



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1295/1
TKK:jld&wlj

**SENATE AMENDMENT 1,
TO SENATE BILL 397**

October 4, 2017 - Offered by Senator WANGGAARD.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 11: after that line insert:

3 “**SECTION 4b.** 812.39 (1) of the statutes is renumbered 812.39 (1) (intro.) and
4 amended to read:

5 812.39 (1) (intro.) Between 5 and 10 business days after the payday of each pay
6 period in which the debtor’s earnings are subject to the earnings garnishment, the
7 garnishee shall, subject to subs. (1m) and (2), pay the creditor that portion of the
8 debtor’s nonexempt disposable earnings to which the creditor is entitled. If the
9 debtor’s earnings are already being garnished by one or more earnings garnishments
10 when the garnishee is served under s. 812.35 (3) (b) by a creditor with a garnishment
11 form to recover an amount owed by that debtor, the garnishee shall, subject to subs.
12 (1m) and (2), do all of the following:

13 **SECTION 4f.** 812.39 (1) (a) of the statutes is created to read:

1 812.39 (1) (a) Determine 20 percent of the debtor's disposable earnings.

2 **SECTION 4k.** 812.39 (1) (b) of the statutes is created to read:

3 812.39 (1) (b) Divide the quotient under par. (a) by the total number of
4 creditors.

5 **SECTION 4p.** 812.39 (1) (c) of the statutes is created to read:

6 812.39 (1) (c) Pay each creditor the amount determined under par. (b).

7 **SECTION 4s.** 812.39 (1m) of the statutes is created to read:

8 812.39 (1m) (a) Court-ordered garnishment of the debtor's earnings to satisfy
9 an order for restitution under s. 973.20 (1r), regardless of the date the garnishee first
10 receives notice of the court-ordered garnishment, takes priority over an earnings
11 garnishment under this subchapter. Subject to sub. (2), and except as provided in
12 par. (b), if the debtor's earnings are subject to garnishment under s. 973.20 (1r), the
13 creditor shall not be entitled to an amount greater than 20 percent of the debtor's
14 disposable earnings less the amount to be garnished pursuant to court order under
15 s. 973.20 (1r).

16 (b) If one or more earnings garnishments are in effect for a debtor who owes
17 restitution under s. 973.20 (1r), the garnishee shall, if the amount to be garnished
18 pursuant to court order under s. 973.20 (1r) is less than 20 percent of the debtor's
19 disposable earnings, determine the amount to which each creditor is entitled from
20 the difference between 20 percent of the debtor's disposable income and the amount
21 to be garnished to satisfy an order for restitution under s. 973.20 (1r) in the manner
22 under sub. (1).

23 **SECTION 4w.** 812.39 (2) of the statutes is renumbered 812.39 (2) (a) and
24 amended to read:

1 812.39 (2) (a) Court-ordered assignments of the debtor's earnings for support
2 or maintenance under ch. 767, regardless of the date the garnishee first receives
3 notice of the assignment, take priority over an earnings garnishment under this
4 subchapter. If and take priority over a garnishment to satisfy an order for restitution
5 under s. 973.20 (1r). Except as provided in par. (b), if the debtor's earnings are subject
6 to assignment under s. 767.75, the creditor shall not be entitled to an amount greater
7 than 25 percent of the debtor's disposable earnings less the amount assigned under
8 s. 767.75.

9 **SECTION 4y.** 812.39 (2) (b) of the statutes is created to read:

10 812.39 (2) (b) If one or more earnings garnishments are in effect for a debtor
11 whose earnings are subject to assignment under s. 767.75, the garnishee shall, if the
12 sum of the amount assigned under s. 767.75 and the amount to be garnished to
13 satisfy an order for restitution under s. 973.20 (1r) are less than 25 percent of the
14 debtor's disposable earnings, determine the amount to which each creditor is entitled
15 from the difference between 25 percent of the debtor's disposable income and the sum
16 of the amount assigned under s. 767.75 and the amount to be garnished to satisfy an
17 order for restitution under s. 973.20 (1r) in the manner under sub. (1).”.

18 **2.** Page 5, line 12: delete the material beginning with “place” and ending with
19 “Notify” on line 13 and substitute “~~place this earnings garnishment into effect the~~
20 ~~pay period after the last of any prior earnings garnishments terminated.~~ Notify
21 notify”.

22 **3.** Page 6, line 10: after “CREDITOR” insert “; PAYING MULTIPLE
23 CREDITORS”.

1 **4.** Page 6, line 13: after “pay period.” insert “If this earnings garnishment is
2 one of 2 or more earnings garnishments issued for this debtor, before paying any
3 creditor, first determine 20% of the debtor’s disposable earnings for the pay period
4 and then divide that amount equally between all creditors.”.

5 **5.** Page 6, line 22: delete “and” and substitute “and”.

6 **6.** Page 6, line 23: delete “garnisheed” and substitute “garnisheed, earnings
7 garnished to satisfy an order for restitution under s. 973.20 (1r), this wage
8 garnishment, and all other wage garnishments in effect for this debtor”.

9 **7.** Page 6, line 24: after “EXTENSIONS” insert “EFFECT OF A
10 GARNISHMENT TO SATISFY AN ORDER FOR RESTITUTION”.

11 **8.** Page 7, line 1: delete “9.” and substitute “9.”.

12 **9.** Page 7, line 3: delete “If” and substitute “If”.

13 **10.** Page 7, line 7: delete “the party who paid it to you.” and substitute “the
14 party who paid it to you earnings payable to a debtor who owes restitution under s.
15 973.20 (1r) are being garnished to satisfy an order for restitution, those restitution
16 payments take priority over this earnings garnishment. If 20% or more of the
17 debtor’s disposable earnings are being garnished to satisfy an order for restitution,
18 do not pay any part of the debtor’s earnings to the creditor. Instead, send the creditor
19 a statement of that fact by the end of the 7th business day after you receive these
20 forms. If less than 20% of the debtor’s earnings are being garnished to satisfy an
21 order for restitution, the amount the creditor must be paid is reduced so that the total
22 of earnings garnished for restitution and garnished under this earnings

1 garnishment and any other earnings garnishments in effect for this debtor does not
2 exceed 20% of the debtor's disposable earnings."

3 (END)