



the general discharge was entered appears to be based on a misunderstanding of the scope of the general discharge. 11 U.S.C. section 523(a)(7) provides in relevant part:

(a) A discharge under section 727 .... of this title does not discharge an individual debtor from any debt--

(7) to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss,....

The United States Supreme Court has held section 523 (a) (7) automatically preserves from a Chapter 7 discharge any restitution orders a state criminal court imposes as part of a criminal sentence. Kelly v. Robinson, 479 U.S. 36, 52 (1986). The entry of the debtor's general discharge on February 26, 1991 does not preclude the Iowa State Penitentiary from subsequently withholding restitution payments from the debtor's pay.

THEREFORE, IT IS ORDERED that the debtor's motion is denied.

Dated this 2nd day of May, 1991.

LEE M. JACKWIG  
CHIEF U.S. BANKRUPTCY JUDGE