

By: Senator(s) Bryan

To: Business and Financial
Institutions

SENATE BILL NO. 2400

1 AN ACT TO AMEND SECTION 85-3-4, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE TO COMPLY WITH THE FEDERAL ANTI-GARNISHMENT ACT,
3 WHICH ALLOWS GARNISHMENT OF TWENTY-FIVE PERCENT OF TOTAL PAY OR AN
4 AMOUNT THIRTY TIMES MINIMUM WAGE, WHICHEVER IS LESS; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 85-3-4, Mississippi Code of 1972, is
8 amended as follows:

9 85-3-4. (1) The wages, salaries or other compensation of
10 laborers or employees, residents of this state, shall be exempt
11 from seizure under attachment, execution or garnishment for a
12 period of thirty (30) days from the date of service of any writ of
13 attachment, execution or garnishment.

14 (2) After the passage of the period of thirty (30) days
15 described in subsection (1) of this section, the maximum part of
16 the aggregate disposable earnings (as defined by Section 1672(b)
17 of Title 15, USCS) of an individual that may be levied by
18 attachment, execution or garnishment shall be:



19 (a) In the case of earnings for any workweek, the
20 lesser amount of either * * *:

21 (i) Twenty-five percent (25%) of his disposable
22 earnings for that week, or

23 (ii) The amount by which his disposable earnings
24 for that week exceed thirty (30) times the federal minimum hourly
25 wage (prescribed by Section 206 (a) (1) of Title 29, USCS) in
26 effect at the time the earnings are payable; or

27 (b) In the case of earnings for any period other than a
28 week, the amount by which his disposable earnings exceed the
29 following "multiple" of the federal minimum hourly wage which is
30 equivalent in effect to that set forth in paragraph (a) (ii) of
31 this subsection (2): The number of workweeks, or fractions
32 thereof multiplied by thirty (30) multiplied by the applicable
33 federal minimum wage.

34 (3) (a) The restrictions of subsections (1) and (2) of this
35 section * * * also apply in * * * cases of:

36 (i) Any order for the support of any person issued
37 by a court of competent jurisdiction or in accordance with an
38 administrative procedure, which is established by state law, which
39 affords substantial due process, and which is subject to judicial
40 review.

41 (ii) Any debt due for any state or local tax.

42 (b) Except as provided in subparagraph * * * (iii) of
43 this * * * paragraph (b), the maximum part of the aggregate



44 disposable earnings of an individual for any workweek which is
45 subject to garnishment to enforce any order for the support of any
46 person shall not exceed:

47 (i) Where such individual is supporting his spouse
48 or dependent child (other than a spouse or child with respect to
49 whose support such order is used), fifty percent (50%) of such
50 individual's disposable earnings for that week; and

51 (ii) Where such individual is not supporting such
52 a spouse or dependent child described in subparagraph * * * (i) of
53 this * * * paragraph (b), sixty percent (60%) of such individual's
54 disposable earnings for that week;

55 (iii) With respect to the disposable earnings of
56 any individual for that workweek, the fifty percent (50%)
57 specified in subparagraph * * * (i) of this * * * paragraph (b)
58 shall be deemed to be fifty-five percent (55%) and the sixty
59 percent (60%) specified in subparagraph * * * (ii) of this * * *
60 paragraph (b) shall be deemed to be sixty-five percent (65%), if
61 and to the extent that such earnings are subject to garnishment to
62 enforce a support order with respect to a period which is prior to
63 the period of twelve (12) weeks which ends with the beginning of
64 such workweek.

65 **Section 2.** This act shall take effect and be in force from
66 and after June 30, 2023.

