalf restitution is ordered, the executor or administrator of the victim’s estate, or anyone else acting on behalf of the victim, shall be entitled to all the rights and remedies to which a plaintiff would be entitled in a civil action under the laws of this state as well as any other right or remedy pertaining to such restitution order as may be provided by law.”	Yes	None.
Alaska Stat. Ann. 12.55.045(l)	“An order by the court that the defendant pay restitution is a civil judgment for the amount of the restitution. [...] The victim or the state on behalf of the victim may enforce the judgment through any procedure authorized by law for the enforcement of a civil judgment. If the victim enforces or collects restitution through civil process, collection costs and full reasonable attorney fees shall be awarded. If the state on the victim’s behalf enforces or collects restitution through civil process, collection costs and full reasonable attorney fees shall be awarded, up to a maximum of twice the amount of restitution owing at the time the civil process was initiated. This section does not limit the authority of the court to enforce orders of restitution.”	Yes	Alaska Stat. Sec. 09.38.065(3) severely limits the exemptions available to a debtor in an action “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.”

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Ark. Code § 5-4-205	“(g)(1) The court shall enter a judgment against the defendant for the amount determined under subdivision (b)(4) of this section. (2) The judgment may be enforced by the state or a beneficiary of the judgment in the same manner as a judgment for money in a civil action.”	Yes	
Ariz. Rev. Stat. Ann. § 13-805(E)	“A criminal restitution order may be recorded and is enforceable as any civil judgment. . . .”	Yes	§ 13-805(E) also provides that “a criminal restitution order does not require renewal pursuant to § 12-1611 or 12-1612,” which appears to have the effect that it does not expire, and for interest at 10% a year when a restitution order is enforced by or on behalf of the person entitled (4% if enforced by the state).

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
<p>Cal. Pen. Code §§ 1214(b) and (d), and 1191.2</p>	<p>§ 514(b)“In any case in which a defendant is ordered to pay restitution, the order to pay restitution (1) is deemed a money judgment if the defendant was informed of his or her right to have a judicial determination of the amount and was provided with a hearing, waived a hearing, or stipulated to the amount of the restitution ordered, and (2) shall be fully enforceable by a victim as if the restitution order were a civil judgment, and enforceable in the same manner as is provided for the enforcement of any other money judgment. [...] A victim shall have access to all resources available under the law to enforce the restitution order, including, but not limited to, access to the defendant’s financial records, use of wage garnishment and lien procedures, information regarding the defendant’s assets, and the ability to apply for restitution from any fund established for the purpose of compensating victims in civil cases. Any portion of a restitution order that remains unsatisfied after a defendant is no longer on probation, parole, post release community supervision under Section 3451, or mandatory supervision imposed pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 or after a term in custody pursuant to subparagraph (A) of paragraph (5) of subdivision (h) of Section 1170 is enforceable by the victim pursuant to this section.”</p> <p>[...]</p> <p>“(d) Except as provided in subdivision (d), and notwithstanding the amount in controversy limitation of Section 85 of the Code of Civil Procedure, a restitution order or restitution fine that was imposed pursuant to Section 1202.4 in any of the following cases may be enforced in the same manner as a money judgment in a limited civil case:</p> <ol style="list-style-type: none"> (1) In a misdemeanor case. (2) In a case involving violation of a city or town ordinance. (3) In a noncapital criminal case where the court has received a plea of guilty or nolo contendere. <p>[...]</p>	<p>Yes</p>	<p>§ 514(e) provides that Cal. Civ. Pro. Code § § 683.010, et. seq., which provides for expiration and renewal of judgments, do not apply to restitution judgments.</p>

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
<p>Colo. Rev. Stat. §§ 15-18.5-105, 16-18.5-197, 16-18.5-111 and 16-18.5-112</p>	<p>§ 16-18.5-105 An order of restitution may be recorded as a lien on real estate, personal property or a motor vehicle, and is enforceable in favor of the state, the victim or an assignee of the state or the victim.</p> <p>§ 16-18.5-107 (1) “Any victim in whose name a restitution order has been entered shall have a right to pursue collection of the amount of restitution owed to such own name.” If a victim notifies the court of an intent to do so, the collections investigator and the department of corrections must cease collection efforts. But a victim’s decision to pursue collection and subsequent collection efforts “do not alter a court’s order that restitution is a condition of the defendant’s probation, and such probation may still be revoked by the court upon a finding of failure to pay restitution.”</p> <p>(2) A victim who chooses to collect may petition the court for an earnings assignment and a writ of execution or other civil process.</p>	<p>Yes</p>	
<p>Conn. Gen. Stat. § 53a-28a</p>	<p>Restitution “may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the obligation is owed.”</p>	<p>Yes</p>	
<p>Del. Code tit. 11, § 4101</p>	<p>(b) A sentence to pay restitution “shall be a judgment against the convicted person for the full amount of the [...] restitution [...]” The judgment is immediately executable, enforceable 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.” The judgment is exempt from the statutory provisions regarding expiration and renewal.</p> <p>(c) “The provisions of this section are cumulative and shall not impair any judgment given upon any conviction.”</p>	<p>Yes</p>	

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
D.C. Code § 16-711.01(a), (b)	<p>“(a) An order of restitution or reparation requiring a person convicted of the criminal conduct to pay restitution or reparation constitutes a judgment and lien against all property of a liable defendant for the amount the defendant is obligated to pay under the order and may be recorded in any office for the filing of liens against real or personal property.</p> <p>(b) A judgment of restitution or reparation may be enforced by the United States Attorney for the District of Columbia, the Attorney General for the District of Columbia, a victim entitled under the order to receive restitution or reparation, a deceased victim’s estate, or any other beneficiary of the judgment in the same manner as a civil judgment.”</p>	Yes	
Fla. Stat. § 775.089(5)	<p>“An order of restitution may be enforced by the state, or by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action. The outstanding unpaid amount of the order of restitution bears interest in accordance with s. 55.03, and, when properly recorded, becomes a lien on real estate owned by the defendant. If civil enforcement is necessary, the defendant shall be liable for costs and attorney’s fees incurred by the victim in enforcing the order.”</p>	Yes	In addition, Fla. Stat. § 938.30 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.”
Ga. Code Ann. § 42-8-34.2(a)	<p>“(a) In the event that a defendant is delinquent in the payment of fines, costs, or restitution or reparation, as was ordered by the court as a condition of probation, the defendant’s officer shall be authorized, but shall not be required, to execute a sworn affidavit wherein the amount of arrearage is set out. In addition, the affidavit shall contain a succinct statement as to what efforts DCS has made in trying to collect the delinquent amount. The affidavit shall then be submitted to the sentencing court for approval. Upon signature and approval of the court, such arrearage shall then be collectable through issuance of a writ of fieri facias by the clerk of the sentencing court; and DCS may enforce such collection through any judicial or other process or procedure which may be used by the holder of a writ of execution arising from a civil action.</p> <p>“(b) This Code section provides the state with remedies in addition to all other remedies provided for by law; and nothing in this Code section shall preclude the use of any other or additional remedy in any case.”</p>	Statute is silent	Treated as civil judgment only if payment of restitution is condition of probation and defendant is delinquent in payments.

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Haw. Rev. Stat. Ann. § 706-644(5)	“Unless discharged by payment or, in the case of a fee or fine, service of imprisonment pursuant to subsection (3), an order to pay a fee, fine, or restitution, whether as an independent order, as a part of a judgment and sentence, or as a condition of probation or deferred plea pursuant to chapter 853, may be collected in the same manner as a judgment in a civil action. The State or the victim named in the order may collect the restitution, including costs, interest, and attorney’s fees, pursuant to section 706-646 . The State may collect the fee or fine, including costs, interest, and attorney’s fees pursuant to section 706-647 .”	Yes	
Idaho Code § 19-5305	“(1) After forty-two (42) days from the entry of the order of restitution or at the conclusion of a hearing to reconsider an order of restitution, whichever occurs later, an order of restitution may be recorded as a judgment and the victim may execute as provided by law for civil judgments. (2) The clerk of the district court may take action to collect on the order of restitution on behalf of the victim and, with the approval of the administrative district judge, may use the procedures set forth in section 19-4708, Idaho Code, for the collection of the restitution”.	Yes	42-day delay period before order of restitution can be entered as civil judgment.
Iowa Code § § 910.3B, 910.7A, 910.10, 910.15 and 915. 100.	§ 910.7A (1) “An order requiring an offender to pay restitution constitutes a judgment and lien against all property of a liable defendant for the amount the defendant is obligated to pay under the order [...] (2) 2. A judgment of restitution may be enforced by the state, a victim entitled under the order to receive restitution, a deceased victim’s estate, or any other beneficiary of the judgment in the same manner as a civil judgment.” 910.10(3) “A restitution lien may be filed by the state or a victim. (4) The filing of a restitution lien in accordance with this section creates a lien in favor of the state and the victim in any personal or real property identified in the lien to the extent of the interest held in that property by the person named in the lien. 5. This section does not limit the right of the state or any other person entitled to restitution to obtain any other remedy authorized by law.” § 915.100(f) “A judgment of restitution may be enforced by a victim entitled under the order to receive restitution, or by a deceased victim’s estate, in the same manner as a civil judgment.”	Yes.	

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
<p>Kan. Stat. Ann. § 60-4301</p>	<p>“A certified copy of any judgment of restitution, established pursuant to subsection (d) of K.S.A. 22-3424, and amendments thereto, shall be filed in the office of the clerk of the district court of the county where such restitution was ordered. Such copy may be filed by or on behalf of any person who is awarded restitution in the judgment. The clerk of the district court shall record the judgment of restitution in the same manner as a judgment of the district court of this state pursuant to the code of civil procedure. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings as a judgment of a district court of this state and may be enforced or satisfied in like manner, except a judgment of restitution shall not constitute an obligation or liability against any insurer or any third-party payor.”</p>	<p>Yes</p>	<p>In addition, Kan. Stat. Ann. § 21-6604(b)(2) provides that restitution shall be a judgment against the defendant that may be collected by the court by garnishment or other execution as on judgments in civil cases, and that, if the victim does not initiate proceedings to enforce the judgment under § 60-4301, the court shall assign an agent to collect it on behalf of the victim.</p>
<p>La. Crim. Proc. Art. 886</p>	<p>“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. . . .”</p>	<p>Yes in the case of felonies, at the end of the period of supervision, under La. Crim. Proc. Art. 875.1(F).</p>	<p>For felonies, La. Crim. Proc. Art. 875.1(F) provides: “If, at the termination or end of the defendant’s term of supervision, any restitution ordered by the court remains outstanding, the balance of the unpaid restitution shall be reduced to a civil money judgment in favor of the person to whom restitution is owed, which may be enforced in the same manner as provided for the execution of judgments pursuant to the Code of Civil Procedure. For any civil money judgment ordered under this Article, the clerk shall send notice of the judgment to the last known address of the person to whom the restitution is ordered to be paid.”</p>

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Maine Rev. Stat. Ann. tit. 17-A, § 2019	<p>“Upon the request of the attorney for the State or a person entitled to restitution under an order of restitution, the clerk shall enter the order of restitution in the same manner as a judgment in a civil action. When entered under this section, the order of restitution is deemed to be a money judgment. Upon default, the order to make restitution is enforceable in accordance with Title 14, chapter 502 by any person entitled to restitution under the order.”</p>	Yes	<p>In addition, Maine Rev. Stat. Ann. tit. 17-A, § 2015(5) provides: “Upon any default, execution may be levied and other measures authorized for the collection of unpaid civil judgments may be taken to collect the unpaid restitution. A levy of execution does not discharge an offender confined to a county jail under subsection 3 for unexcused default until the full amount of the restitution has been collected.”</p>
Md. Code, Crim. Proc. § 11-608	<p>“Judgment of restitution as money judgment (a) A judgment of restitution is a money judgment in favor of the person, governmental unit, or third-party payor to whom the restitution obligor has been ordered to pay restitution.</p> <p>Enforcement by person, governmental unit, or third-party payor (b) The judgment of restitution may be enforced by the person, governmental unit, or third-party payor to whom the restitution obligor has been ordered to pay restitution in the same manner as a money judgment in a civil action.</p> <p>Persons, governmental units, or third-party payors as money judgment creditors (c) Except as otherwise expressly provided under Part I of this subtitle, a person, governmental unit, or third-party payor to whom a restitution obligor has been ordered to pay restitution has all the rights and obligations of a money judgment creditor under the Maryland Rules, including the obligation under Maryland Rule 2-626 or 3-626 on receiving all amounts due under the judgment to file a statement that the judgment has been satisfied.”</p>	Yes	

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Mich. Comp. Law § 780.766(13)	“An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim’s estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien”.	Yes	
Minn. Stat. 611A.04(3)	“An order of restitution may be enforced by any person named in the order to receive the restitution, or by the Crime Victims Reparations Board in the same manner as a judgment in a civil action.[..]”	Yes	
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.”	No	Can be enforced as a civil judgment only after failure to pay.
Mont. Code § 46-18-249(1)	“The total amount that a court orders to be paid to a victim may be treated as a civil judgment against the offender and may be collected by the victim at any time, including after state supervision of the offender ends, using any method allowed by law, including execution upon a judgment, for the collection of a civil judgment. However, 46-18-241 through 46-18-248 and this section do not limit or impair the right of a victim to sue and recover damages from the offender in a separate civil action.”	Yes	
Neb. Rev. Stat. § 29-2286	“An order of restitution may be enforced by a victim named in the order to receive the restitution or the personal representative of the victim’s estate in the same manner as a judgment in a civil action. If the victim is deceased and no claim is filed by the personal representative of the estate or if the victim cannot be found, the Attorney General may enforce such order of restitution for the benefit of the Victim’s Compensation Fund.”	Yes	Neb.Rev.St. § 29-2284 also authorizes revocation of probation or parole if a defendant fails to comply with a restitution order.

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
<p>Nev. Rev. Stat. Ann. § 176.275</p>	<p>“1. A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.</p> <p>2. A judgment which requires a defendant to pay restitution:</p> <p>(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.</p> <p>(b) Does not expire until the judgment is satisfied.</p> <p>3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time.”</p>	<p>Statute is silent.</p>	<p>In addition, Nev. Rev. Stat. Ann. § 176.064(3) (a) provides: “The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take the following actions:</p> <p>(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.”</p>
		<p>No</p>	

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
N.J. Stat. Ann. § 2C:46-2(b), (c)	“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. c. Upon any default in the payment of restitution or any installment thereof, the victim entitled to the payment may institute summary collection proceedings authorized by subsection b. of this section.”	Yes	Procedures for collection of a civil judgment are available only if defendant defaults in payment.
N.M. Stat. Ann. § 31-17-1(D)	“An order requiring an offender to pay restitution, validly entered pursuant to this section, constitutes a judgment and lien against all property of a defendant for the amount the defendant is obligated to pay under the order and may be recorded in any office for the filing of liens against real or personal property, or for garnishment. A judgment of restitution may be enforced by the state, a victim entitled under the order to receive restitution, a deceased victim’s estate or any other beneficiary of the judgment in the same manner as a civil judgment. An order of restitution is enforceable, if valid, pursuant to this section, the Victims of Crime Act or Article 2, Section 24 of the constitution of New Mexico . Nothing in this section shall be construed to limit the ability of a victim to pursue full civil legal remedies.”	Yes	Statute also provides that failure to comply with a restitution plan approved by the court may constitute a violation of the terms of probation or parole. § 31-17-1(H0).
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. [...] a restitution or reparation order, when docketed shall be a first lien upon all real property in which the defendant thereafter acquires an interest, having preference over all other liens, security interests, and encumbrances [with certain exceptions].”	Yes	

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
N.C. Gen. Stat. § 15A-1340.38	<p>“(a) In addition to the provisions of G.S. 15A-1340.36, when an order for restitution under G.S. 15A-1340.34(b) requires the defendant to pay restitution in an amount in excess of two hundred fifty dollars (\$250.00) to a victim, the order may be enforced in the same manner as a civil judgment, subject to the provisions of this section. (b) The order for restitution under G.S. 15A-1340.34(b) shall be docketed and indexed in the county of the original conviction in the same manner as a civil judgment pursuant to G.S. 1-233, et seq., and may be docketed in any other county pursuant to G.S. 1-234. The judgment may be collected in the same manner as a civil judgment unless the order to pay restitution is a condition of probation. If the order to pay restitution is a condition of probation, the judgment may only be executed upon in accordance with subsection (c) of this section.”</p>	Statute is silent.	<p>When payment of restitution is a condition of probation, subsection (c) allows it to be enforced as a civil judgment only after certain special procedures. N.C. Gen. Stat. Sec. 1C-1601(e) provides: State exemptions do not apply: ... “(10) For criminal restitution orders docketed as civil judgments pursuant to G.S. 15A-1340.38.”</p>
N.D Cent. Code § 29-26-22.1	<p>“The court, within ten years of the date of entry of a judgment that imposes a fine, imposes a requirement that restitution or reparation be paid, or assesses costs against a defendant, may order the judgment to be docketed by the clerk of court in the judgment docket maintained pursuant to section 28-20-13 in the same manner in which a civil judgment for money is docketed. The docketing of the judgment has the same effect as the docketing of a civil judgment. [...]The court may direct a judgment be entered in favor of a person to whom restitution or reparation is ordered to be paid. That person may enforce the judgment as a civil judgment.”</p>	Yes	<p>Treatment as civil judgment is not mandatory. § 12.1-32-08(1) also gives the victim the right at any time to record and enforce the restitution order as a civil judgment.</p>

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Ohio Rev. Code § 2929.18(D)	<p>“A financial sanction of restitution imposed pursuant to division (A)(1) or (B)(8) of this section is an order in favor of the victim of the offender’s criminal act that can be collected through a certificate of judgment as described in division (D)(1) of this section, through execution as described in division (D)(2) of this section, or through an order as described in division (D)(3) of this section, and the offender shall be considered for purposes of the collection as 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. Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may do any of the following: (1) Obtain from the clerk of the court in which the judgment was entered a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action ...”</p>	Yes	The statute goes on to describe a host of civil enforcement mechanisms that the victim, private provider, state, or political subdivision may invoke.
Okla. Stat. tit. 22, § 991f(N)	<p>“If the defendant is without means to pay the restitution, the judge may direct the total amount due, or any portion thereof, to be entered upon the court minutes and to be certified in the district court of the county where it shall then be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment in a civil case. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to enforce other judgments; provided, however, the judgment herein prescribed shall not be considered a debt nor dischargeable in any bankruptcy proceeding.”</p>	Statute is silent	In addition, § 991f(M) provides that restitution obligation may also be entered as a civil judgment if the defendant is financially able to pay it but neglects or refuses to do so.
Or. Rev. Stat. § 137.450	<p>“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.”</p>	Statute is silent	

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
42 Pa. Stat. Ann. §§ 9728(b)(1). 9730(d)	<p>§ 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.”</p> <p>§ 9730(d): Imprisonment.--Nothing in this subchapter limits the ability of a judge to imprison a person for nonpayment, as provided by law; however, imprisonment for nonpayment shall not be imposed without a public hearing under section 9730(b)(1).</p>	Statute is silent.	42 Pa. Cons. Stat. § 8127(a), which generally forbids wage garnishment allows it for: “(5) For restitution to crime victims, costs, fines or bail judgments pursuant to an order entered by a court in a criminal proceeding”.
R.I. Gen. Laws §12-28-5.1	“When the court orders a defendant to make financial restitution to the victim of a crime of which the defendant has been convicted or to which the defendant has pleaded guilty or nolo contendere, a civil judgment shall automatically be entered by the trial court against the defendant on behalf of the victim for that amount. If payment is not made by the defendant within the period set by the court, the civil judgment for the amount of the restitution ordered, plus interest at the statutory amount from the date of the offense, plus costs of suit, including reasonable attorney’s fees, shall be enforceable by any and all means presently available in law for the collection of delinquent judgments in civil cases generally.”	Yes	Appears to be enforceable by the victim because the civil judgment is to be entered “on behalf of the victim.” In addition, R.I. Gen. Laws § 12-28-5 provides that a upon conviction of a felony after a trial by jury, a civil judgment shall automatically be entered against the defendant, conclusively establishing the defendant’s liability for any personal injury or loss of property sustained by the victim as a result of the felony. The victim still has to establish damages in an “appropriate judicial proceeding.”

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
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.	Yes (statute specifies that judgment is to be in favor of the victim).	Allowed only if defendant is delinquent on court-ordered payments. However, in addition, S.C. Code § 17-25-325 provides: "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."	Statute is silent.	
Tenn. Code Ann. § 40-35-304(h) (1), (7)	<p>"(h)(1) Notwithstanding any law to the contrary, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), if any portion of restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in this subsection (h).</p> <p>...</p> <p>(7) A civil judgment entered pursuant to this subsection (h) shall remain in effect from the date of entry until it is paid in full or is otherwise discharged and shall be enforceable by the victim or the victim's beneficiary in the same manner and to the same extent as other civil judgments are enforceable."</p>	Yes	Treatment as a civil judgment is not automatic. Allowed only after expiration of payment period, and victim must take affirmative action to make it a civil judgment. § 40-35-304(h)(5) and (6) require a hearing to determine how much restitution remains owing, and provide that the judgment entered is to be in favor of the victim and against the defendant.

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
<p>Tex. Crim. Proc. Code § § 42.037, 42.22</p>	<p>§ 42.037(m) “An order of restitution may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.”</p> <p>§ 42.22 Restitution liens [...]</p> <p>“(2)(a) The victim of a criminal offense has a restitution lien to secure the amount of restitution to which the victim is entitled under the order of a court in a criminal case.</p> <p>(5) The following persons may file an affidavit to perfect a restitution lien: [...]</p> <p>(2) a victim in a criminal case determined by the court to be entitled to restitution.</p> <p>(8) A restitution lien extends to: (1) any interest of the defendant in real property whether then owned or after-acquired located in a county in which the lien is perfected by the filing of an affidavit with the county clerk; (2) any interest of the defendant in tangible or intangible personal property whether then owned or after-acquired other than a motor vehicle if the lien is perfected by the filing of the affidavit with the secretary of state; or (3) any interest of the defendant in a motor vehicle whether then owned or after-acquired if the lien is perfected by the filing of the affidavit with the department.</p> <p>(11) If a defendant fails to timely make a payment required by the order of the court entering the judgment creating the restitution lien, the person having an interest in the lien may file suit in a court of competent jurisdiction to foreclose the lien. If the defendant cures the default on or before the 20th day after the date the suit is filed and pays the person who files the suit costs of court and reasonable attorney’s fees, the court may dismiss the suit without prejudice to the person. The person may refile the suit against the defendant if the defendant subsequently defaults.”</p>	<p>Yes</p>	<p>Lien foreclosure is available only if defendants defaults. Although statute is not entirely clear, the provisions for restitution liens may allow seizure of property that would otherwise be protected by the state’s exemption laws.</p>

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Utah Code § 77-38a-401	<p>“(1) Upon the court determining that a defendant owes restitution, the clerk of the court shall enter an order of complete restitution as defined in Section 77-38a-302 on the civil judgment docket and provide notice of the order to the parties.</p> <p>(2) The order shall be considered a legal judgment, enforceable under the Utah Rules of Civil Procedure. In addition, the department may, on behalf of the person in whose favor the restitution order is entered, enforce the restitution order as judgment creditor under the Utah Rules of Civil Procedure.</p> <p>(3) If the defendant fails to obey a court order for payment of restitution and the victim or department elects to pursue collection of the order by civil process, the victim shall be entitled to recover collection and reasonable attorney fees.</p> <p>(4) Notwithstanding Subsection 77-18-6(1)(b) and Sections 78B-2-311 and 78B-5-202, a judgment ordering restitution when entered on the civil judgment docket shall have the same effect and is subject to the same rules as a judgment in a civil action and expires only upon payment in full, which includes applicable interest, collection fees, and attorney fees. Interest shall accrue on the amount ordered from the time of sentencing, including prejudgment interest.”</p>	Yes	§ 77-38a-401(3) refers to the victim's right to enforce the order by civil process. In addition, § 77-18-6 provides that the clerk is to record restitution as a judgment in favor of the victim.
Vt. Stat. Ann. tit. 13, § 7043	The court may make restitution a condition of probation, supervised community sentence, furlough, preapproved furlough, or parole, but may not charge an offender with a violation of probation, furlough, or parole for nonpayment of a restitution obligation. Instead, the statute allows the Restitution Unit to bring a civil action to seek a civil judgment on a restitution award. If the offender fails to comply with the restitution order, the court may, inter alia, order the disclosure, attachment, and sale of assets and accounts owned by the offender or order garnishment (called trustee process in Vermont) of the offender's wages, and may charge the debtor with civil contempt.	No	

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Va. Code Ann. § 19.2-305.2(B)	“An order of restitution may be docketed as provided in § 8.01-446 [docket of money judgments] when so ordered by the court or upon written request of the victim and may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action. Enforcement by a victim of any order of restitution docketed as provided in § 8.01-446 is not subject to any statute of limitations. Such docketing shall not be construed to prohibit the court from exercising any authority otherwise available to enforce the order of restitution.”	Yes	
Wash. Rev. Code Ann. § 9.94 A.760(5)	“Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. [...]”	Yes	“Legal financial obligation” is defined by § 9.94A.030 to include restitution. This statute appears to give only the person to whom restitution is owed, not the court, the ability to enforce a restitution order as a civil judgment. However, it authorizes the court to use certain civil judgment enforcement methods: the court may order a payroll deduction at sentencing, the department of corrections may seek a wage assignment if the offender is more than 30 days late.
W. Va. Code § 61-11A-4(h)	“An order of restitution may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.”	Yes	
Wis. Stat. § 973.20(1r)	“[...]After the termination of probation, extended supervision, or parole, or if the defendant is not placed on probation, extended supervision, or parole, restitution ordered under this section is enforceable in the same manner as a judgment in a civil action by the victim named in the order to receive restitution or enforced under ch. 785.”	Yes	Enforceable as a civil judgment by the victim only after termination of probation, extended supervision, or parole, or if the defendant is not placed on such. The statute does not appear to give the state the same ability to enforce a restitution order as a civil judgment.

APPENDIX A (cont.)

CITATION	TEXT	CAN VICTIM ENFORCE?	RESTRICTIONS & COMMENTS
Wyo. Stat. Ann. § 7-9-103(d)	“Any order for restitution under this chapter constitutes a judgment by operation of law on the date it is entered. To satisfy the judgment, the clerk, upon request of the victim, the division of victim services or the district attorney, shall issue execution in the same manner as in a civil action.”	Yes	