

IN THE SENATE

SENATE BILL NO. 1014

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO EXEMPTION OF PROPERTY FROM ATTACHMENT OR LEVY; AMENDING SECTION
2 11-605, IDAHO CODE, TO REVISE AND CLARIFY WHICH PROCEEDS OF A CERTAIN
3 LIFE INSURANCE CONTRACT ARE ENTITLED TO AN EXEMPTION FROM ATTACHMENT OR
4 LEVY.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 11-605, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 11-605. EXEMPTIONS OF PERSONAL PROPERTY AND DISPOSABLE EARNINGS SUB-
10 JECT TO VALUE LIMITATIONS. (1) An individual is entitled to exemption of the
11 following property to the extent of a value not exceeding seven hundred fifty
12 dollars (\$750) on any one (1) item of property and not to exceed a total value
13 of seven thousand five hundred dollars (\$7,500) for all items exempted under
14 this subsection:

15 (a) Household furnishings, household goods, and appliances held pri-
16 marily for the personal, family, or household use of the individual or a
17 dependent of the individual;

18 (b) If reasonably held for the personal use of the individual or a de-
19 pendent, wearing apparel, animals, books, and musical instruments; and

20 (c) Family portraits and heirlooms of particular sentimental value to
21 the individual.

22 (2) An individual is entitled to exemption of jewelry, not exceeding
23 one thousand dollars (\$1,000) in aggregate value, if held for the personal
24 use of the individual.

25 (3) An individual is entitled to exemption, not exceeding two thousand
26 five hundred dollars (\$2,500) in aggregate value, of implements, profes-
27 sional books, business equipment and tools of the trade; and to an exemption
28 of one (1) motor vehicle to the extent of a value not exceeding seven thousand
29 dollars (\$7,000).

30 (4) An individual is entitled to an exemption of provisions of food or
31 water together with storage containers and shelving, sufficient for twelve
32 (12) months for use of the individual or a dependent or dependents of the in-
33 dividual.

34 (5) All courthouses, jails, public offices and buildings, school-
35 houses, lots, grounds and personal property appertaining thereto, the
36 fixtures, furniture, books, papers and appurtenances belonging and pertain-
37 ing to the courthouse, jail and public offices belonging to any county of
38 this state, or for the use of schools, and all cemeteries, public squares,
39 parks and places, public buildings, town halls, markets, buildings for the
40 use of fire departments and military organizations, and the lots and grounds
41 thereto belonging and appertaining, owned or held by any town or incorpo-
42 rated city, or dedicated by such town or city to health, ornament or public

1 use, or for the use of any fire or military company organized under the laws
2 of this state. No article or species of property mentioned in this section is
3 exempt from execution issued upon a judgment recovered for its price or upon
4 a mortgage thereon.

5 (6) All arms, uniforms and accouterments required for the use of an in-
6 dividual as a peace officer, a member of the national guard or military ser-
7 vice.

8 (7) A water right not to exceed one hundred sixty (160) inches of wa-
9 ter used for the irrigation of lands actually cultivated by the individual,
10 and the crop or crops growing or grown on fifty (50) acres of land, leased,
11 owned or possessed by an individual cultivating the same, provided, that the
12 amount of the crops so exempted shall not exceed the value of one thousand
13 dollars (\$1,000).

14 (8) An individual is entitled to exemption of one (1) firearm valued at
15 seven hundred fifty dollars (\$750), or less.

16 (9) Any unmatured life insurance contract owned by an individual, other
17 than a credit life insurance contract, including, but not limited to, any
18 accrued dividend or interest under, loan value of, or cash surrender value
19 of, such life insurance contract owned by the individual, excluding accrued
20 dividends, interest, loan value, and/or cash surrender value resulting from
21 premiums paid into the life insurance contract within six (6) months prior
22 to the filing of a bankruptcy petition, as defined in 11 U.S.C. section 101,
23 or the date of attachment or levy on execution, as defined in section 11-201,
24 Idaho Code, whichever is applicable.

25 ~~(10) An individual's aggregate interest, not to exceed five thousand~~
26 ~~dollars (\$5,000) in any accrued dividend or interest under, or loan value of,~~
27 ~~any unmatured life insurance contract owned by the individual under which~~
28 ~~the insured is the individual or a person of whom the individual is a depen-~~
29 ~~dent.~~

30 ~~(11) An individual's aggregate interest in any tangible personal prop-~~
31 ~~erty, not to exceed the value of eight hundred dollars (\$800).~~

32 (121) An individual is entitled to an exemption for his disposable
33 earnings as defined in subsection 2. of section 11-206, Idaho Code, wages,
34 salaries, and compensation for personal services rendered, to the extent
35 such earnings, wages, salaries, and compensation have been earned but have
36 not been paid to the individual, not to exceed one thousand five hundred
37 dollars (\$1,500) in a calendar year. This exemption shall not affect the ap-
38 plication or operation of the garnishment restrictions set forth in section
39 11-207, Idaho Code.