

2021 -- H 5038

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - LEVY
AND SALE ON EXECUTION

Introduced By: Representative Arthur J. Corvese

Date Introduced: January 21, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-26-4 of the General Laws in Chapter 9-26 entitled "Levy and Sale
2 on Execution" is hereby amended to read as follows:

3 **9-26-4. Property exempt from attachment.**

4 The following goods and property shall be exempt from attachment on any warrant of
5 distress or on any other writ, original, mesne, or judicial:

6 (1) The necessary wearing apparel of a debtor or of the debtor's family, if he or she has a
7 family.

8 (2) The working tools of a debtor necessary in the debtor's usual occupation, not exceeding
9 in value the sum of two thousand dollars (\$2,000), and the professional library of any professional
10 person in actual practice.

11 (3) The household furniture, clothing, and family stores of a debtor, including beds and
12 bedding, not exceeding in value the sum of nine thousand six hundred dollars (\$9,600).

13 (4) The bibles, school books, and other books in use in the family, not exceeding in value
14 the sum of three hundred dollars (\$300).

15 (5) The debtor's interest in one lot or right of burial, as the case may be, in any cemetery.

16 (6) Wages due or accruing to any sailor.

17 (7) Debts secured by bills of exchange or negotiable promissory notes.

18 (8)(i) The entire salary or wages of any debtor due or payable from any charitable

1 corporation, or from any person or corporation engaged in the disbursement or administration of
2 any public charitable fund or money, whenever the salaries or wages are to be paid or supplied,
3 directly or indirectly, from any fund or money appropriated or contributed for the relief of the poor
4 or in aid of unemployment, and the debtor is the object of the relief or aid.

5 (ii) The entire wages or salary of any debtor due or payable from any employer, where the
6 debtor has been the object of relief from any state, federal, or municipal corporation or agency for
7 a period of one year from and after the time when the debtor ceases to be the object of such relief.

8 (iii) The salary or wages due or payable to any other debtor, not exceeding the sum of fifty
9 dollars (\$50.00).

10 (9) The salary and wages of the wife and the minor children of any debtor.

11 (10) Such other property, real, personal, or mixed, in possession or actions as is or shall be
12 exempted from attachment and execution, either permanently or temporarily, by general or special
13 acts, charters of incorporation, or by the policy of the law.

14 (11) An individual retirement account or individual retirement annuity as defined in the
15 Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, and the payments or distributions from such
16 an account or annuity, except that this exemption does not apply to any of the following:

17 (i) An order of a court pursuant to a judgment of divorce or separate maintenance.

18 (ii) An order of a court concerning child support.

19 (iii) Contributions to an individual retirement account, or premiums on an individual
20 retirement annuity, including the earnings or benefits from those contributions or premiums that
21 constitute an excess contribution within the meaning of Section 4973 of the Internal Revenue Code,
22 [26 U.S.C. § 4973].

23 (12) The right or interest of a person in an annuity, pension, profit sharing, or other
24 retirement plan protected by the Employee Retirement Income Security Act of 1974, Public Law
25 93-406, 29 U.S.C. § 1001 et seq. This exemption shall also apply to the operation of the Federal
26 Bankruptcy Code, as permitted by 11 U.S.C. § 522(d)(10)(E). This exemption shall not apply to
27 the right or interest of a person in an annuity, pension, profit sharing, or other retirement plan to
28 the extent that that right or interest is subject to any of the following:

29 (i) An order of the court pursuant to a judgment of divorce or separated maintenance.

30 (ii) An order of a court concerning child support.

31 This exemption shall not apply to contributions to, and the earnings of, any of the
32 retirement plans enumerated in this subdivision that are not qualified retirement plans as defined
33 by the Internal Revenue Code, 26 U.S.C. § 401.

34 (13) Any and all motor vehicles owned by the debtor not to exceed an aggregate total of

1 twelve thousand dollars (\$12,000).

2 (14) Any and all jewelry owned by the debtor not to exceed an aggregate total of two
3 thousand dollars (\$2,000).

4 (15) An account balance, right, or interest of a person in a "prepaid tuition program" or a
5 "tuition savings program" as defined in § 16-57-3(10) and (16), respectively. This exemption shall
6 not apply to a balance, right, or interest to the extent that the balance, right, or interest is subject to
7 any of the following:

8 (i) An order of a court pursuant to a judgment of divorce or separate maintenance;

9 (ii) An order of a court concerning child support.

10 (16) In addition to the exemptions herein, a debtor in bankruptcy may exempt an additional
11 six thousand five hundred dollars (\$6,500) in any assets.

12 (17) The real property of any person having debts secured by casino-issued lines of credit,
13 also known as "casino markers," that are issued to casino patrons by the casino credit department
14 or other department or agency of the casino.

15 (18) Savings or other deposits held in a banking, or financial institution not exceeding the
16 sum of five hundred dollars (\$500).

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - LEVY
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- 1 This act would exempt from attachment five hundred dollars (\$500) in savings or deposits
- 2 in financial or banking institutions.
- 3 This act would take effect upon passage.

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