



A Matter of Time

THE CASE FOR SHORTENING CRIMINAL
DEBT COLLECTION STATUTES OF
LIMITATIONS, A 50-STATE SURVEY

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Introduction

Legal financial obligations (LFOs) imposed on people in the criminal legal system trap many in cycles of poverty and punishment. Court-ordered monetary sanctions and costs, even for minor offenses, can quickly snowball into overwhelming financial burdens, especially for people who are unable to pay their debts up front. Failure to address outstanding court debt in a timely manner can result in serious legal and collateral consequences, such as the loss of one's driver's license, wages, and housing—outcomes that only decrease the overall likelihood that someone will ever be able to settle their court debt.

The fundamental solution to this problem is to prevent these LFOs from being imposed in the first place. Successful campaigns in California and New Mexico have relieved impacted people of a combined \$70 million in expected criminal legal system fee payments annually across just those two states.¹ Depending on the political environment, however, eliminating LFOs at the front end of the system may not always be a viable option for reform.

Once LFOs have already been imposed, few options exist to provide relief to people burdened by criminal legal payments and debt. These will, of course, depend on the laws of each state.

One way forward is for the executive or legislative branches to summarily extinguish certain debts. Another is the court system's power to change debt repayment practices in ways that better serve impacted people—and that may actually result in the government recouping more of the outstanding debt.

When reducing the amount of debt is not viable, reducing the amount of time during which people are subject to court debt can offer significant relief from the burden and consequences of that debt. State statutes of limitations laws offer an underutilized pathway to provide that relief. Statutes of limitations (SOLs), in the context of debt collection, refer to the time period during which

debts are enforceable. Throughout the report, the Vera Institute of Justice (Vera) uses the terms “statute of limitations” and “period of enforcement” interchangeably.

In this brief, Vera builds the case for using statutes of limitations to address stale debt, in three parts:

- Section 1 outlines the scope and scale of the national LFO debt problem, explains the impacts on people who carry this kind of debt, and summarizes what is known about LFO repayment patterns.
- Section 2 describes the functions and capabilities of statutes of limitations reforms for criminal debt relief, surveys the various periods of enforcement for criminal and civil debt across all 50 states, and analyzes potential patterns of law and punishment.
- Section 3 discusses guidance for statutes of limitations reforms.

SECTION 1

Legal Financial Obligations and LFO Debt

LFOS ARE REGULARLY IMPOSED ON SYSTEM-INVOLVED PEOPLE, AND THEIR WIDESPREAD INABILITY TO PAY RESULTS IN SIZEABLE DEBT BURDENS

Legal financial obligations, or LFOs, refer to debt obligations imposed on people involved in the criminal legal system, including fines (also called monetary sanctions), fees (also called court costs), restitution, and other costs that people must pay throughout the lifecycle of their involvement with the system.

A GLOSSARY OF TERMS

- **Fines** (also called monetary sanctions) are financial penalties imposed at conviction or connected to a summons or ticket.
- **Fees** (also called court costs) are charges associated with the criminal legal system (such as DNA collection, pretrial services, and public defender representation).
- **Restitution** is a form of financial compensation a convicted person pays to cover any losses or damages associated with the underlying offense.

Although different LFOs serve these different purposes, they all are ultimately debt obligations levied on people navigating the criminal legal system.

Many people in the system have little income and struggle to afford their LFOs. Amounts charged can add up to thousands of dollars per person.² In Oklahoma, for example, the typical person with a drug possession conviction is charged a \$1,000 fine plus a combined \$236 in miscellaneous fees to fund services including courthouse security, the law library, and an automated fingerprint identification system.³ For people with low or no income—who account for the majority of people in the legal system—such amounts can be insurmountable.⁴ And, because many courts do not typically make adequate or meaningful evaluations of a person’s ability to pay before imposing LFOs, these fines and fees place a disproportionate burden on people with fewer resources to manage debt.⁵

This widespread inability to pay leads to sizeable debt burdens. Although the total amount of nationwide debt is difficult to calculate, one survey of 25 states found that as of 2019, the combined amount owed in outstanding LFOs was at least \$27.6 billion.⁶

LFOs AND LFO DEBT HARM ALREADY MARGINALIZED PEOPLE AND COMMUNITIES

When people cannot afford to satisfy their LFOs, they may suffer a range of legal and economic consequences that can stick with them over the life cycle of the debt.⁷ In many states, failure to address court debt is punishable by the loss of one’s driver’s license and voting rights, and governments may sometimes also garnish people’s wages and benefits as a way to recoup outstanding payments.⁸ Long-term, unresolved LFOs can perpetuate financial instability, resulting in damage to credit and even bankruptcy.⁹ Carrying this debt can also threaten housing, education, and employment opportunities and put people at risk of negative health outcomes.¹⁰

At a broader level, LFOs and LFO debt reinforce existing societal inequities. Fines, for example, have deeply political and racialized roots dating back to at least 19th century Black codes created to govern and criminalize formerly enslaved Black people.¹¹ In recent years, several research studies have demonstrated that fines and fees assessment and repayment patterns are more punitive and extractive of certain groups, including Black, Native, immigrant, and lower-

income communities.¹² Notably, one empirical study determined not only that LFOs are more burdensome in high-poverty BIPOC neighborhoods, but also that higher rates of LFO assessment are associated with increased future poverty rates across those neighborhoods.¹³

Despite such harms, many legal system actors continue to impose these financial obligations because LFOs are often set by law, and they generate short-term revenue for courts and other government agencies. Indeed, it was the 2015 U.S. Department of Justice investigation in Ferguson, Missouri, following the fatal police shooting of 18-year-old Michael Brown—which found that Ferguson’s police department was incentivized by government to increase patrols, tickets, and arrests because associated fees generated significant revenue for the city—that catalyzed the movement for LFO reform.¹⁴ On the whole, however, although certain jurisdictions like Ferguson have used LFOs to collect a substantial proportion of their budget, for most places—despite the perception that LFOs are an “easy” way to raise money—the dollars raised through LFOs amount to just a drop in the bucket for government revenue.¹⁵ It is concerning that governments continue to impose these debt obligations, considering the outsized consequences for those impacted, especially when the associated costs are seemingly not that significant for governments to resolve.

THE HUMAN CONSEQUENCES OF LFOS

Documented experiences from directly impacted people highlight how many people across the country struggle to afford their LFOs and suffer from the debt burden. One survey of about 1,000 Alabamians found that four in five people gave up basic necessities like rent, food, health care, and car payments in order to pay their LFOs.¹⁶ Another, nationally representative survey approximated that 17 million households with children experienced shortfalls in these essentials because a parent was saddled with court debt.¹⁷ One person in Washington State estimated that, after budgeting for regular monthly expenses, it would take them 28 years to fully repay the amount they owed to the

court.¹⁸ A mother of two living in San Francisco, California, owed a staggering \$12,000 to the courts after returning home from jail and was not able to take home a full paycheck for 10 years in order to repay her debt.¹⁹ In New Mexico, nearly one in five people choose to convert their court debt into a carceral sentence, giving up their liberty to serve time in jail to “pay off” their fines and fees.²⁰

Vera interviews with people in New Mexico who were arrested for failure to pay court fines and fees underscore the harms to individuals and their families. One person shared that they borrowed money from family members in order to pay off their debt, which strained their relationships.²¹ Another person reported that following one missed payment, they were picked up on a warrant and spent several days in jail waiting for a court hearing, after which they learned they had lost their job as a result of their recent absences.²² Once they were released, that person ended up owing additional fees for nonpayment, which they could no longer afford due to losing their employment.²³ Another person faced a similar issue when they were no longer able to work their food delivery job because they had had their driver’s license suspended as a result of failing to fully address their court debt.²⁴ These examples highlight how LFO debt can destabilize people’s lives and jeopardize personal well-being.

COLLECTION OF LFOS IS CHALLENGING, OFTEN UNSUCCESSFUL, AND OFFERS DIMINISHING RETURNS OVER TIME

Although there has not been comprehensive research on the dynamics of LFO repayment, the evidence suggests that many people who owe LFOS have little to no ability to pay them. That much of this debt is never satisfied suggests that LFO debt collection is difficult even with the force of the state. A national survey found that in states with complete information regarding

outstanding debt across felonies, misdemeanors, traffic cases, and municipal violations, total debt ranged from \$17.2 million to \$10.6 billion, with underlying accounts dating at least as far back as 1998.²⁵ A 2023 study of juvenile LFOs in Florida found that the government collected just 13 percent of the \$3.3 million assessed on youth statewide.²⁶ In Washington State, a 2022 study of LFO assessments and collections showed that over a three-year period, the government received payments for only 5.1 percent of all imposed court debt.²⁷ Moreover, year after year, the cumulative debt only grows, further widening the collections gap.²⁸

Such modest rates of repayment indicate a considerably low return on enforcement efforts. In *State v. Blazina*, the Washington Supreme Court acknowledged that the government cannot expect to recover most LFOs imposed on indigent people.²⁹ LFOs are further counterproductive because collection costs are substantial relative to the amounts collected.³⁰ Indeed, in one of the first cost-benefit analyses of LFOs, a 2019 study of several counties in Florida, New Mexico, and Texas found that counties spent on average 41 cents for every dollar of revenue received—or 121 times what the IRS spends to collect taxes.³¹ In one year-long randomized controlled trial in Oklahoma County, Oklahoma, payments to the court totaled less than 5 percent of all outstanding debt despite significant efforts at collection.³² In practice, even court clerks (at least in the state of Florida) who are tasked with collecting this debt recognize the challenges of obtaining payment: By their own admission and according to internal best practices for performance measures, clerks expect only a 9 percent collection rate on assessed LFOs.³³

Additional research suggests that the likelihood that people will fully repay LFOs generally decreases as time goes on. One study on the payment of fees associated with probation supervision and indigent defense services in Alameda County, California, showed an 8 percent collection rate on accounts less than six months old and a 0 percent collection rate on accounts older than three years.³⁴ Another study, which tracked the satisfaction of debt imposed at conviction in Washington’s municipal and district courts over a period of 180 days (about six months), concluded that the number of LFOs people fully paid diminished over time, plateauing at around three months following assessment.³⁵ That

study also found that in the vast majority of instances, people did not fully repay their debt within the six months.³⁶ A separate inquiry using sentencing data from North Carolina drew a similar conclusion, but over a period of five years, demonstrating that the older the debt, the lower the likelihood of full satisfaction and that in many cases, people did not settle their debts within that time frame.³⁷

Notably, research also supports the notion that when people can pay their LFOs, they do so as quickly as possible. The same North Carolina and Washington studies found that of people who fully paid their debt within five years, the majority paid in full by the end of year one, and of people who did so within six months, most paid the entire imposed amount on the day of assessment.³⁸ Another study, using data from Pennsylvania criminal courts, found that repayment timelines varied depending on ability to pay as demonstrated by attorney representation. Public defender clients typically could not fully repay their LFO debt within a decade, while people who could afford to hire private counsel generally could settle their debt in as little as three years.³⁹

Although there is no universally recognized standard for when debt becomes or should be deemed uncollectible, some guidelines or best practices do exist. In the consumer context, the National Consumer Law Center recommends a three-year statute of limitations on debt collection.⁴⁰ In the criminal context, the Fines and Fees Justice Center recommends that LFOs also be deemed uncollectible three years after they are imposed.⁴¹

Taking all this into account, there is a need to establish some reasonable and right-sized time frame for the repayment of LFOs that would relieve the burden on people who struggle to pay them as well as allow the state to focus on more recent and collectible debt. The next sections discuss how statutes of limitations may be leveraged to reduce failing collection practices, relieve undue financial strain, and allow people who cannot repay their court-imposed debt to move past their convictions and rebuild their lives.

SECTION 2

The Inequality of LFO Statutes of Limitations

Each state determines the statute of limitations (SOL) for the enforcement of debts, including debts owed to the state for a fine or fee as well as debts owed to people, businesses, or governments through restitution. Accordingly, there is a wide variety of limitations on the enforcement of different kinds of debt both within and across states.

Although the SOLs for many kinds of consumer and civil debt are explicit in state civil codes, the terms of enforcement for criminal LFOs are less consistently located and arise from different sources. A minority of the limitations on enforcement for LFOs are explicitly established in state criminal statutes. Most limitations come from different sources, including application of a civil standard, court precedent, judicial council guidance, or a clause in the state constitution.

Information on these laws and practices is not readily available, nor is it easy to find. Due to search engine optimization by consumer debt websites and law firms, people attempting to research LFO debt limitations will invariably be directed toward resources for civil and consumer debt. Since the effective limitation on an LFO in a state may be set by a combination of civil statute and court precedent, even local organizations serving people burdened with LFOs may not know whether their state has a limit on enforcement or what it is; indeed, many organizations Vera contacted for this project did not.

The function and practical application of those statutes of limitations or related provisions also vary by state. They may or may not resolve the underlying debt, may or may not be renewable, may be automatically applied to a debt, or may be required to be raised as an affirmative defense against a collection action. Even when there is a statute of limitations barring the collection

of debt, private debt collectors may pursue debts against people who are unaware of that limitation. Nonetheless, these limitations fundamentally define how long someone with LFOs will be subject to carry that debt and how long they will be exposed to the aforementioned consequences of repayment or noncompliance with repayment.

THERE ARE VAST DISPARITIES AND WORRISOME TRENDS ACROSS STATE STATUTES OF LIMITATIONS

Although lengthy periods of indebtedness are well known to those with LFOs, there has been no comprehensive, comparative study of just how long people across the country are subject to this kind of debt. To assess the longevity of LFO debt in the United States and the potential for reform, Vera conducted research into the statutes of limitations for different kinds of criminal and civil debt in all 50 states.

With pro bono legal research assistance from Winston & Strawn LLP, Vera identified relevant criminal and civil statutes that set the time period in which the state can enforce a debt obligation. When states did not have explicit statutory language defining the time limitations for criminal legal debt, Vera located the court precedent or judicial guidance that otherwise set those limitations. Following this initial scan, Vera reached out to local experts, including public defense and judicial agencies, local criminal justice advocacy organizations, and law professors, to validate and confirm information, particularly if statutes were indeterminate.

Vera's analysis of this data allowed us to determine the amount of time that people are subject to debt from fines, fees, and restitution obligations according to applicable state law or precedent, as well as the amount of time they would be subject to a debt from a civil judgment. (See Figure 1 and accompanying notes for data caveats.) Vera maintains a comprehensive database containing the information and supporting statutory authorities compiled to produce this table. For access to information contained within that database, please contact the authors using the information at the end of this report.

FIGURE 1

Periods of enforcement for civil judgments, fines and fees, and restitution

State	Civil judgment SOL (years)	CRIMINAL DEBT SOL		Disparity between civil and criminal debt SOLs
		Fines and fees SOL (years)	Restitution SOL (years)	
Alabama	10*	Unlimited	Unlimited	ΔΔ
Alaska	10**	Unlimited	10	Δ
Arizona	10**	(Unlimited)	Unlimited	ΔΔ
Arkansas	10**	Unlimited	Unlimited	ΔΔ
California	10**	Unlimited	Unlimited	ΔΔ
Colorado	6**	6**	Unlimited	Δ
Connecticut	20	((20))	20	=
Delaware	10**	Unlimited	Unlimited	ΔΔ
Florida	20	20	20	=
Georgia	7**	7**	7	=
Hawaii	10*	10**	10	=
Idaho	11()	Unlimited	20	ΔΔ
Illinois ^a	7*	(Unlimited)	7	Δ
Indiana	20()	20	20	=
Iowa	20()	65	65	ΔΔ
Kansas	5**	(Unlimited)	(Unlimited)	ΔΔ
Kentucky ^b	10*	Unlimited	Unlimited	ΔΔ
Louisiana	10**	3	3	+
Maine	20	Unlimited	Unlimited	ΔΔ
Maryland	12*	Unlimited	Unlimited	ΔΔ
Massachusetts	20(*)	20	20	=
Michigan	10**	(Unlimited)	Unlimited	ΔΔ
Minnesota	10	((10))	((10))	=
Mississippi	7**	Unlimited	Unlimited	ΔΔ
Missouri	10(*)	10**	Unlimited	Δ
Montana	10()	(Unlimited)	Unlimited	ΔΔ
Nebraska	5(**)	((5))	((5))	=
Nevada	6**	6**	Unlimited	Δ
New Hampshire	20	(Unlimited)	Unlimited	ΔΔ
New Jersey	20(*)	20	20	=
New Mexico	14	Unlimited	Unlimited	ΔΔ
New York	20	20	20	=
North Carolina	10*	3	10	+
North Dakota	20	20	20	=
Ohio	15(**)	Unlimited	Unlimited	ΔΔ
Oklahoma	5**	Unlimited	Unlimited	ΔΔ
Oregon	10*	20*	50*	ΔΔ
Pennsylvania	20	Unlimited	Unlimited	ΔΔ
Rhode Island	20	(Unlimited)	20	Δ
South Carolina	10	10	10	=
South Dakota	20	20	20	=
Tennessee ^c	10**	10	((10))	=
Texas	10**	Unlimited	Unlimited	ΔΔ
Utah	8(**)	Unlimited	Unlimited	ΔΔ
Vermont	8(**)	Unlimited	Unlimited	ΔΔ
Virginia	20*~	60~	Unlimited	ΔΔ
Washington	10(**)	10**	Unlimited	Δ
West Virginia	10(*)	1	(Unlimited)	Δ
Wisconsin	20	(Unlimited)	(Unlimited)	ΔΔ
Wyoming	5**	(Unlimited)	10	ΔΔ

Notes:

Δ Just one criminal debt SOL is greater than the civil judgment SOL.

ΔΔ Both criminal debt SOLs are greater than the civil judgment SOL.

= All debt enforcement periods are equal.

+ Civil judgment SOL is greater than at least one criminal debt SOL.

() Unable to verify at time of publication.

* Enforcement period may be renewed once.

** Enforcement period may be renewed indefinitely.

~ In Virginia, criminal debt originating from circuit courts is enforceable for 60 years and criminal debt from general district courts is enforceable for 30 years. Civil debt originating from circuit courts is enforceable for 20 years, and civil debt from general district courts is enforceable for 10 years.

This data is drawn from legal research conducted by pro bono volunteers and Vera staff as well as through outreach to local experts.

The authors encourage experts with divergent information to contact Vera at either of the email addresses listed at the end of this report.

a In Illinois, Vera's interpretation is that the statute allows for an unlimited period of enforcement, but some local experts advised that seven years is customary. Additionally, in Illinois, civil judgments are renewable once for a term of 20 years.

b In Kentucky, Vera learned from local experts that fees are usually tied to a term of supervision.

c In Tennessee, Vera's interpretation is that restitution is connected to probation terms and can be converted to a civil judgment, adding 10 years.

A NOTE ON UNVERIFIED DATA

Due to the complex and opaque nature of these statutes, Vera was not always able to obtain verification; this means that some of the fields collected remain ambiguous or subject to dispute. Within the report, Vera specifically notes where collected information did not meet internal standards for validation. In an abundance of caution, Vera generally excludes ambiguous or unverified findings from its analysis, unless otherwise specified.

LFO debt holders are generally subject to longer repayment periods than civil debt holders

Vera's survey determined that, at a summary level, criminal justice debt obligations typically have much longer repayment periods than debts for a civil judgment. (See Figure 2.) As shown in Figure 2, the typical (median) fines and fees SOL is 40 years, while the typical (median) SOL governing restitution outlines an unlimited period of enforcement. Compare these with the standard (median) SOL for a civil judgment, which is around 10 years.

FIGURE 2

Range of state SOL lengths for civil judgments, fines and fees, and restitution in years

	Civil judgments	Fines and fees	Restitution
First quartile	10	10	20
Median	10	40	Unlimited
Third quartile	20	Unlimited	Unlimited

Note: Vera excludes unverified data from this analysis.

The 50-state scan also revealed that the number of states where fines, fees, and restitution obligations are subject to an unlimited period of enforcement is considerably greater than the number of states where civil judgments are subject to an unlimited period of enforcement. As illustrated in Figure 3, although many states do allow for civil judgment SOLs to be renewed at least once, the baseline SOL for such debts are never unlimited, as they are commonly in the criminal debt context.

FIGURE 3

Number of states where civil and criminal debt SOLs are unlimited or renewable

	Civil judgments	Fines and fees	Restitution
Unlimited	0	17	24
Renewable once	8	1	1
Renewable indefinitely	16	6	0

Note: Vera excludes unverified data from this analysis.

A NOTE ON THE RENEWABILITY OF CIVIL AND CRIMINAL DEBT ENFORCEMENT PERIODS

It is worth noting that the impact of renewability on these periods of enforcement is often unknown. Vera consulted local experts in a number of states where statutes of limitations for civil and criminal debt have the potential for renewal by at least one year and, in some instances, indefinitely. Vera received a range of information and opinions.

- Many experts shared that they lacked an understanding of how renewability impacts these periods of enforcement in practice or that they varied across courts and jurisdictions.
- Some experts were confident that courts do not typically capitalize on the potential for SOL renewal except in extenuating circumstances.
- Others were certain that courts would surely take advantage of the full extent of the law to enforce debts, meaning that SOLs that are able to be renewed indefinitely are functionally unlimited periods of enforcement.

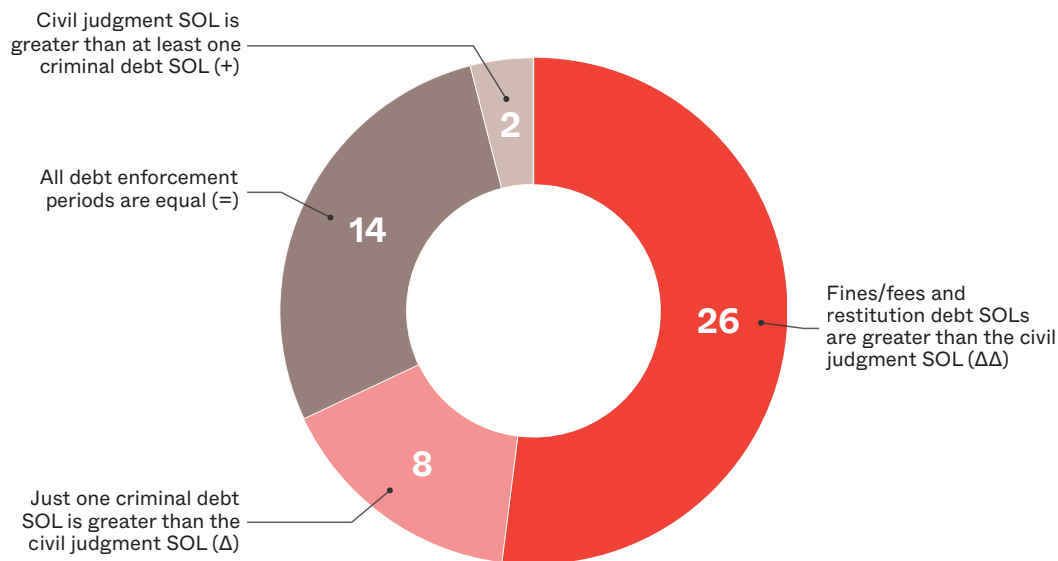
Among states where the operation of renewability is clear, Vera found a wide variety of ways the enforcement period for a debt may be renewed, including any payment on the debt, a new motion, or an entirely new lawsuit. In no case, however, was renewal an automatic process. Unlike

indefinite criminal debts whose term is established only once, civil judgments that may be renewed indefinitely still require some kind of action from the debt holder or the state in order to be renewed.

Still, due to the lack of clarity surrounding the true use and impact of renewability, Vera generally does not consider renewability in its analysis, unless otherwise indicated.

In general, states appear to treat fines, fees, and restitution debts differently and unfavorably compared to civil debts within individual states. As demonstrated in Figure 4, criminal justice debts have longer periods of enforcement in the majority (68 percent or 34 out of 50) of states.⁴²

FIGURE 4
Distribution of states based on disparities between civil and criminal debt SOLs



Note: Vera did not factor SOL renewability into this data visualization but did include unverified data for completeness.

Twenty-six states have laws or practices that make both restitution and fines and fees collectible for longer periods of time than civil debt.⁴³ An additional eight states make at least one of those types of criminal LFOs collectible for longer periods of time than civil judgments as well.⁴⁴ Only 14 states have equal terms of

enforcement for both debts from the criminal legal system and debts from a civil judgment, and just two outline longer periods of enforcement for civil debts.⁴⁵

Vera additionally found that, in places where enforcement periods for criminal justice debts extend beyond civil ones, the disparity is large. In fact, the median criminal debt SOL is unlimited for such states, while the median civil debt SOL is 10 years. This means that people with criminal debt in most of these states may be subject to debt burdens for substantially longer periods of time than people in the same state paying down a debt from a civil case. For example, in Vermont, a person working to settle a civil judgment may only be burdened with their debt for eight years, while a person saddled with debt arising from a criminal case can be tracked down for the amount they owe indefinitely. This stark contrast prompts a burden of justification for lawmakers as to the disparate treatment of these debts, as a matter of fairness and justice.

RELEVANT GUIDANCE FROM THE SUPREME COURT ON CRIMINAL VS. CIVIL DEBTS (*JAMES V. STRANGE*)

At least as to nonpunitive court debt, the U.S. Supreme Court's guidance in *James v. Strange* (1972) seemingly requires that there should not be disparity between civil and criminal collection rights. In its opinion, the Court wrote,

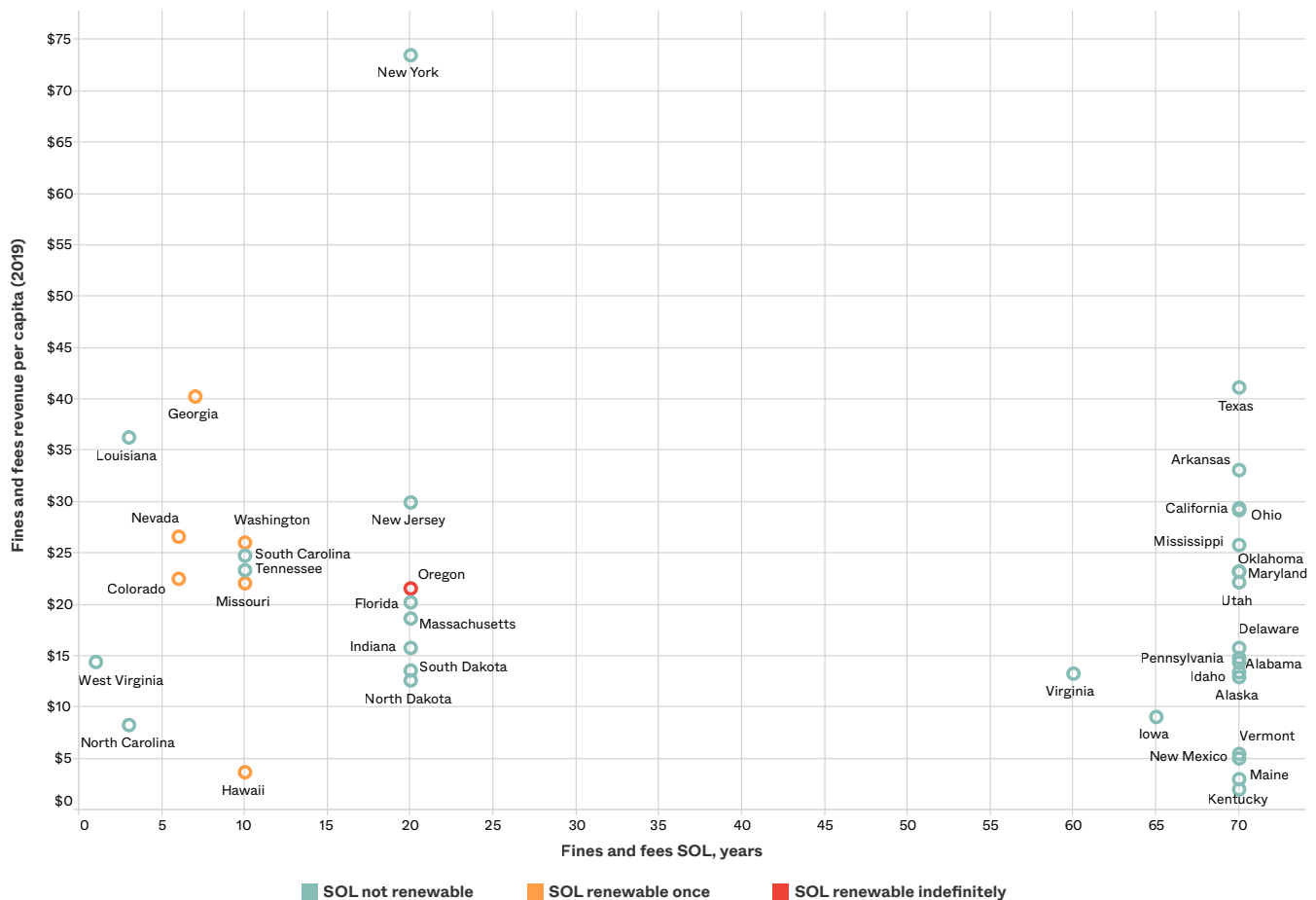
[Court debt] recoupment statutes may betoken legitimate state interests. But these interests are not thwarted by requiring more even treatment of indigent criminal defendants with other classes of debtors to whom the statute itself repeatedly makes reference. State recoupment laws, notwithstanding the state interests they may serve, need not blight in such discriminatory fashion the hopes of indigents for self-sufficiency and self-respect.⁴⁶

This could be understood as an advisement that criminal debts should not be treated unfavorably as compared to civil debts.

Longer criminal debt SOLs do not necessarily lead to higher LFO collections

Perhaps the most striking finding of Vera’s analysis is that lengthier or unlimited criminal debt SOLs are not strongly associated—if at all—with higher criminal debt revenue amounts. (See Figure 5.)⁴⁷

FIGURE 5
Plotting the relationship between state fines and fees revenues per capita and fines and fees SOLs



Notes: Seventy years is used to signify an unlimited period of enforcement. Vera excludes unverified data from this analysis.

As illustrated in the scatterplot in Figure 5, there is no discernable relationship between criminal debt SOLs and fines and fees revenue per state resident. Notably, the revenues data only captures fines and forfeits monies that are ultimately collected by the state and does not reflect amounts charged or repayment rates. As a result, higher revenue amounts could reasonably be

the result of higher amounts charged and/or more aggressive collection enforcement practices. Although Vera cannot measure the proportion of debt that is repaid, the data that is available does not suggest a relationship.

Considering this, Figure 6 further demonstrates that states where fines and fees obligations never expire do not generally collect higher amounts in fines and fees revenues compared to states that do impose some limitation on the enforcement of this type of debt. The same is true even when excluding states with renewable periods of enforcement. (See Figure 7.)

FIGURE 6
State fines and fees revenue per capita, disaggregated by whether the SOL is limited and organized in descending order

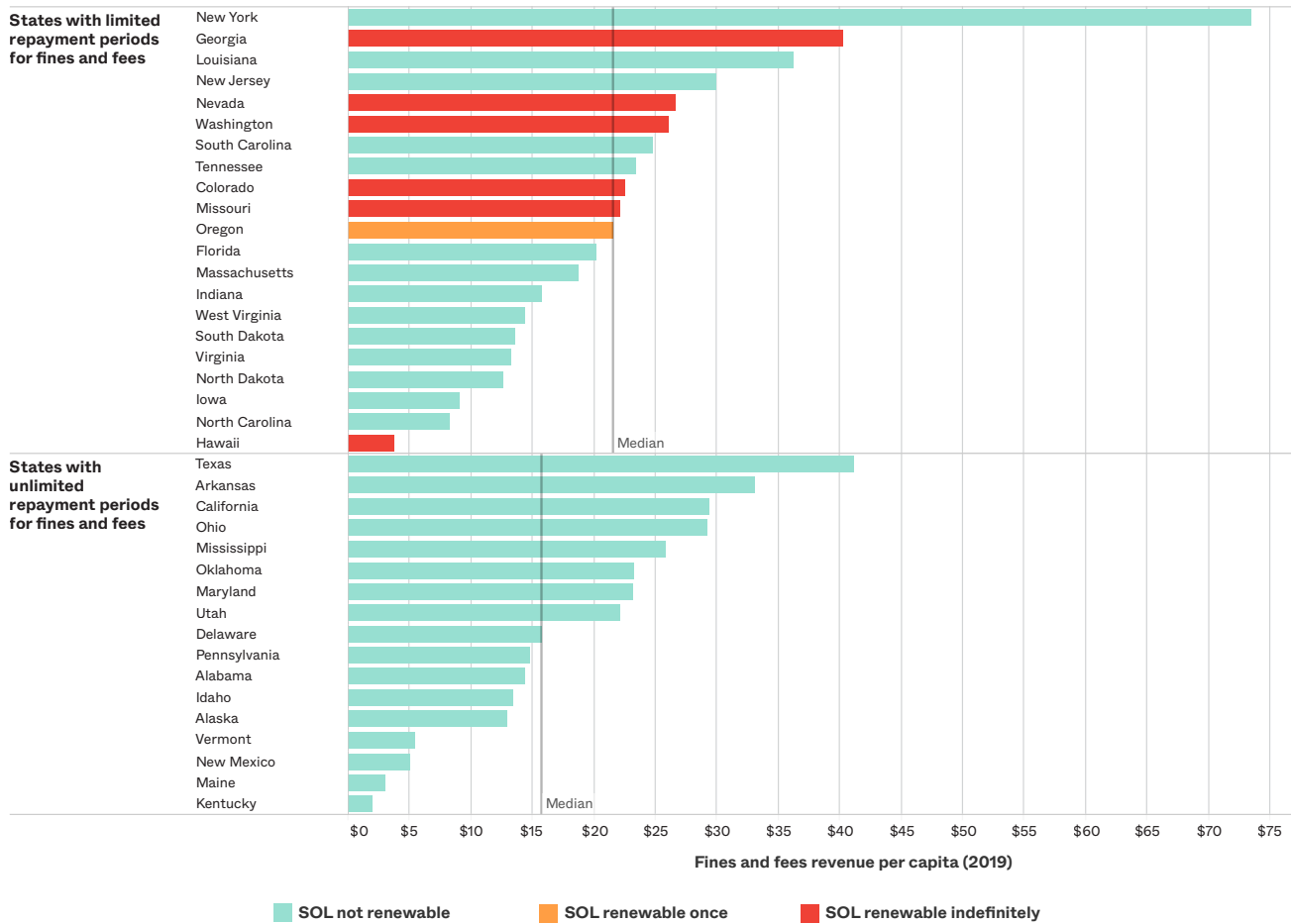
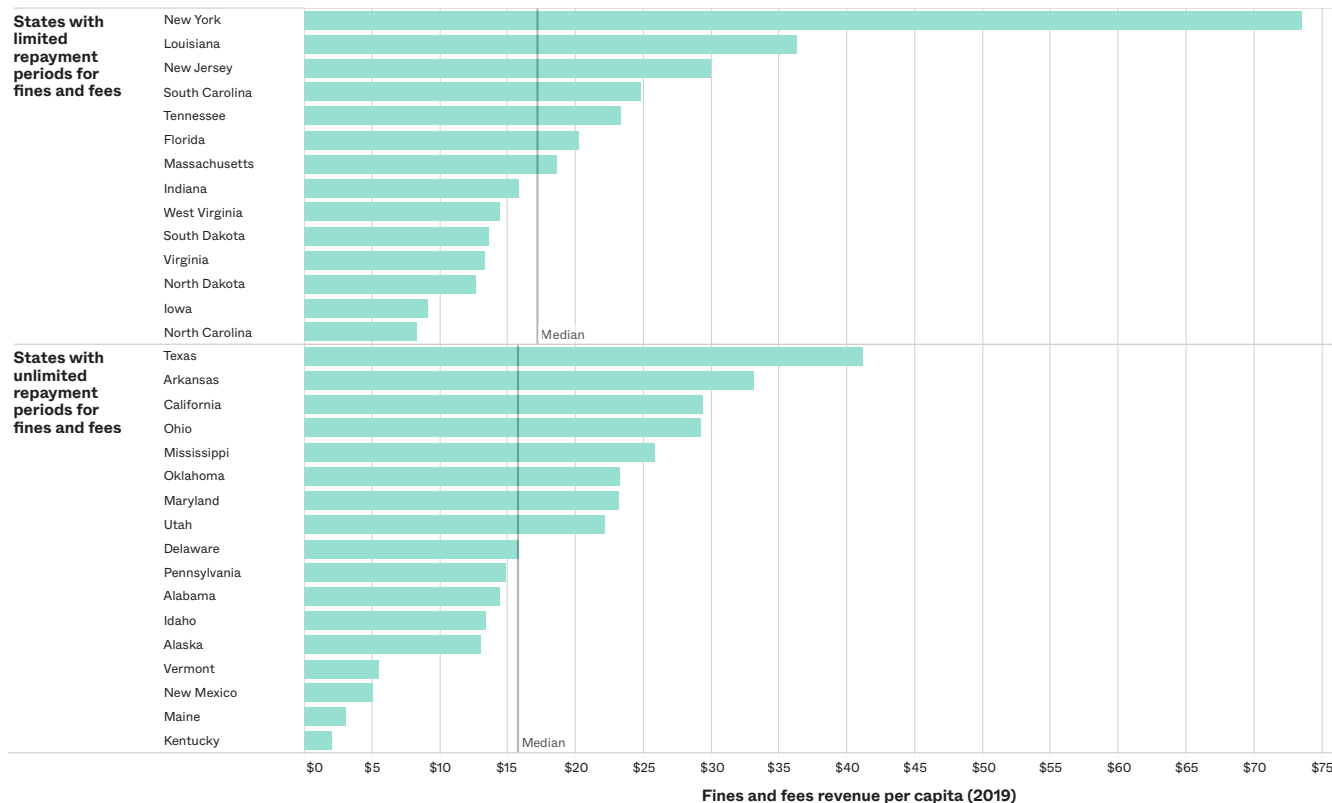


FIGURE 7

State fines and fees revenue per capita, disaggregated by whether the SOL is limited and organized in descending order (excluding states with renewable fines and fees SOLs)

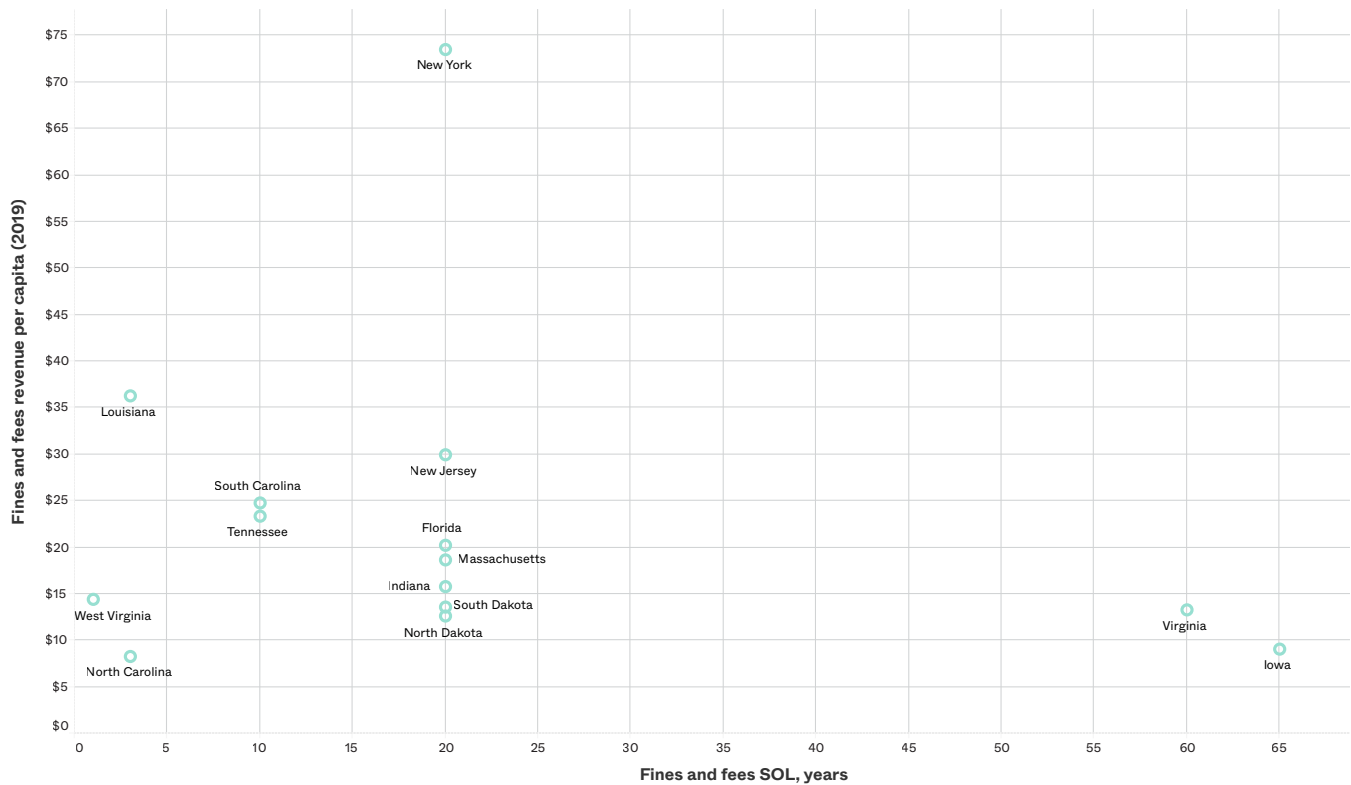


Note: Vera excludes unverified data from this analysis.

When excluding states with unlimited enforcement periods for fines and fees in addition to states with renewable enforcement periods for these debts, there still appears to be no observable relationship between SOL length and criminal justice debt collection. (See Figure 8.) This finding suggests that even states that do impose some limitation on the enforcement of these debts—at 65, 20, or even 10 years—could potentially afford to reduce this period further still.

FIGURE 8

Plotting the relationship between state fines and fees revenues per capita and fines and fees SOLs (excluding states with unlimited and renewable fines and fees SOLs)



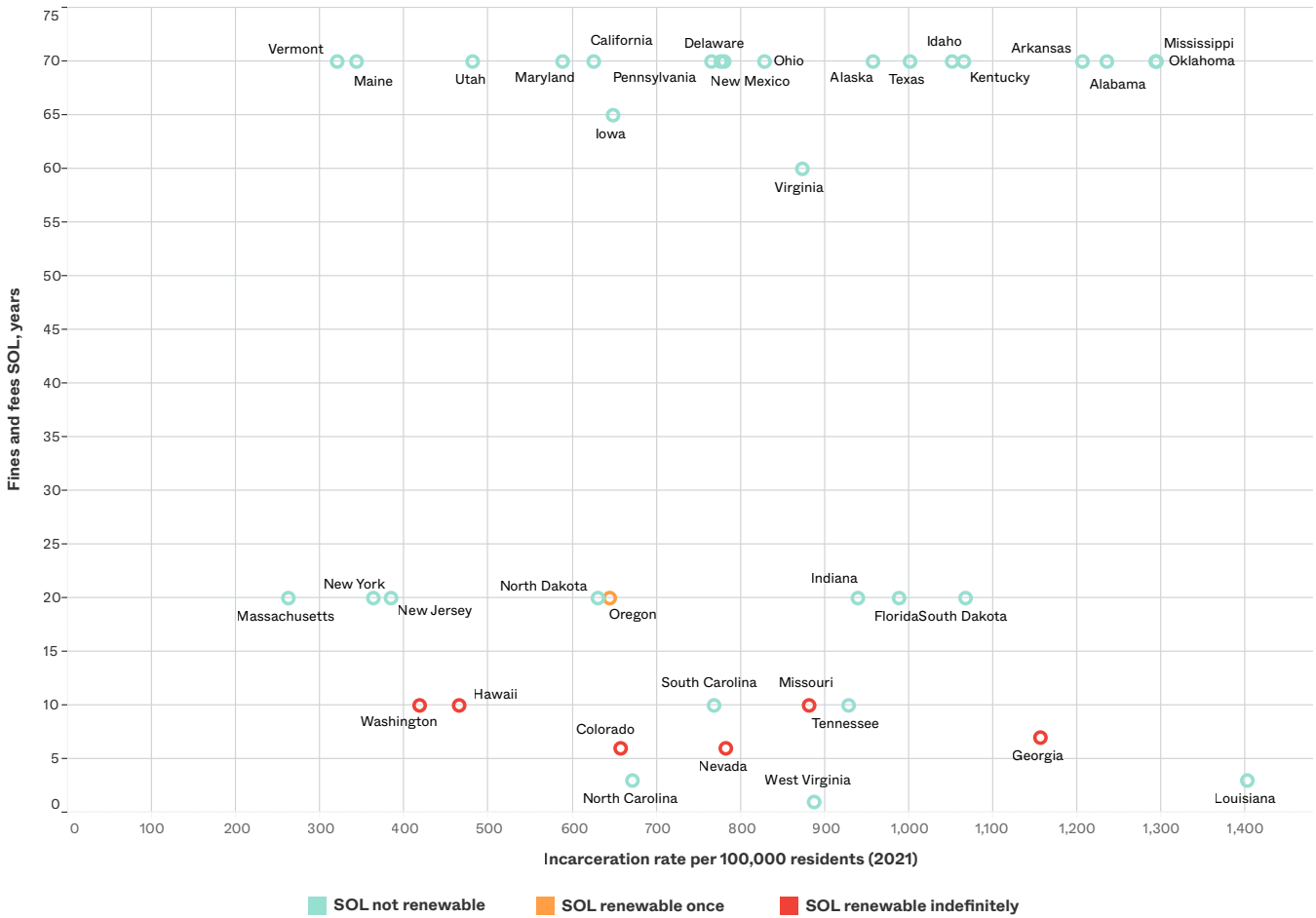
Notes: Vera excludes unverified data from this analysis.

Criminal debt SOL lengths are not associated with state criminal legal system dominant political ideologies

The distribution of criminal debt SOLs does not appear to be strongly associated with criminal justice practices like jail and prison sentencing.⁴⁸ In theory, the length of criminal debt SOLs might reflect a state’s punitive culture—that more punitive places are more invested in keeping people under longer terms of repayment. The data, however, does not support this connection. As illustrated in Figure 9, states with low and high incarceration rates alike outline a range of criminal debt SOLs.

FIGURE 9

Plotting the relationship between state incarceration rates and fines and fees SOLs

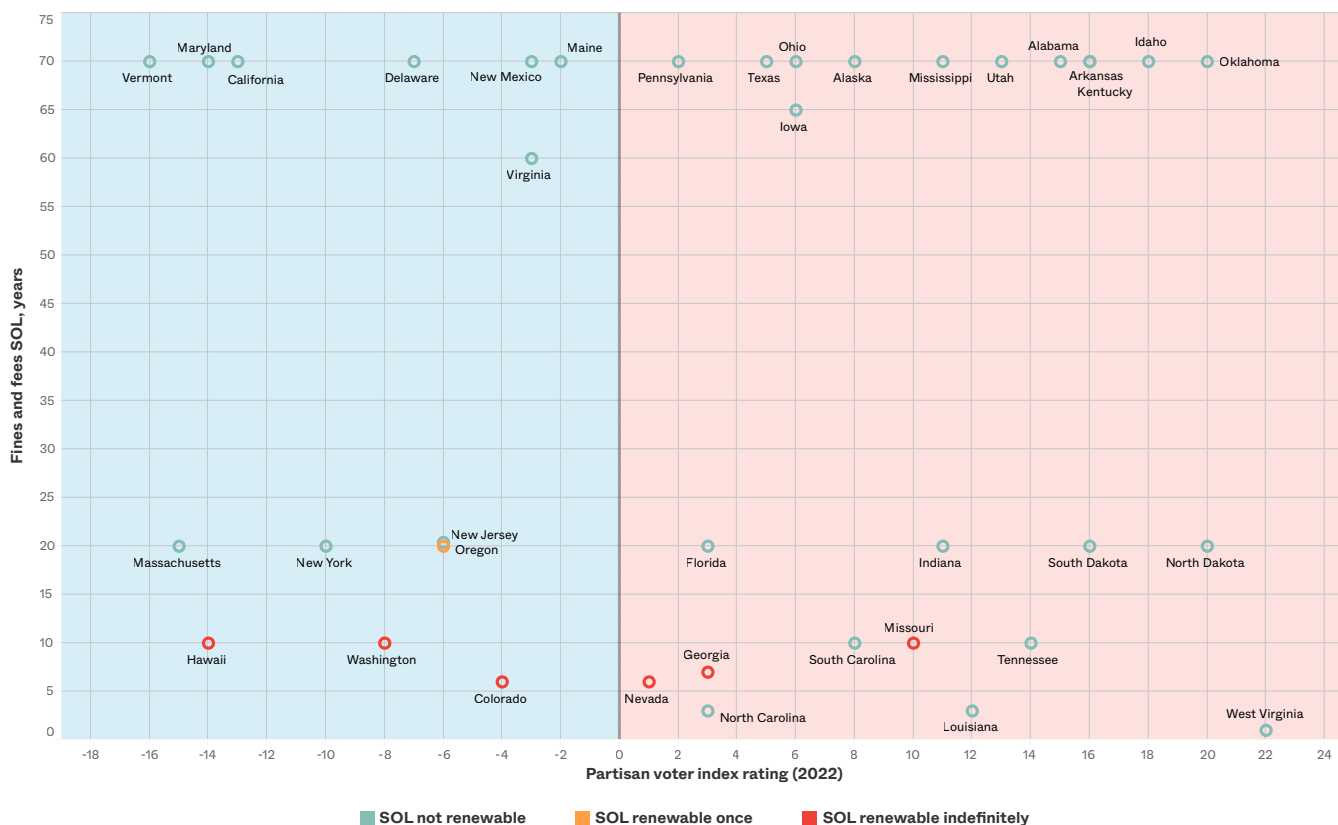


Notes: Seventy years is used to signify an unlimited period of enforcement. Vera excludes unverified data from this analysis.

For example, Massachusetts and Vermont both have a relatively low incarceration rate at about 300 per 100,000 people; however, Massachusetts’ fines and fees SOL is 20 years while Vermont’s is unlimited. On the higher end of the incarceration rate range, Mississippi allows for an unlimited period of enforcement for fines and fees debts while Louisiana’s fines and fees SOL is just three years. The same pattern holds true when looking at restitution SOL debts. Pennsylvania and South Carolina both have approximately the same rates of incarceration at about 760 per 100,000 people, but drastically different periods of enforcement for restitution debts.

Similarly, the distribution of criminal debt SOLs is also not a predictable reflection of the dominant political party ideology in a particular state. As shown in Figure 10, disparities in fines and fees SOLs are evenly spread across blue and red states.⁴⁹

FIGURE 10
Plotting the relationship between state dominant political ideologies and fines and fees SOLs



Notes: Seventy years is used to signify an unlimited period of enforcement. Vera excludes unverified data from this analysis. Negative numbers represent Democratic states, while positive numbers represent Republican states. The further the value is from 0 represents the degree to which a state is considered to lean in a particular direction.

Source for political ideologies: Cook Political Report, “Cook Partisan Voting Index,” July 12, 2022, <https://www.cookpolitical.com/cook-pvi/2022-partisan-voting-index/state-map-and-list>.

Four of the most Democratic states according to the Cook Partisan Voting Index (Hawaii, Maryland, Massachusetts, and Vermont) use vastly different periods of enforcement for criminal debts: Hawaii uses a 10-year SOL for both restitution and non-restitution LFOs and Massachusetts uses a 20-year SOL, while Maryland and Vermont allow for unlimited enforcement of criminal debts.⁵⁰ On the opposite end of the political spectrum, among the most Republican

states in the index, North Dakota uses a 20-year SOL, Oklahoma permits the unlimited enforcement of all LFOs, and West Virginia has the lowest criminal debt SOL in the country at just one year for fines and fees debts.

The absence of a connection between these criminal legal and political variables and LFO periods of enforcement indicates that SOLs for criminal legal debt may not be a typically politically entrenched policy area. Indeed, the relative lack of explicit statutory language defining SOLs for criminal legal debt suggests that the current legal landscape may be more arbitrary than intentional—a consequence of states creating administrative frameworks in response to the existence of such debts rather than part of ideologically driven legislative campaigns.

REFORM EFFORTS

Some states have attempted to address the issue of statutes of limitations for criminal court debt, yielding varied results. In 2021, Illinois placed a seven-year cap on debt arising from a violation of a municipal ordinance, which was previously subject to an unlimited period of enforcement.⁵¹ In 2022, Washington State passed legislation that, among other things, strengthened protections for people with limited or no ability to pay that would prevent the court from automatically renewing the 10-year period of enforcement on non-restitution LFO debt.⁵² In 2022, advocates in Rhode Island pushed unsuccessfully for legislation that would have extinguished unpaid debts after three years.⁵³ In 2022 and 2023, Virginia introduced but did not successfully pass a bill that would have reduced the period of limitations for the collection of court fines and costs from 60 years for debt originating in a circuit court or 30 years if imposed by a general district court to 10 years. Overall, however, efforts to reform criminal SOLs have been rare.

Several places have actually extended the statutes of limitations for criminal court debt in recent years.⁵⁴ This lengthening of SOLs may be a contributing factor to the challenges encountered in reversing these laws, especially in the state of Virginia. The reluctance to reform SOLs in some places could be attributed to various factors, including budgetary concerns and “tough-on-crime” narratives. As the issue continues to be debated and studied, the experiences of states and jurisdictions attempting reforms favorable to debt holders and those elongating the limitations timeline underscore the complexity of finding a balanced and equitable solution for managing criminal court debt.

SECTION 3

A Route to Reform—LFO Debt Statutes of Limitations

The most significant relief from LFO debt is to eliminate the imposition of LFOs in the first place. Front-end legislative changes that abolish debt obligations imposed on people in the criminal legal system ought to be the first priority for reformers seeking to advance equality and justice. Successful campaigns in states like California and New Mexico, for example, demonstrate the viability of substantive victories of this kind, at least regarding criminal legal system fees. In cases in which such reforms are not viable, there may also be back-end approaches to reducing debt burdens, including abolishing or cancelling certain debt burdens.

Statutes of limitations reforms offer an underexplored complement and alternative to front-end reforms, offering benefits to both criminalized people and states. In states where enforcement periods are unequal with those for civil judgments, advocates can propose equalizing how a state treats criminal debts, in alignment with the Supreme Court's opinion in *James v. Strange*.⁵⁵ Particularly in Democratic states such as Maryland and Vermont—places where all kinds of criminal legal debt are indefinitely enforceable—arguments centering on the unfairness of this disparity would mesh with other criminal legal reform efforts and existing political will. In states where criminal and civil debts are enforced equally, advocates can propose legislative packages that reduce both kinds of SOLs. In such cases, criminal legal reform advocates would find allies in consumer rights advocates looking to reduce debt burdens in the civil system.

In both contexts, there may be opponents to any kind of reform. Although some states outsource criminal legal debt enforcement to private collections companies, all have such companies operating to collect civil and consumer debts, making that industry the clearest opposition to potential reform. The belief that criminal legal debt provides essential government funding might motivate some to

oppose change, despite the reality to the contrary.⁵⁶ Additionally, some tough-on-crime politicians may generally oppose changes that benefit people involved in the criminal legal system.

Nonetheless, an organized campaign to make these changes would have certain advantages in either context. As a matter that is normally of low salience to the general public—unlike some other policing and justice issues—there would likely not be an existing public or popular constituency that actively opposes reform. Advocates would have space to make an affirmative case for change by demonstrating the undue burden placed on people subject to these debts and that revenues may not be significantly impacted by substantially reducing the statute of limitations on such debts. In doing so, they may also prove that fines and fees are not adequate solutions to government funding.

POLICY SOLUTIONS CAN PROVIDE MEANINGFUL RELIEF

Based on proposed and existing reforms, Vera offers three priority principles for legislative fixes to LFO SOLs and four secondary principles for additional consideration or if primary options are unavailable.

Priority legislative fixes to LFO statutes of limitations

- **Establish SOL periods for criminal court debt and preclude renewability.** As with most noncriminal debts, criminal debts should be time-barred. Currently, as illustrated in Vera’s findings, at least 26 states have unlimited periods of enforcement for certain criminal debt and an additional three states allow for some established SOL periods to be renewed.⁵⁷ Additionally, a few states have other carveouts that can restart payment periods in two ways: (1) language that renews an SOL based on different conditions, such as a prosecutorial request to the judiciary or through a new payment; and (2) language that transforms an LFO debt into a civil judgment and resets the repayment period to the civil debt SOL. Because there

are cases in which civil debts may be renewable, policy language should expressly prohibit the transformation of LFO debt into civil judgments when those civil judgments are renewable.

- **Set criminal debt SOL periods as short as possible or toward the recommended limitation of three years.** Because criminal debts can have destabilizing effects on the people who owe them and especially because longer periods of debt enforcement are not proven to result in higher collection rates, the goal should be to make these SOLs as short as possible. For most states, the objective of reforms should be to revise debt limitations toward the three-year recommendation for consumer debt.
- **Extinguish outstanding debt once the SOL has expired.** In the same spirit as precluding renewability, ideal reforms would automatically discharge outstanding debt in addition to establishing or shortening an SOL. Although certain statutes of limitations will stop the collection of LFO debt and associated legal consequences for nonpayment after a certain period, there are still potential consequences for outstanding debts past a statute of limitations, including illegal collections attempts by private companies.

Secondary legislative options

In addition to priority solutions or when legislation does not succeed in reducing SOLs as described in the priority principles, there are some backup approaches that could still provide some clarity or relief for LFO debt holders.

- **Where LFO SOLs are greater than SOLs for civil judgments, lower the criminal debt SOL to the civil debt SOL.** As demonstrated in Vera's state survey, in at least 30 states criminal legal debt is subject to either no limitation or a limitation that extends sometimes far beyond what a person would be subject to under a civil judgment.⁵⁸ In these circumstances, advocates should seek to equalize

the limitations for both kinds of debt, in accordance with Supreme Court guidance in *James v. Strange*.⁵⁹

- **Prohibit collection activities following expiration of the SOL period.** When the underlying debt cannot be resolved, Vera recommends including statutory language that prohibits collection activities after the expiration of the SOL period. Otherwise, creditors and debt collectors could still pursue people with outstanding debts, hoping that they are unaware that their debts are unenforceable.
- **Create optional payment mechanisms in cases in which outstanding debt is unresolved.** Even if debt becomes unenforceable, existing debt burdens can still adversely affect other parts of people’s financial lives. Including a statutory mechanism that allows optional repayment of unenforceable debt could provide a release valve for people attempting and able to reduce their debt burdens in order to overcome financial instability. Evidence from states also suggests that this kind of mechanism can undercut political opposition arguments that reform is unwise because it prevents people from repayment.
- **Publish criminal court debt SOLs.** One final recommendation, unrelated to directly providing relief, is for states to—at a bare minimum—more transparently publish SOLs for criminal court debt. Publication of this information should provide better clarity and access to information for debt holders, other members of the public, and as a basis for reviewing and further reform for the courts and for advocates.

Conclusion

Reforming statutes of limitations is a powerful way to provide relief for criminalized people under crushing debt burdens and poses no significant cost to state governments—and may, in fact, benefit them. Most people want to address their debts, but since many people who owe criminal court debt are poor, efforts to collect have diminishing returns. Leveraging SOLs allows governments to concentrate collection efforts on shorter periods of time that correspond with the amount of time that most people who can repay their debts actually need to do so. Meanwhile, prolonged periods of carrying debt create an undue burden on poor people, and the endless cycle of punishment precludes redemption and second chances. Altogether, these findings point to the potential for effective policy changes that establish reasonably brief statutes of limitations on criminal court debt. Aligning, strategically and when necessary, with lower SOLs from other debt types can further enhance the fairness of this approach.

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