

HOUSE No. 1585

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act increasing the value and kind of personal property exemption from execution.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1369 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT INCREASING THE VALUE AND KIND OF PERSONAL PROPERTY EXEMPTION FROM EXECUTION..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 **SECTION 1.** Section 34 of Chapter 235 of the General Laws, as appearing in the 2003 Official Edition, is hereby
2 amended by striking out Paragraph First and inserting, in its place, the following:--

3 First, The necessary wearing apparel, beds and bedding for the debtor and the debtor's family; one heating unit
4 used for warming the dwelling house; one stove used primarily for the personal, family, or household use of the
5 debtor or a dependent of the debtor; one refrigerator so used; one freezer so used; one hot water heater so used;
6 and the amount each month, not exceeding two hundred fifty dollars, reasonably necessary to pay for fuel, heat,
7 refrigeration, water, hot water and light for the debtor and the debtor's family.

8 **SECTION 2.** Said Section 34 is hereby further amended by replacing, in Paragraph Second, the words "three
9 thousand dollars" with the words "fifteen thousand dollars".

10 **SECTION 3.** Said Section 34 is hereby further amended by replacing, in Paragraph Third, the words "two hundred
11 dollars" with the words "five hundred dollars".

12 **SECTION 4.** Said Section 34 is hereby further amended by replacing, in Paragraph Fifth, the words "five hundred
13 dollars" with the words "three thousand five hundred dollars".

14 **SECTION 5.** Said Section 34 is hereby further amended by replacing, in Paragraph Sixth, the words "five hundred
15 dollars" with the words "one thousand dollars".

16 **SECTION 6.** Said Section 34 is hereby further amended by replacing, in Paragraph Seventh, the words “three
17 hundred dollars” with the words “six hundred dollars”

18 **SECTION 7.** Said Section 34 is hereby further amended by replacing, in Paragraph Ninth, the words “five hundred
19 dollars” with the words “one thousand five hundred dollars”.

20 **SECTION 8.** Said Section 34 is hereby further amended by replacing, in Paragraph Fifteenth, the words “one
21 hundred and twenty-five dollars” with the words “two hundred fifty dollars”.

22 **SECTION 9.** Said Section 34 is hereby further amended by replacing, in Paragraph Fourteen, the words “two
23 hundred dollars” with the words “two thousand five hundred dollars”.

24 **SECTION 10.** Said Section 34 is hereby further amended by replacing, in Paragraph Fifteenth, the words “one
25 hundred and twenty-five dollars” with the words “five hundred dollars”.

26 **SECTION 11.** Said Section 34 is hereby further amended by replacing, in Paragraph Sixteenth, the words “seven
27 hundred dollars” with the words “seven thousand five hundred dollars”.

28 **SECTION 12.** Said Section 34 is hereby further amended by inserting the following two paragraphs after Paragraph
29 Sixteenth, as so amended:

30 Seventeenth, The debtor’s aggregate interest in any personal property, not to exceed in value one thousand
31 dollars plus up to five thousand dollars of any unused dollar amount of the aggregate exemptions provided
32 under paragraphs Second, Fifth and Sixteenth of this Section.

33 Eighteenth, The debtor’s aggregate interest, not to exceed one thousand two hundred twenty-five dollars in
34 value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of
35 the debtor.

36 **SECTION 13.** Said Section 34 is hereby amended by inserting, in Paragraph Eighteenth thereof, the words “spouse
37 or a” before the word “dependent”.

38 **SECTION 14.** Said Section 34 is hereby further amended by inserting immediately after Paragraph Eighteenth
39 thereof, the following new Section 34a:

40 Section 34a:

41 (a) On April 1, 2007, and at each three-year interval ending on April 1 thereafter, the dollar amounts of
42 exemptions provided in M.G.L. ch. 235, Section 34 in effect immediately before that date shall be
43 adjusted as provided in subdivision (b).

44 (b) The **[Judicial Council]** shall determine the amount of the adjustment based on the change in the
45 annual Massachusetts Consumer Price Index for All Urban Consumers, published by the Department
46 of Industrial Relations, Division of Labor Statistics, for the most recent three-year period ending on
47 December 31 preceding the adjustment, with each adjusted amount rounded to the nearest twenty-
48 five dollars (\$25).

49 (c) Beginning April 1, 2007, the **[Judicial Council]** shall publish a list of the current dollar **amounts** of
50 exemptions provided in M.G.L. ch. 235, Section 34, together with the date of the next scheduled
51 adjustment.

52 (d) Adjustments made under subdivision (a) do not apply with respect to cases commenced before the
53 date of the adjustment, subject to any contrary rule applicable under the federal Bankruptcy Code.

54 **SECTION 15.** Section 28 of Chapter 246 of the General Laws, as so appearing, is hereby amended by replacing, in
55 the first sentence thereof, the words “one hundred twenty-five dollars” with the words “two hundred fifty dollars”.

56 **SECTION 16.** Section 28A of Chapter 246 of the General Laws, as so appearing, is hereby amended by replacing
57 the words “five hundred dollars” with the words “one thousand dollars” each time they appear.