

AMENDED IN ASSEMBLY AUGUST 17, 2009

AMENDED IN ASSEMBLY JULY 1, 2009

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 483.013 to the Code of Civil Procedure, relating to attachment.

LEGISLATIVE COUNSEL'S DIGEST

SB 285, as amended, Wright. Disability benefits: attachment.

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 be exempt from the claim of creditors, and shall not be liable to attachment, levy, or seizure, as provided, *except as otherwise authorized under federal law, as specified*.

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, which provides that
3 payments or benefits due to a veteran for a service-connected
4 disability shall be exempt from creditor claims, and shall not be
5 liable to attachment, levy, or seizure by or under any legal or
6 equitable process.

7 SEC. 2. Section 483.013 is added to the Code of Civil
8 Procedure, to read:

9 483.013. Notwithstanding Section 483.010, federal disability
10 benefits awarded to veterans for service-connected disabilities
11 pursuant to Chapter 11 of Title 38 of the United States Code shall
12 be exempt from the claim of creditors, and shall not be liable to
13 attachment, levy, or seizure by or under any legal or equitable
14 process whatsoever, as provided by federal law. *This section does*
15 *not apply to that portion of service-connected disability benefits*
16 *that are subject to child and spousal support enforcement under*
17 *Section 659(h)(1)(A)(ii)(V) of Title 42 of the United States Code.*