

SUMMARY STATEMENT

Kenneth M. Workman v. Christopher Rich, Clerk of the Fourth Judicial District; Idaho Department of Correction, and Unknown and Unnamed Individual of the State of Idaho
Docket No. 44701

The district court ordered Kenneth M. Workman to pay restitution to his victims after he was convicted of two counts of aggravated driving under the influence. The Idaho Department of Correction began deducting funds from Workman's inmate account, which were sent to Rich, the clerk of the district court in which Workman was convicted, for distribution to the victims. Workman filed a complaint asserting that Rich and the IDOC improperly garnished money from his inmate account in order to pay the court-ordered restitution. Rich filed a motion to dismiss and the IDOC filed a motion for summary judgment, both of which were granted by the magistrate, and affirmed by the district court.

Idaho Code § 20-209H was enacted to provide for the IDOC to mandate the withdrawal of inmate-owed restitution. Workman asserts that because the judgment against him has never been renewed, I.C. § 20-209H is not applicable to him. While a restitution order may become a civil judgment subject to renewal, the statute also provides that the clerk of the court may collect on the order separately from the civil judgment requirements.