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3 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SB88
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8 SYNOPSIS: Under existing law, the salary of a state
9 employee is subject to a writ of garnishment after
10 a judgment is entered in a contract action.

11 Also, existing law requires for the purpose
12 of garnishment the answer of the state official to
13 show assent to the judgment.

14 This bill would provide that the salary of a
15 state employee, after a final judgment, may be
16 subject to a writ of garnishment without being
17 limited to a contract action.

18 This bill would remove the requirement that
19 for purposes of garnishment the answer of the state
20 official must show assent to the garnishment.
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22 A BILL
23 TO BE ENTITLED
24 AN ACT
25

26 To amend Sections 6-6-482 and 6-6-483 of the Code of
27 Alabama 1975, relating to garnishment of the salary of state

1 employees; to remove the limitation that a judgment is based
2 on a contract action; and to remove the requirement that for
3 purposes of garnishment the answer of the state official must
4 show assent to the garnishment.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 "§6-6-482.

9 "The salary referred to in this division is not
10 subject to a writ of garnishment in aid of a pending action,
11 but such writ may issue only after final judgment, on which
12 execution can issue, ~~entered in actions on contracts or~~
13 ~~growing out of contracts express or implied and being~~
14 ~~judgments ex contractu.~~ The judgment on which such writ can
15 issue must be founded upon a debt, demand, or claim against
16 said defendant which originated subsequent to September 26,
17 1923. The salary referred to in this division is not subject
18 to writ of garnishment issued on judgments ex delicto.

19 "§6-6-483.

20 "Where an official of the State of Alabama or other
21 person designated in this division has been garnished, as
22 provided by Section 6-6-482, and answer has been filed by said
23 person, in accordance with the mandate of writ, admitting that
24 the said State of Alabama is due, or will be due, the
25 defendant in said garnishment proceedings money for salary and
26 has said money ready for payment when due, ~~the said answer~~
27 ~~must also show the assent of said person that judgment may be~~

1 entered in said case for the amount shown in said answer or so
2 much thereof as may be necessary to satisfy plaintiff's
3 judgment. In no case shall judgment against said official or
4 other person designated in this division as the agent of the
5 state be entered on said answer or in said garnishment
6 proceedings unless such assent and consent to said judgment is
7 shown in said answer. When such final judgment is so entered,
8 after trial of said proceedings, the said judgment shall be
9 against the official or person returning said answer as such
10 official or agent of the State of Alabama, as garnishee, and
11 said judgment shall show that said official or person, as such
12 agent of the state, consented that such judgment be entered in
13 said garnishment proceedings."

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