

**ASSEMBLY BILL**

**No. 1775**

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**Introduced by Assembly Member Wieckowski**

February 17, 2012

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An act to amend Section 706.050 of the Code of Civil Procedure, relating to wage garnishment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1775, as introduced, Wieckowski. Wage garnishment: exempt earnings.

Existing law requires a levy of execution upon the earnings of a judgment debtor to be made by service of an earnings withholding order upon the debtor's employer. Existing law limits the amount of earnings of a judgment debtor that may be subject to an earnings withholding order to the amount specified by federal law, unless an exception applies. Federal law prohibits the amount of earnings that may be subject to garnishment from exceeding 25% of an individual's weekly disposable earnings or the amount by which the individual's disposable earnings for the week exceed 30 times the state minimum hourly wage in effect at the time the earnings are payable.

This bill would prohibit the amount of an individual judgment debtor's weekly disposable earnings subject to garnishment from exceeding 25% of the individual's weekly disposable earnings or the amount by which the individual's disposable earnings for the week exceed 40 times the state minimum hourly wage in effect at the time the earnings are payable, unless an exception applies.

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. Section 706.050 of the Code of Civil Procedure
- 2 is amended to read:
- 3 706.050. Except as otherwise provided in this chapter, the
- 4 *maximum* amount of *disposable* earnings of ~~a~~ *an individual*
- 5 judgment debtor ~~exempt from the levy of an earnings withholding~~
- 6 ~~order shall be that amount that may not be withheld from the~~
- 7 ~~judgment debtor's earnings under federal law in Section 1673(a)~~
- 8 ~~of Title 15 of the United States Code.~~ *for any work week that is*
- 9 *subject to garnishment shall not exceed either of the following:*
- 10 (a) *Twenty-five percent of the individual's disposable earnings*
- 11 *for that week.*
- 12 (b) *The amount by which the individual's disposable earnings*
- 13 *for that week that exceed 40 times the state minimum hourly wage*
- 14 *in effect at the time the earnings are payable.*