

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 508

Introduced by Assembly Member Ian Calderon
(Coauthor: Assembly Member Ammiano)

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 amended, 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 nonveteran homeless person~~
6 *persons*. Those who return from serving and become homeless are
7 11 percent more likely to develop life-threatening diseases than
8 nonveteran homeless.

9 (2) *According to the United States Department of Housing and*
10 *Urban Development’s most recent annual survey for point-in-time*
11 *estimates of homelessness, there were 16,461 homeless veterans*
12 *in California in January 2012, of whom 11,949 were considered*
13 *unsheltered and living on the streets.*

14 ~~(2)~~

15 (3) Homeless veterans are routinely ticketed for offenses that
16 are the inevitable symptoms of homelessness. These offenses
17 include loitering, curfew violations, and illegal lodging.

18 ~~(3) The California Research Bureau has documented that if~~

19 (4) *If a homeless veteran fails to show up appear to contest or*
20 *pay a ticket, that homeless veteran’s wages or bank accounts may*
21 *be garnished.*

22 ~~(4)~~

23 (5) Garnishment of the wages and savings of homeless veterans
24 makes it far more difficult for homeless veterans to rent their own
25 apartments and end their homelessness by their own willpower
26 and initiative.

27 ~~(5)~~

28 (6) In many cases, taking money from homeless veterans makes
29 it more, and not less, likely that they will continue to be homeless,
30 and may actually encourage the commission of offenses the laws
31 are meant to dissuade, including illegal lodging and loitering.

32 ~~(6)~~

1 (7) It is therefore in the best interest of the state to discourage
2 wage and bank account garnishment practices that make it more
3 difficult for veterans who are homeless to obtain housing through
4 their own hard work without being exculpated from the offenses
5 they commit.

6 (b) Notwithstanding any other law, if a court, during the course
7 of its routine process to collect fees, fines, forfeitures, or other
8 penalties imposed by a court due to a citation issued for the
9 violation of a state or local law, obtains information indicating that
10 a person who has been issued a citation for loitering, curfew
11 violations, or illegal lodging that is outstanding or unpaid served
12 in the military within the last eight years and is homeless or has
13 no permanent address, the court shall not garnish the wages or
14 levy against bank accounts of that person for five years from the
15 ~~date the ticket issues~~ *that the court obtained that information.*

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

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

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

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

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

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

33 (f) Nothing in this section shall be construed to prevent the
34 Judicial Council from altering any best practices or
35 recommendations for collection programs pursuant to Section
36 1463.010.

37 (g) Nothing in this section shall be construed to prevent a court
38 from garnishing a person’s wages or levying against a person’s
39 bank accounts if the court, subsequent to its initial determination
40 that the person was a homeless veteran exempt from wage

1 garnishment or levy under this section, obtains evidence that the
2 individual is no longer homeless, *or that the court had, on a*
3 *previous occasion, suspended garnishment of that person's wages*
4 *or levying against that person's bank accounts pursuant to*
5 *subdivision (b).*

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