

Senate Bill No. 285

CHAPTER 162

An act to add Section 483.013 to the Code of Civil Procedure, relating to attachment.

[Approved by Governor October 11, 2009. Filed with Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 285, 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.

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

SECTION 1. It is the intent of the Legislature to enact legislation to conform to existing federal law, which provides that payments or benefits due to a veteran for a service-connected disability shall be exempt from creditor claims, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process.

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

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

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