Federal and state exemption laws allow debtors to retain property and income despite such involuntary collection processes as garnishment, attachment, and execution. Exemption laws may protect from seizure items such as tools of the trade, a homestead, personal earnings, retirement benefits, and public benefits.

This section examines application of these exemption laws to criminal justice debt. It first examines application of federal exemption laws to federal debt, and then the application of federal and state exemption laws to state debt. Equal protection concerns enunciated by the U.S. Supreme Court in James v. Strange may require states to allow debtors who owe at least certain types of criminal justice debt to claim the same exemptions as are allowed for defendants who owe ordinary civil judgments.

Footnotes


Source URL: https://library.nclc.org/ca/110501

Links
[6] https://library.nclc.org/nclc/link/CA.11.02.02