

or public entity within any state, payable to the defendant or judgment debtor on demand, come into the possession of a levying officer under a writ of attachment or execution, the sheriff, constable, or marshal, to whom the writ is directed and delivered, shall promptly thereafter endorse the same and present, or cause the same to be presented, for payment. The sheriff, constable, or marshal shall endorse such check, draft, money order or other order for the withdrawal of money by writing the name of the defendant or judgment debtor thereon and the name and official title of the officer making the levy with the statement that such endorsement is made pursuant to levy of writ of attachment or execution and giving the title of court and cause in which such writ was issued, and such endorsement shall be sufficient endorsement and no banking corporation or association or public entity on which said check, draft, money order or other order for the withdrawal of money is drawn shall incur any liability to any person, firm or corporation by reason of paying to such officer such check, draft, money order or other order for withdrawal of money by reason of such endorsement, nor shall the officer making the levy incur any liability by reason of his endorsing and presenting for and obtaining payment of such check, draft, money order or other order for the payment of money; provided, however, that the funds or credit resulting from the payment of such check, draft, money order or other order for withdrawal of money shall be held by said officer subject to the levy of said writ of attachment or execution. If it appears from the face of such check, draft, money order or other order for the withdrawal of money that the same has been tendered to the defendant or judgment debtor in satisfaction of a claim or demand and that endorsement thereof shall be considered a release and satisfaction by defendant or judgment debtor of such claim or demand, then, in such event, the officer making the levy shall not endorse said check, draft, money order or other order for the withdrawal of money unless the defendant or judgment debtor shall first endorse the same to the officer making the levy; provided, however, that if said defendant shall not endorse said check, draft, money order or other order for withdrawal of money to the officer making the levy, said officer may thereafter hold such check, draft, money order or other order for the withdrawal of money subject to such levy and shall incur no liability to the defendant or judgment debtor or to any other person, firm or corporation for delay in presentment of the same for payment.

SEC. 4. Section 690.11 of the Code of Civil Procedure is amended to read:

690.11. All of the earnings of the defendant received for his personal services shall be exempt from attachment without filing a claim for exemption as provided for in Section 690.26.

One-half of the net earnings of the judgment debtor, or the first ~~one hundred dollars (\$100)~~ *seventy dollars (\$70)* per week, whichever sum is greater, received for his personal services rendered at any time within 30 days next preceding the levy of execution shall be exempt from execution without filing a claim for exemption as provided in Section 690.26.

All of such earnings shall be exempt from execution, if necessary for the use of the debtor's family; ~~and supported in whole or in part by such debtor, unless the debts are; (a) incurred by such debtor, his wife or family, for the common necessities of life; or (b) incurred for personal services rendered by any employee, or former employee, of such debtor.~~

"Net earnings" as used in this part constitutes the total earnings of the judgment debtor less deductions required by law or his employer, such as income tax, unemployment insurance or retirement; but voluntary deductions directed by the judgment debtor to be deducted from his salary, such as U.S. Savings Bonds, health plans or charitable contributions shall not be deducted from total earnings in determining *"net earnings."*

ASSEMBLY CALIFORNIA LEGISLATURE

(By Yvonne W. Brathwaite, Member of the Assembly, Sixty-Third District, Los Angeles)

To the Members of the Senate Insurance and Financial Institutions Committee:
Re: AB 457.

This bill in its present form was the result of a special subcommittee report on garnishment of the Assembly Judiciary Committee. The bill makes two changes in the law of garnishment. *First:* It eliminates garnishment of wages before