

AMENDED IN SENATE APRIL 22, 2009

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 285

Introduced by Senator Wright

February 24, 2009

An act to ~~add Section 3553 to the Family Code, relating to support judgments~~ *add Section 483.013 to the Code of Civil Procedure, relating to attachment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 285, as amended, Wright. ~~Support judgments.~~ *Disability benefits: attachment.*

~~Existing law provides for spousal, family, and child support under specified circumstances.~~

Existing law prescribes the procedures to obtain a writ of attachment and to determine the amount that may be attached.

Existing federal law prohibits payments or benefits due to a disabled veteran, as specified, from being assigned or liable to attachment, levy, or seizure by or under any legal or equitable process.

This bill would provide that benefits awarded to veterans for service-connected disabilities, as provided, shall ~~not be employed to determine a person's income in calculating a support obligation or to satisfy any support obligation~~ *exempt from the claim of creditors, and shall not be liable to attachment, levy, or seizure, as provided.*

This bill would declare the intent of the Legislature to conform to existing federal law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to enact
2 legislation to conform to existing federal law that prohibits
3 payments or benefits due to a veteran, with a service-connected
4 disability, from being assigned or liable to attachment, levy, or
5 seizure by or under any legal or equitable process.

6 ~~SEC. 2. Section 3553 is added to the Family Code, to read:~~
7 ~~3553. Federal disability benefits awarded to veterans for~~
8 ~~service-connected disabilities pursuant to Chapter 11 of Title 38~~
9 ~~of the United States Code shall not be employed to determine a~~
10 ~~person's income in calculating a support obligation or to satisfy~~
11 ~~any support obligation.~~

12 *SEC. 2. Section 483.013 is added to the Code of Civil*
13 *Procedure, to read:*

14 *483.013. Notwithstanding Section 483.010, federal disability*
15 *benefits awarded to veterans for service-connected disabilities*
16 *pursuant to Chapter 11 of Title 38 of the United States Code shall*
17 *be exempt from the claim of creditors, and shall not be liable to*
18 *attachment, levy, or seizure by or under any legal or equitable*
19 *process whatever, either before or after receipt by the beneficiary.*