

1 SB88  
2 156747-4  
3 By Senator Taylor  
4 RFD: Judiciary  
5 First Read: 14-JAN-14  
6 PFD: 01/09/2014

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Sections 6-6-482 and 6-6-483 of the Code of  
12 Alabama 1975, relating to garnishment of the salary of state  
13 employees; to remove the limitation that a judgment is based  
14 on a contract action; and to remove the requirement that for  
15 purposes of garnishment the answer of the state official must  
16 show assent to the garnishment.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 6-6-482 and 6-6-483 of the Code  
19 of Alabama 1975, are amended to read as follows:

20 "§6-6-482.

21 "The salary referred to in this division is not  
22 subject to a writ of garnishment in aid of a pending action,  
23 but such writ may issue only after final judgment, on which  
24 execution can issue, ~~entered in actions on contracts or~~  
25 ~~growing out of contracts express or implied and being~~  
26 ~~judgments ex contractu.~~ The judgment on which such writ can  
27 issue must be founded upon a debt, demand, or claim against

1 said defendant which originated subsequent to September 26,  
2 1923. The salary referred to in this division is not subject  
3 to writ of garnishment issued on judgments ex delicto.

4 "§6-6-483.

5 "Where an official of the State of Alabama or other  
6 person designated in this division has been garnished, as  
7 provided by Section 6-6-482, and answer has been filed by said  
8 person, in accordance with the mandate of writ, admitting that  
9 the said State of Alabama is due, or will be due, the  
10 defendant in said garnishment proceedings money for salary and  
11 has said money ready for payment when due, ~~the said answer~~  
12 ~~must also show the assent of said person that judgment may be~~  
13 ~~entered in said case for the amount shown in said answer or so~~  
14 ~~much thereof as may be necessary to satisfy plaintiff's~~  
15 ~~judgment. In no case shall judgment against said official or~~  
16 ~~other person designated in this division as the agent of the~~  
17 ~~state be entered on said answer or in said garnishment~~  
18 ~~proceedings unless such assent and consent to said judgment is~~  
19 ~~shown in said answer. When such final judgment is so entered,~~  
20 ~~after trial of said proceedings, the said judgment shall be~~  
21 ~~against the official or person returning said answer as such~~  
22 ~~official or agent of the State of Alabama, as garnishee, and~~  
23 ~~said judgment shall show that said official or person, as such~~  
24 ~~agent of the state, consented that such judgment be entered in~~  
25 ~~said garnishment proceedings."~~

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 14-JAN-14

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 23-JAN-14

Read for the third time and passed as amended .... 19-MAR-14

Yeas 27  
Nays 0  
Abstaining 1

Patrick Harris  
Secretary