

ASSEMBLY, No. 5456

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Permits suspension by Governor of wage execution during declared Public Health Emergency and State of Emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2021)

1 AN ACT concerning wage garnishment and amending N.J.S.2A:17-
2 50.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. N.J.S.2A:17-50 is amended to read as follows:

8 2A:17-50. a. When a judgment has been recovered in the
9 Superior Court, and where any wages, debts, earnings, salary,
10 income from trust funds, or profits are due and owing to the
11 judgment debtor, or thereafter become due and owing to him, to the
12 amount of \$48.00 or more a week, the judgment creditor may, on
13 notice to the judgment debtor unless the court otherwise orders,
14 apply to the court in which the judgment was recovered, or to the
15 court having jurisdiction of the same, and upon satisfactory proofs,
16 by affidavit or otherwise, of such facts, the court shall grant an
17 order directing that an execution issue against the wages, debts,
18 earnings, salary, income from trust funds, or profits of the judgment
19 debtor.

20 b. Notwithstanding the provisions of subsection a. or any other
21 law to the contrary, when a wage execution application is filed by
22 the State arising out of a determination by a State department or
23 agency that a person owes the department or agency a debt as
24 defined in section 1 of P.L.2005, c.124 (C.2A:16-11.1), such
25 application may be filed with the Office of Administrative Law
26 rather than with the Superior Court.

27 c. (1) Notwithstanding any other law to the contrary, whenever
28 the Governor declares a public health emergency pursuant to the
29 “Emergency Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et
30 seq.), or a state of emergency pursuant to P.L.1942, c.251
31 (C.App.A.9-33 et seq.), or both, during that declared emergency the
32 Governor may issue an executive order precluding the issuance of
33 new wage executions or other post-judgment process set forth in
34 chapter 17 of Title 2A of the New Jersey Statutes used to enforce a
35 judgment recovered in, or enforce an order for the payment of
36 money issued by, the Superior Court, Law Division, including the
37 Special Civil Part of the Law Division, but not including any new
38 executions or other post-judgment process set forth in section 3 of
39 P.L. 1981, c.417 (C.2A:17-56.9) used to enforce an order of support
40 issued by the Superior Court, Law Division. The executive order
41 shall remain in effect for no longer than 90 days following the
42 declared end to the emergency.

43 (2) With respect to any executive order issued by the Governor
44 pursuant to paragraph (1) of this subsection relating to the Public
45 Health Emergency and State of Emergency declared by the Governor

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 in Executive Order 103 of 2020 concerning the coronavirus disease
2 2019 pandemic, the executive order shall apply retroactively to any
3 judgment or order described in that paragraph that was entered on or
4 after the date the emergency was declared in Executive Order 103 of
5 2020, for which an execution or other post-judgment process has not
6 been issued as of the day the executive order is issued.
7 (cf: P.L.2005, c.124, s.7)

8
9 2. This act shall take effect immediately.

10
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12 STATEMENT

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14 N.J.S.2A:17-50 provides that upon a proper showing of proofs of
15 debt by a judgment creditor, a court shall grant an order directing
16 that an execution issue against the wages, debts, earnings, salary,
17 income from trust funds, or profits of a judgment debtor.

18 This bill provides that, whenever a public health emergency or
19 state of emergency is declared by the Governor, during that
20 declared emergency the Governor, by executive order, could
21 preclude the issuance of new wage executions used to enforce a
22 judgment recovered in, or enforce an order for the payment of
23 money issued by, the Superior Court, Law Division, including the
24 Special Civil Part of the Law Division, but not including any new
25 executions or other post-judgment process set forth in section 3 of
26 P.L. 1981, c.417 (C.2A:17-56.9) used to enforce an order of child
27 support issued by the Superior Court, Law Division. The executive
28 order shall remain in effect for no longer than 90 days following the
29 declared end to the emergency.

30 Regarding the Public Health Emergency and State of Emergency
31 declared by the Governor in Executive Order 103 of 2020 concerning
32 the coronavirus disease 2019 pandemic, the executive order shall apply
33 retroactively to any judgment or order that was entered on or after the
34 date the emergency was declared for which an execution or other post-
35 judgment process had not been issued as of the date the executive
36 order issued.