

STAND. COM. REP. NO. 3165

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 3323
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3323, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ATTACHMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the amount of interest in real property that is exempt from attachment and execution;
- (2) Amend the value of personal property that is exempt from attachment and execution, including increasing the exemption amount for a motor vehicle; and
- (3) Exempt from attachment or execution, an amount equivalent to one month of child support and one month of spousal support.

Your Committee received testimony in support of this measure from Neighboring Place of Puna, Hawai'i Health & Harm Reduction Center, and one individual. Your Committee received testimony in opposition to this measure from the Mortgage Bankers Association of Hawaii, Hawaii Financial Services Association, Hawaii Credit Union League, and Collection Law Section.



Your Committee finds that the current statutory exemptions from attachment or execution of real and personal property need to be updated to create a safety net of assets for Hawaii families who are struggling to earn a living under heavy debt obligations. These families include workers who live from paycheck to paycheck and have incurred debt due to an unexpected event such as a job layoff, accident, or illness. This measure will allow these families and others to retain some of their assets by increasing the statutory exemptions.

Your Committee has amended this measure by:

- (1) Specifying that the equivalent of one month of child support or \$5,000, whichever is lower, and one month of spousal support or \$5,000, whichever is lower, in the possession of a debtor who is the recipient of the support payment is exempt from attachment or execution; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3323, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3323, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3323, SDI	HMS, JDC	03-03-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt				✓
TOTAL	6	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes