

HOUSE No. 1585

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act increasing the value and kind of personal property exemption from execution..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 34 of Chapter 235 of the General Laws, as appearing in the 2003
2 Official Edition, is hereby amended by striking out Paragraph First and inserting, in its place, the
3 following:--

4 First, The necessary wearing apparel, beds and bedding for the debtor and the debtor’s
5 family; one heating unit used for warming the dwelling house; one stove used primarily for the
6 personal, family, or household use of the debtor or a dependent of the debtor; one refrigerator so
7 used; one freezer so used; one hot water heater so used; and the amount each month, not
8 exceeding two hundred fifty dollars, reasonably necessary to pay for fuel, heat, refrigeration,
9 water, hot water and light for the debtor and the debtor’s family.

10 SECTION 2. Said Section 34 is hereby further amended by replacing, in Paragraph
11 Second, the words “three thousand dollars” with the words “fifteen thousand dollars”.

12 SECTION 3. Said Section 34 is hereby further amended by replacing, in Paragraph Third,
13 the words “two hundred dollars” with the words “five hundred dollars”.

14 SECTION 4. Said Section 34 is hereby further amended by replacing, in Paragraph Fifth,
15 the words “five hundred dollars” with the words “three thousand five hundred dollars”.

16 SECTION 5. Said Section 34 is hereby further amended by replacing, in Paragraph Sixth,
17 the words “five hundred dollars” with the words “one thousand dollars”.

18 SECTION 6. Said Section 34 is hereby further amended by replacing, in Paragraph
19 Seventh, the words “three hundred dollars” with the words “six hundred dollars”

20 SECTION 7. Said Section 34 is hereby further amended by replacing, in Paragraph
21 Ninth, the words “five hundred dollars” with the words “one thousand five hundred dollars”.

22 SECTION 8. Said Section 34 is hereby further amended by replacing, in Paragraph
23 Fifteenth, the words “one hundred and twenty-five dollars” with the words “two hundred fifty
24 dollars”.

25 SECTION 9. Said Section 34 is hereby further amended by replacing, in Paragraph
26 Fourteen, the words “two hundred dollars” with the words “two thousand five hundred dollars”.

27 SECTION 10. Said Section 34 is hereby further amended by replacing, in Paragraph
28 Fifteenth, the words “one hundred and twenty-five dollars” with the words “five hundred
29 dollars”.

30 SECTION 11. Said Section 34 is hereby further amended by replacing, in Paragraph
31 Sixteenth, the words “seven hundred dollars” with the words “seven thousand five hundred
32 dollars”.

33 SECTION 12. Said Section 34 is hereby further amended by inserting the following two
34 paragraphs after Paragraph Sixteenth, as so amended:

35 Seventeenth, The debtor's aggregate interest in any personal property, not to exceed in
36 value one thousand dollars plus up to five thousand dollars of any unused dollar amount of the
37 aggregate exemptions provided under paragraphs Second, Fifth and Sixteenth of this Section.

38 Eighteenth, The debtor's aggregate interest, not to exceed one thousand two hundred
39 twenty-five dollars in value, in jewelry held primarily for the personal, family, or household use
40 of the debtor or a dependent of the debtor.

41 SECTION 13. Said Section 34 is hereby amended by inserting, in Paragraph Eighteenth
42 thereof, the words "spouse or a" before the word "dependent".

43 SECTION 14. Said Section 34 is hereby further amended by inserting immediately after
44 Paragraph Eighteenth thereof, the following new Section 34a:

45 Section 34a:

46 (a) On April 1, 2007, and at each three-year interval ending on April 1 thereafter, the
47 dollar amounts of exemptions provided in M.G.L. ch. 235, Section 34 in effect immediately
48 before that date shall be adjusted as provided in subdivision (b).

49 (b) The [Judicial Council] shall determine the amount of the adjustment based on the
50 change in the annual Massachusetts Consumer Price Index for All Urban Consumers, published
51 by the Department of Industrial Relations, Division of Labor Statistics, for the most recent three-
52 year period ending on December 31 preceding the adjustment, with each adjusted amount
53 rounded to the nearest twenty-five dollars (\$25).

54 (c) Beginning April 1, 2007, the [Judicial Council] shall publish a list of the current
55 dollar amounts of exemptions provided in M.G.L. ch. 235, Section 34, together with the date of
56 the next scheduled adjustment.

57 (d) Adjustments made under subdivision (a) do not apply with respect to cases
58 commenced before the date of the adjustment, subject to any contrary rule applicable under the
59 federal Bankruptcy Code.

60 SECTION 15. Section 28 of Chapter 246 of the General Laws, as so appearing, is hereby
61 amended by replacing, in the first sentence thereof, the words “one hundred twenty-five dollars”
62 with the words “two hundred fifty dollars”.

63 SECTION 16. Section 28A of Chapter 246 of the General Laws, as so appearing, is
64 hereby amended by replacing the words “five hundred dollars” with the words “one thousand
65 dollars” each time they appear.