The federal Consumer Credit Protection Act (CCPA) protects 75% of the debtor’s disposable income or thirty times the federal minimum wage, whichever is greater, from garnishment. This statute applies broadly to the collection of “any debt,” and does not carve out criminal justice debt imposed by the state.168 While a federal criminal statute generally exempts collection of federal fines and restitution from state and federal exemption laws, it makes an exception for the CCPA’s protections, explicitly incorporating them.169 Accordingly, the CCPA’s protections against garnishment apply to the collection of any federal criminal justice debt—be it for fines, restitution, or other costs.

In cases brought under the Procedures Act,170 federal courts have discretion to garnish less than the maximum amount allowed by law.171 Federal law does not provide guidance as to that discretion, but factors found in state statutes may be relevant, such as the number of dependents, health considerations, and age.172 Other potential standards are the National Collection Standards employed by the IRS,173 or those for income-driven repayment options for federally connected student loans.174

Footnotes


170 See § 11.5.3.1.2 [2], supra.

171 [185] United States v. George, 144 F. Supp. 2d 161 (E.D.N.Y. 2001) (noting that the Procedures Act gives the court discretion about whether and how much to garnish—and the CCPA sets a ceiling, but does not require that garnishment be set at the maximum amount). See § 10.3.4.3 [3], supra.

172 [186] See, e.g., Iowa Code § 630.3A.


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