

Assembly Bill No. 508

CHAPTER 234

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

[Approved by Governor September 6, 2013. Filed with
Secretary of State September 6, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 508, 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, for a period of 5 years, 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, if the court has reason to believe that the debtor is a homeless veteran, as defined. The bill would make related findings and declarations.

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

SECTION 1. The Legislature finds and declares the following:

(a) According to a new study, homeless veterans are more likely to die on the streets than nonveteran homeless persons. Those who return from serving and become homeless are 11 percent more likely to develop life-threatening diseases than nonveteran homeless.

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

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

(d) If a homeless veteran fails to appear to contest or pay a ticket, that homeless veteran's wages or bank accounts may be garnished.

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

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

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

SEC. 2. Section 1463.012 is added to the Penal Code, to read:

1463.012. (a) Notwithstanding any other law, if a court, during the course of its routine process to collect fees, fines, forfeitures, or other penalties imposed by a court due to a citation issued for the violation of a state or local law, obtains information indicating that a person who has been issued a citation for loitering, curfew violations, or illegal lodging that is outstanding or unpaid served in the military within the last eight years and is homeless or has no permanent address, the court shall not garnish the wages or levy against bank accounts of that person for five years from the date that the court obtained that information.

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

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

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

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

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

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

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

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

had, on a previous occasion, suspended garnishment of that person's wages or levying against that person's bank accounts pursuant to subdivision (a).

CORRECTIONS:

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