



General Assembly

January Session, 2019

**Raised Bill No. 7236**

LCO No. 4955



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING PROPERTY THAT IS EXEMPT FROM A  
JUDGMENT CREDITOR.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-352b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 The following property of any natural person shall be exempt:

4 [(a)] (1) Necessary apparel, bedding, foodstuffs, household furniture  
5 and appliances;

6 [(b)] (2) Tools, books, instruments, farm animals and livestock feed,  
7 which are necessary to the exemptioner in the course of his or her  
8 occupation, profession or farming operation;

9 [(c)] (3) Burial plot for the exemptioner and his or her immediate  
10 family;

11 [(d)] (4) Public assistance payments and any wages earned by a  
12 public assistance recipient under an incentive earnings or similar

13 program;

14 [(e)] (5) Health and disability insurance payments;

15 [(f)] (6) Health aids necessary to enable the exemptioner to work or  
16 to sustain health;

17 [(g)] (7) Workers' compensation, Social Security, veterans and  
18 unemployment benefits;

19 [(h)] (8) Court-approved payments for child support;

20 [(i)] (9) Arms and military equipment, uniforms or musical  
21 instruments owned by any member of the militia or armed forces of  
22 the United States;

23 [(j)] (10) One motor vehicle to the value of [three thousand five  
24 hundred] seven thousand dollars, provided value shall be determined  
25 as the fair market value of the motor vehicle less the amount of all liens  
26 and security interests which encumber it;

27 [(k)] (11) Wedding and engagement rings;

28 [(l)] (12) Residential utility deposits for one residence, and one  
29 residential security deposit;

30 [(m)] (13) Any assets or interests of an exemptioner in, or payments  
31 received by the exemptioner from, a plan or arrangement described in  
32 section 52-321a;

33 [(n)] (14) Alimony and support, other than child support, but only  
34 to the extent that wages are exempt from execution under section 52-  
35 361a, as amended by this act;

36 [(o)] (15) An award under a crime reparations act;

37 [(p)] (16) All benefits allowed by any association of persons in this  
38 state towards the support of any of its members incapacitated by  
39 sickness or infirmity from attending to his usual business;

40        [(q)] (17) All moneys due the exemptioner from any insurance  
41 company on any insurance policy issued on exempt property, to the  
42 same extent that the property was exempt;

43        [(r)] (18) Any interest of the exemptioner in any property not to  
44 exceed in value one thousand dollars;

45        [(s)] (19) Any interest of the exemptioner not to exceed in value four  
46 thousand dollars in any accrued dividend or interest under, or loan  
47 value of, any unmaturred life insurance contract owned by the  
48 exemptioner under which the insured is the exemptioner or an  
49 individual of whom the exemptioner is a dependent;

50        [(t)] (20) The homestead of the exemptioner to the value of [seventy-  
51 five thousand dollars, or, in the case of a money judgment arising out  
52 of services provided at a hospital, to the value of one hundred twenty-  
53 five] two hundred fifty thousand dollars, provided value shall be  
54 determined as the fair market value of the real property less the  
55 amount of any statutory or consensual lien which encumbers it; and

56        [(u)] (21) Irrevocable transfers of money to an account held by a  
57 debt adjuster licensed pursuant to sections 36a-655 to 36a-665,  
58 inclusive, for the benefit of creditors of the exemptioner.

59        Sec. 2. Subdivision (1) of subsection (b) of section 12-162 of the  
60 general statutes is repealed and the following is substituted in lieu  
61 thereof (*Effective October 1, 2019*):

62        (b) (1) Except as provided in subdivision (2) of this subsection, upon  
63 the nonpayment of any property tax or any water or sanitation charges  
64 when due, demand having been made therefor as prescribed by law  
65 for the collection of such tax or such water or sanitation charges, an  
66 alias tax warrant may be issued by the tax collector, which may be in  
67 the following form:

68        "To a state marshal of the County of ....., or any constable of the  
69 Town of .... Greeting: By authority of the state of Connecticut you are

70 hereby commanded to collect forthwith from .... of .... the sum of ...  
71 dollars, the same being the amount of a tax or water or sanitation  
72 charges, with interest or penalty and charges which have accumulated  
73 thereon, which tax was levied or which water or sanitation charges  
74 were imposed by (insert name of town, city or municipality laying the  
75 tax or imposing the water or sanitation charges) upon (insert the real  
76 estate, personal property, or both, as the case may be,) of said .... as of  
77 the .... day of ..... (In like manner insert the amount of any other  
78 property tax or other water or sanitation charges which may have been  
79 levied or imposed in any other year, including interest or penalty and  
80 charges which have accumulated thereon). In default of payment of  
81 said amount you are hereby commanded to levy for said tax or taxes  
82 or such water or sanitation charges, including interest, penalty and  
83 charges, hereinafter referred to as the amount due on such execution,  
84 upon any goods and chattels of such person and dispose of the same as  
85 the law directs, notwithstanding the provisions of [subsection (j)]  
86 subdivision (10) of section 52-352b, and, after having satisfied the  
87 amount due on such execution, return the surplus, if any, to him; or,  
88 except as otherwise provided in section 12-162, you are to levy upon  
89 the real estate of such person and sell such real property pursuant to  
90 section 12-157, to pay the amount due on such execution; or you shall,  
91 in accordance with the provisions of section 12-162, make demand  
92 upon the main office of any financial institution indebted to such  
93 person, subject to the provisions of section 52-367a or 52-367b, as if  
94 judgment for the amount due on such execution had been entered, for  
95 that portion of any type of deposit to the credit of or property held for  
96 such person, not exceeding in total value the amount due on such  
97 execution; or you are to garnishee the wages due such person from any  
98 employer, in the same manner as if a wage execution therefor had been  
99 entered, in accordance with section 52-361a.

100 Dated at .... this .... day of .... A.D. 20.., Tax Collector."

101 Sec. 3. Subsection (b) of section 52-321a of the general statutes is  
102 repealed and the following is substituted in lieu thereof (*Effective*  
103 *October 1, 2019*):

104 (b) Nothing in this section shall impair the rights of an alternate  
105 payee under a qualified domestic relations order, as defined in Section  
106 414(p) of the Internal Revenue Code of 1986, or any subsequent  
107 corresponding internal revenue code of the United States, as from time  
108 to time amended. Nothing in this section or in [subsection (m)]  
109 subdivision (13) of section 52-352b, as amended by this act, shall  
110 impair the rights of the state to proceed under section 52-361a to  
111 recover the costs of incarceration under section 18-85a and regulations  
112 adopted in accordance with section 18-85a from any federal, state or  
113 municipal pension, annuity or insurance contract or similar  
114 arrangement described in subdivision (5) of subsection (a) of this  
115 section, provided the rights of an alternate payee under a qualified  
116 domestic relations order, as defined in Section 414(p) of the Internal  
117 Revenue Code of 1986, or any subsequent corresponding internal  
118 revenue code of the United States, as from time to time amended, shall  
119 take precedence over any such recovery. Nothing in this section or in  
120 [subsection (m)] subdivision (13) of section 52-352b, as amended by  
121 this act, shall impair the rights of a victim of crime to proceed under  
122 section 52-361a to recover damages awarded by a court of competent  
123 jurisdiction from any federal, state or municipal pension, annuity or  
124 insurance contract or similar arrangement described in subdivision (5)  
125 of subsection (a) of this section when such damages are the result of a  
126 crime committed by a participant or beneficiary of such pension,  
127 annuity or insurance contract or similar arrangement, provided the  
128 rights of an alternate payee under a qualified domestic relations order,  
129 as defined in Section 414(p) of the Internal Revenue Code of 1986, or  
130 any subsequent corresponding internal revenue code of the United  
131 States, as from time to time amended, shall take precedence over any  
132 such recovery.

133 Sec. 4. Section 52-352a of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective October 1, 2019*):

135 [For the purposes of this section and sections 52-352b and 52-353,  
136 the following terms shall have the following meanings] As used in this  
137 section and sections 52-352b, as amended by this act, and 52-353:

138        [(a)] (1) "Value" means fair market value of the exemptioner's equity  
 139 or unencumbered interest in the property;

140        [(b)] (2) "Necessary" means reasonably required to meet the needs of  
 141 the exemptioner and his or her dependents including any special  
 142 needs by reason of health or physical infirmity;

143        [(c)] (3) "Exempt" means, unless otherwise specified, not subject to  
 144 any form of process or court order for the purpose of debt collection;

145        [(d)] (4) "Exemptioner" means the natural person entitled to an  
 146 exemption under this section or section 52-352b, as amended by this  
 147 act;

148        [(e)] (5) "Homestead" means owner-occupied real property, co-op or  
 149 mobile manufactured home, as defined in subdivision (1) of section 21-  
 150 64, used as a primary residence.

151        Sec. 5. Subsection (r) of section 52-367 of the general statutes is  
 152 repealed and the following is substituted in lieu thereof (*Effective*  
 153 *October 1, 2019*):

154        (r) For the purposes of this subsection, "exempt" has the same  
 155 meaning as provided in [subsection (c)] subdivision (3) of section 52-  
 156 352a, as amended by this act. Funds deposited in an account that has  
 157 been established for the express purpose of receiving electronic direct  
 158 deposits of public assistance or of Title IV-D child support payments  
 159 from the Department of Social Services shall be exempt.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	52-352b
Sec. 2	<i>October 1, 2019</i>	12-162(b)(1)
Sec. 3	<i>October 1, 2019</i>	52-321a(b)
Sec. 4	<i>October 1, 2019</i>	52-352a
Sec. 5	<i>October 1, 2019</i>	52-367(r)

**Statement of Purpose:**

To increase the values of the motor vehicle and homestead exemptions.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*