

ASSEMBLY BILL

No. 508

Introduced by Assembly Member Ian Calderon

February 20, 2013

An act to add Section 1463.012 to the Penal Code, relating to debt collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 508, as introduced, Ian Calderon. Debt collection: homeless veterans.

Existing law requires the Judicial Council to adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order. Existing law prohibits a court from garnishing wages or levying a bank account for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court against a person under 25 years of age who has been issued a citation for truancy, loitering, curfew violations, or illegal lodging that is outstanding or unpaid if the court obtains information that the person is homeless or has no permanent address, as defined.

This bill would prohibit the issuance of an order for the garnishment of earnings or the levy of a bank account or the earnings of a homeless veteran, as defined, for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court due to the violation of state or local law related to loitering, curfew violations, or illegal lodging for a period of 5 years, as specified, if the court has reason to believe that the debtor is a homeless veteran, as defined. The bill would make related findings and declarations.

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

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

1 SECTION 1. Section 1463.012 is added to the Penal Code, to
2 read:
3 1463.012. (a) The Legislature finds and declares the following:
4 (1) According to a new study, homeless veterans are more likely
5 to die on the streets than the average homeless person. Those who
6 return from serving and become homeless are 11 percent more
7 likely to develop life-threatening diseases than nonveteran
8 homeless.
9 (2) Homeless veterans are routinely ticketed for offenses that
10 are the inevitable symptoms of homelessness. These offenses
11 include loitering, curfew violations, and illegal lodging.
12 (3) The California Research Bureau has documented that if a
13 homeless veteran fails to show up to contest or pay a ticket, that
14 homeless veteran’s wages or bank accounts may be garnished.
15 (4) Garnishment of the wages and savings of homeless veterans
16 makes it far more difficult for homeless veterans to rent their own
17 apartments and end their homelessness by their own willpower
18 and initiative.
19 (5) In many cases, taking money from homeless veterans makes
20 it more, and not less, likely that they will continue to be homeless,
21 and may actually encourage the commission of offenses the laws
22 are meant to dissuade, including illegal lodging and loitering.
23 (6) It is therefore in the best interest of the state to discourage
24 wage and bank account garnishment practices that make it more
25 difficult for veterans who are homeless to obtain housing through
26 their own hard work without being exculpated from the offenses
27 they commit.
28 (b) Notwithstanding any other law, if a court, during the course
29 of its routine process to collect fees, fines, forfeitures, or other
30 penalties imposed by a court due to a citation issued for the
31 violation of a state or local law, obtains information indicating that
32 a person who has been issued a citation for loitering, curfew
33 violations, or illegal lodging that is outstanding or unpaid served
34 in the military within the last eight years and is homeless or has
35 no permanent address, the court shall not garnish the wages or

1 levy against bank accounts of that person for five years from the
2 date the ticket issues.

3 (c) For purposes of this section a person is considered to be
4 “homeless” or as having “no permanent address” if that person
5 does not have a fixed, regular, adequate nighttime residence, or
6 has a primary nighttime residence that is one of the following:

7 (1) A supervised publicly or privately operated shelter designed
8 to provide temporary living accommodations, including, but not
9 limited to, welfare hotels, congregate shelters, and transitional
10 housing for the mentally ill.

11 (2) An institution that provides a temporary residence for
12 individuals intended to be institutionalized.

13 (3) A public or private place not designed for, or ordinarily used
14 as, a regular sleeping accommodation for human beings.

15 (d) Nothing in this section shall be construed to prevent a court
16 from engaging in any other lawful debt collection activities.

17 (e) Nothing in this section shall be construed to require a court
18 to perform any further investigation or financial screening into
19 any matter beyond the scope of its regular duties.

20 (f) Nothing in this section shall be construed to prevent the
21 Judicial Council from altering any best practices or
22 recommendations for collection programs pursuant to Section
23 1463.010.

24 (g) Nothing in this section shall be construed to prevent a court
25 from garnishing a person’s wages or levying against a person’s
26 bank accounts if the court, subsequent to its initial determination
27 that the person was a homeless veteran exempt from wage
28 garnishment or levy under this section, obtains evidence that the
29 individual is no longer homeless.