

STATES ORDERING COVID RELIEF STIMULUS CHECKS TO BE USED TO REPAY RESTITUTION

Missouri

2021 Revised Statute 217.845 CARES Act moneys received by offender for COVID-19 to be used for restitution.

Any funds received by an offender from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or any subsequent federal stimulus funding relating to severe acute respiratory syndrome coronavirus 2 or a virus mutating therefrom, **shall be used by the offender to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.**

<https://casetext.com/statute/missouri-revised-statutes/title-xiii-correctional-and-penal-institutions/chapter-217-department-of-corrections/section-217845-cares-act-moneys-received-by-offender-for-covid-19-to-be-used-for-restitution>

Wisconsin

2021 State Bill 236 : (1) Notwithstanding s. 301.32 (1), any COVID recovery rebates from the federal government received on or after the effective date of this subsection by a person who is incarcerated in this state **shall be applied first to satisfy any restitution the person has been ordered to pay.**

<https://docs.legis.wisconsin.gov/2021/proposals/reg/sen/bill/sb236>

New Jersey

Governor Philip Murphy issued executive order #203 on March 24, 2021 regarding Covid relief aid to be exempt from garnishment **with the exception of child support, spousal support and criminal restitution payable to victims. page 6 #2**

<https://nj.gov/infobank/eo/056murphy/pdf/EO-233.pdf>

Arkansas

SB544 now Act 1110 (5/3/21) - Requiring a person in the custody of a correctional facility to use funds from Federal Relief or Stimulus Programs **to first pay outstanding fines, fees, costs or restitution; and to declare an emergency**

<https://www.arkleg.state.ar.us/Bills/Detail?id=SB544&ddBienniumSession=2021/2021R>

Nevada

Governor Steve Sisolak issued a Declaration of Emergency Directive 017 on March 12, 2020, in which he states : All executions of all funds, including federal stimulus payments... **The stay of garnishments and executions is not applicable to actions for, or any judgment awarding any child support owed to a parent or spousal support or any criminal restitution payable to victims. Section 5**

[https://gov.nv.gov/News/Emergency_Orders/2020/2020-04-30 -
COVID-19 Declaration of Emergency Directive 017 \(Attachments\)/](https://gov.nv.gov/News/Emergency_Orders/2020/2020-04-30_-_COVID-19_Declaration_of_Emergency_Directive_017_(Attachments)/)

Alabama

AL code 15-18-144 (2018) Re: inmate employment income withholding order - Assets of defendant to be withheld or attached. "Any court-ordered payments and fees owed by the inmate (e.g., restitution and/or victim compensation) are then deducted by the Inmate Trust Fund System," Simpson said. "These deductions, if applicable, are made pursuant to the terms of any respective, received court order(s) in accordance with the Alabama Restitution Withholding Act ... in advance of those funds being made available to the inmate." - Kristi Simpson, interim spokeswoman for the DOC

[https://law.justia.com/codes/alabama/2018/title-15/chapter-18/article-8/
section-15-18-144/](https://law.justia.com/codes/alabama/2018/title-15/chapter-18/article-8/section-15-18-144/)

California

[Governor's Executive Order](#) (Section 3 page 2) - States that effective April 23, 2020, any stimulus payments from the CARES Act or any other government financial assistance in response to COVID-19 are exempt from attachment, levy, execution, or garnishment, and money collected prior to this order in a manner inconsistent with the order must be promptly returned. Specifically prohibits liens and setoffs except regarding debts for child support, family or spousal support, and criminal restitution payable to victims.

New York

[S5923A/A6617A](#) - May 15, 2021 Governor Cuomo signed legislation that adds an exemption for emergency relief funds. The exemption does not apply, " (i) if the debt enforced is for child support, spousal support, maintenance, alimony, a distributive award in a matrimonial action, or restitution in a family offense proceeding, or (ii) to that portion of any money judgment awarded on a claim that the emergency relief funds referenced herein are the rightful property of the judgment creditor."

Oregon

[House Bill 4212](#), which took effect on June 30, 2020, states that CARES Act stimulus checks are exempt from garnishment unless the garnishment was issued to collect a judgment in a criminal action requiring restitution or a civil judgment based on a criminal conviction. [The protective measures in this order were originally promulgated in [Governor's Executive Order](#), effective April 17, 2020.]

[https://docs.google.com/document/d/
1oV5JGVvqhkN4eKQr8rJLqEuSQU1O7EMqj70O3crQu4/edit](https://docs.google.com/document/d/1oV5JGVvqhkN4eKQr8rJLqEuSQU1O7EMqj70O3crQu4/edit)