

Senate Bill 117

By: Senators Stone of the 23rd, Davis of the 22nd, Ligon, Jr. of the 3rd, Seabaugh of the 28th, Carter of the 42nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 44 of the Official Code of Georgia Annotated, relating to
2 exemptions from levy and sale of property, so as to increase the amount of certain
3 exemptions; to provide for related matters; to provide an effective date; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 13 of Title 44 of the Official Code of Georgia Annotated, relating to exemptions
8 from levy and sale of property, is amended by revising Code Section 44-13-1, relating to
9 amount of exemption from levy and sale, as follows:

10 "44-13-1.

11 Except as otherwise provided in this article, there shall be exempt from levy and sale by
12 virtue of any process whatever under the laws of this state any real or personal property or
13 both of a debtor in the amount of ~~\$5,000.00~~ \$25,000.00 or \$50,000.00 for real or personal
14 property that is the debtor's primary residence. No court or ministerial officer in this state
15 shall ever have jurisdiction or authority to enforce any judgment, execution, or decree
16 against property set apart under this Code section, including such improvements as may be
17 made thereon from time to time, except for taxes, for the purchase money of the property,
18 for labor done on the property, for material furnished for the property, or for the removal
19 of encumbrances on the property."

20 SECTION 2.

21 Said chapter is further amended by revising subsection (a) of Code Section 44-13-100,
22 relating to exemptions for purposes of bankruptcy and intestate insolvent estates, as follows:

23 "(a) In lieu of the exemption provided in Code Section 44-13-1, any debtor who is a natural
24 person may exempt, pursuant to this article, for purposes of bankruptcy, the following
25 property:

26 (1) The debtor's aggregate interest, not to exceed ~~\$10,000.00~~ \$50,000.00 in value, in real
 27 property or personal property that the debtor or a dependent of the debtor uses as a
 28 residence, in a cooperative that owns property that the debtor or a dependent of the debtor
 29 uses as a residence, or in a burial plot for the debtor or a dependent of the debtor. In the
 30 event title to property used for the exemption provided under this paragraph is in one of
 31 two spouses who is a debtor, the amount of the exemption hereunder shall be ~~\$20,000.00~~
 32 \$100,000.00;

33 (2) The debtor's right to receive:

34 (A) A social security benefit, unemployment compensation, or a local public assistance
 35 benefit;

36 (B) A veteran's benefit;

37 (C) A disability, illness, or unemployment benefit;

38 (D) Alimony, support, or separate maintenance, to the extent reasonably necessary for
 39 the support of the debtor and any dependent of the debtor;

40 (E) A payment under a pension, annuity, or similar plan or contract on account of
 41 illness, disability, death, age, or length of service, to the extent reasonably necessary for
 42 the support of the debtor and any dependent of the debtor; and

43 (F) A payment from an individual retirement account within the meaning of Title 26
 44 U.S.C. Section 408 to the extent reasonably necessary for the support of the debtor and
 45 any dependent of the debtor;

46 (2.1) The debtor's aggregate interest in any funds or property held on behalf of the
 47 debtor, and not yet distributed to the debtor, under any retirement or pension plan or
 48 system:

49 (A) Which is: (i) maintained for public officers or employees or both by the State of
 50 Georgia or a political subdivision of the State of Georgia or both; and (ii) financially
 51 supported in whole or in part by public funds of the State of Georgia or a political
 52 subdivision of the State of Georgia or both;

53 (B) Which is: (i) maintained by a nonprofit corporation which is qualified as an exempt
 54 organization under Code Section 48-7-25 for its officers or employees or both; and (ii)
 55 financially supported in whole or in part by funds of the nonprofit corporation;

56 (C) To the extent permitted by the bankruptcy laws of the United States, similar
 57 benefits from the private sector of such debtor shall be entitled to the same treatment
 58 as those specified in subparagraphs (A) and (B) of this paragraph,

59 provided that the exempt or nonexempt status of periodic payments from such a
 60 retirement or pension plan or system shall be as provided under subparagraph (E) of
 61 paragraph (2) of this subsection; or

- 62 (D) An individual retirement account within the meaning of Title 26 U.S.C. Section
63 408;
- 64 (3) The debtor's interest, not to exceed the total of \$3,500.00 in value, in all motor
65 vehicles;
- 66 (4) The debtor's interest, not to exceed \$300.00 in value in any particular item, in
67 household furnishings, household goods, wearing apparel, appliances, books, animals,
68 crops, or musical instruments that are held primarily for the personal, family, or
69 household use of the debtor or a dependent of the debtor. The exemption of the debtor's
70 interest in the items contained in this paragraph shall not exceed \$5,000.00 in total value;
- 71 (5) The debtor's aggregate interest, not to exceed \$500.00 in value, in jewelry held
72 primarily for the personal, family, or household use of the debtor or a dependent of the
73 debtor;
- 74 (6) The debtor's aggregate interest, not to exceed \$600.00 in value plus any unused
75 amount of the exemption, not to exceed ~~\$5,000.00~~ \$25,000.00, provided under
76 paragraph (1) of this subsection, in any property;
- 77 (7) The debtor's aggregate interest, not to exceed \$1,500.00 in value, in any implements,
78 professional books, or tools of the trade of the debtor or the trade of a dependent of the
79 debtor;
- 80 (8) Any unmaturred life insurance contract owned by the debtor, other than a credit life
81 insurance contract;
- 82 (9) The debtor's aggregate interest, not to exceed \$2,000.00 in value, less any amount of
83 property of the estate transferred in the manner specified in Section 542(d) of U.S. Code
84 Title 11, in any accrued dividend or interest under, or loan or cash value of, any
85 unmaturred life insurance contract owned by the debtor under which the insured is the
86 debtor or an individual of whom the debtor is a dependent;
- 87 (10) Professionally prescribed health aids for the debtor or a dependent of the debtor; and
88 (11) The debtor's right to receive, or property that is traceable to:
- 89 (A) An award under a crime victim's reparation law;
- 90 (B) A payment on account of the wrongful death of an individual of whom the debtor
91 was a dependent, to the extent reasonably necessary for the support of the debtor and
92 any dependent of the debtor;
- 93 (C) A payment under a life insurance contract that insured the life of an individual of
94 whom the debtor was a dependent on the date of such individual's death, to the extent
95 reasonably necessary for the support of the debtor and any dependent of the debtor;
- 96 (D) A payment, not to exceed \$10,000.00, on account of personal bodily injury, not
97 including pain and suffering or compensation for actual pecuniary loss, of the debtor
98 or an individual of whom the debtor is a dependent; or

99 (E) A payment in compensation of loss of future earnings of the debtor or an individual
100 of whom the debtor is or was a dependent, to the extent reasonably necessary for the
101 support of the debtor and any dependent of the debtor."

102 **SECTION 3.**

103 This Act shall become effective upon its approval by the Governor or upon its becoming law
104 without such approval.

105 **SECTION 4.**

106 All laws and parts of laws in conflict with this Act are repealed.