

2019 -- H 5823

LC002106

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR  
ACTIONS -- ATTACHMENT

Introduced By: Representatives Ucci, Morin, Vella-Wilkinson, Williams, and Diaz

Date Introduced: March 08, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 10-5-8 of the General Laws in Chapter 10-5 entitled "Attachment"  
2 is hereby amended to read as follows:

3 **10-5-8. Garnishment of wages restricted to amounts not exempt -- Child support to**  
4 **have priority.**

5 (a) Any writ of attachment, served as a writ of garnishment for the attachment of the  
6 personal estate of the defendant in the hand and possession of any employer of the defendant,  
7 shall be effective to attach so much only of such personal estate consisting of the salary or wages  
8 due and payable to the defendant, or to become in the future due and payable to the defendant, as  
9 is in excess of the amount of the defendant's salary or wages exempt by law from attachment.  
10 And the garnishee, being the defendant's employer, shall be required to make affidavit and shall  
11 be held liable for the defendant's personal estate consisting of the salary or wages due and  
12 payable to the defendant or to become in the future due and payable to the defendant only in  
13 respect of the excess amount exempt from attachment. Any writ of garnishment served under the  
14 provisions of this section shall state the judgment amount, and the employer shall withhold sums  
15 not exempt by law until the amount of withholding equals the amount of the judgment. The  
16 employer shall be entitled to the sum of five dollars (\$5.00), payable directly from the employee  
17 to the employer, for each writ of garnishment served upon the employer regarding any employee.

18 (b) Subject to any federal or state law to the contrary, any garnishment of wages for child

1 support issued pursuant to § 15-5-25, and any wage assignment pursuant to § 15-5-24, or chapter  
2 16 of title 15 shall take priority over any garnishment issued in accordance with this section. This  
3 priority shall occur whether or not the garnishment or assignment pursuant to § 15-5-24 or 15-5-  
4 25 or chapter 16 of title 15 occurs before or after any garnishment pursuant to this section. No  
5 apportionment of any other garnishment including those for any tax shall occur until all of the  
6 child support payment is satisfied in full. In addition, consistent with federal and state law, the  
7 state court system may develop a system for the collection of court imposed or assessed fines,  
8 costs, fees or other assessments, including restitution, through wage assignment procedures.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would provide that child support garnishment be paid first before any other
- 2 garnishment including a garnishment for the payment of taxes.
- 3           This act would take effect upon passage.

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