
APPENDIX

STATE BANS ON DEBTORS' PRISONS AND CRIMINAL JUSTICE DEBT*

This Appendix identifies and locates the critical language of each of the forty-one current state constitutional bans on debtors' prisons. Readers should refer to the constitutions themselves for related provisions, such as exemptions to the types of property that may be seized.

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"That no person shall be imprisoned for debt."
ALA. CONST. art. I, § 20.

"There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors."
ALASKA CONST. art. I, § 17.

"There shall be no imprisonment for debt, except in cases of fraud."
ARIZ. CONST. art. II, § 18.

"No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud."
ARK. CONST. art. II, § 16.

". . . A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine."
CAL. CONST. art. I, § 10.

"No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud."
COLO. CONST. art. II, § 12.

"No person shall be imprisoned for debt, except in cases of fraud."
FLA. CONST. art. I, § 11.

"There shall be no imprisonment for debt."
GA. CONST. art. I, § 1, ¶ XXIII.

* This is the Appendix to Note, *State Bans on Debtors' Prisons and Criminal Justice Debt*, 129 HARV. L. REV. 1024 (2016).

“There shall be no imprisonment for debt.”

HAW. CONST. art. I, § 19.

“There shall be no imprisonment for debt in this state except in cases of fraud.”

IDAHO CONST. art. I, § 15.

“No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.”

ILL. CONST. art. I, § 14.

“. . . [T]here shall be no imprisonment for debt, except in case of fraud.”

IND. CONST. art. I, § 22.

“No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.”

IOWA CONST. art. I, § 19.

“No person shall be imprisoned for debt, except in cases of fraud.”

KAN. CONST. Bill of Rights, § 16.

“The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.”

KY. CONST. § 18.

“No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by decree of said court for the support of a spouse or dependent children, or for the support of an illegitimate child or children, or for alimony (either common law or as defined by statute), shall not constitute a debt within the meaning of this section.”

MD. CONST. art. III, § 38.

“No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.”

MICH. CONST. art. I, § 21.

“No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. . . .”

MINN. CONST. art. I, § 12.

“There shall be no imprisonment for debt.”

MISS. CONST. art. III, § 30.

“That no person shall be imprisoned for debt, except for nonpayment of fines and penalties imposed by law.”

MO. CONST. art. I, § 11.

“No person shall be imprisoned for debt except in the manner provided by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.”

MONT. CONST. art. II, § 27.

“No person shall be imprisoned for debt in any civil action on mesne or final process.”

NEB. CONST. art. I, § 20.

“. . . [T]here shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned [imprisoned] for a Militia fine in time of Peace.”

NEV. CONST. art. I, § 14 (second alteration in original).

“No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.”

N.J. CONST. art. I, ¶ 13.

“No person shall be imprisoned for debt in any civil action.”

N.M. CONST. art. II, § 21.

“There shall be no imprisonment for debt in this State, except in cases of fraud.”

N.C. CONST. art. I, § 28.

“No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.”

N.D. CONST. art. I, § 15.

“No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.”
OHIO CONST. art. I, § 15.

“Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.”
OKLA. CONST. art. II, § 13.

“There shall be no imprisonment for debt, except in case of fraud or absconding debtors.”
OR. CONST. art. I, § 19.

“The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.”
PA. CONST. art. I, § 16.

“The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after such person shall have delivered up property for the benefit of said person’s creditors, in such manner as shall be prescribed by law.”
R.I. CONST. art. I, § 11.

“No person shall be imprisoned for debt except in cases of fraud.”
S.C. CONST. art. I, § 19.

“No person shall be imprisoned for debt arising out of or founded upon a contract.”
S.D. CONST. art. VI, § 15.

“The Legislature shall pass no law authorizing imprisonment for debt in civil cases.”
TENN. CONST. art. I, § 18.

“No person shall ever be imprisoned for debt.”
TEX. CONST. art. I, § 18.

“There shall be no imprisonment for debt except in cases of absconding debtors.”
UTAH CONST. art. I, § 16.

“No person shall be imprisoned for debt.”
VT. CONST. ch. II, § 40(3), para. 4.

“There shall be no imprisonment for debt, except in cases of absconding debtors.”

WASH. CONST. art. I, § 17.

“No person shall be imprisoned for debt arising out of or founded on a contract, expressed or implied.”

WIS. CONST. art. I, § 16.

“No person shall be imprisoned for debt, except in cases of fraud.”

WYO. CONST. art. I, § 5.