Due process concerns are implicated if a state, when using judicial or administrative procedures to enforce criminal justice debt, fails to give the debtor reasonable notice of available exemptions and an opportunity to assert such exemptions or other defenses, such as inability to pay.\footnote{240} For example, a statute that requires a state to misinform debtors about the availability of exemptions may result in denial of due process.\footnote{241} This lack of a hearing may also raise equal protection issues if a hearing is provided debtors for other forms of obligations to the state.\footnote{242} Similarly, equal protection may require the application of standard exemptions to debts that arise due to indigence rather than culpability, such as indigent defense fees.\footnote{243} Equal protection and due process principles may also require the debtor to be given the opportunity to establish inability to pay at time of collection.\footnote{244}

Footnotes

\footnote{240} See § 10.2.9.5 [1], \textit{supra}; § 13.5 [2], \textit{infra}.

\footnote{241} \textit{[249]} See, \textit{e.g.}, Iowa Code § 642.14A (stating that notice must provide there are no wage garnishment protections for fines even though federal exemptions continue to apply to wage garnishments).


\footnote{243} \textit{[251]} See § 11.2.3 [3], \textit{supra}.

\footnote{244} See § 11.4.4 [4], \textit{supra}.


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