CCPA protections against wage garnishment preempt less protective state law. One state court held that the CCPA does not apply to state criminal justice debt at all on the theory that the CCPA deals only with consumer finance debt. This position is inconsistent with the statute, which applies broadly to garnishment for “any debt.” The statute does not make any distinctions about the type or source of the debt and it carves out just three exceptions—none of which involves criminal justice debt. Another court reasoned that prisoners do not have to provide for basic household needs in the same way as a debtor who is not incarcerated, thus obviating the need to protect income. But this distinction has no basis in the statute, and the rationale would sweep in a wide range of other debtors, such as those living with relatives or in homeless shelters. In addition, prisons often charge prisoners for a host of basic living items, and prisoners have a need to protect funds necessary for a successful reentry.

Footnotes

197 See § 14.2.4 [1], infra.


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