

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Eugene L. O'Flaherty**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Eugene L. O'Flaherty	2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1369 OF .]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and 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 Official Edition, is hereby  
2   amended by striking out Paragraph First and inserting, in its place, the following:--  
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4       First, The necessary wearing apparel, beds and bedding for the debtor and the debtor's family; one heating unit  
5       used for warming the dwelling house; one stove used primarily for the personal, family, or household use of the  
6       debtor or a dependent of the debtor; one refrigerator so used; one freezer so used; one hot water heater so used;  
7       and the amount each month, not exceeding two hundred fifty dollars, reasonably necessary to pay for fuel, heat,  
8       refrigeration, water, hot water and light for the debtor and the debtor's family.  
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10   **SECTION 2.** Said Section 34 is hereby further amended by replacing, in Paragraph Second, the words "three  
11   thousand dollars" with the words "fifteen thousand dollars".  
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13   **SECTION 3.** Said Section 34 is hereby further amended by replacing, in Paragraph Third, the words "two hundred  
14   dollars" with the words "five hundred dollars".  
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16   **SECTION 4.** Said Section 34 is hereby further amended by replacing, in Paragraph Fifth, the words "five hundred  
17   dollars" with the words "three thousand five hundred dollars".  
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19   **SECTION 5.** Said Section 34 is hereby further amended by replacing, in Paragraph Sixth, the words "five hundred  
20   dollars" with the words "one thousand dollars".  
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22   **SECTION 6.** Said Section 34 is hereby further amended by replacing, in Paragraph Seventh, the words "three  
23   hundred dollars" with the words "six hundred dollars".  
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25   **SECTION 7.** Said Section 34 is hereby further amended by replacing, in Paragraph Ninth, the words "five hundred  
26   dollars" with the words "one thousand five hundred dollars".

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

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

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

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

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

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

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

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

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

Section 34a:

- (a) On April 1, 2007, and at each three-year interval ending on April 1 thereafter, the dollar amounts of exemptions provided in M.G.L. ch. 235, Section 34 in effect immediately before that date shall be adjusted as provided in subdivision (b).
- (b) The **[Judicial Council]** shall determine the amount of the adjustment based on the change in the annual Massachusetts Consumer Price Index for All Urban Consumers, published by the Department of Industrial Relations, Division of Labor Statistics, for the most recent three-year period ending on December 31 preceding the adjustment, with each adjusted amount rounded to the nearest twenty-five dollars (\$25).
- (c) Beginning April 1, 2007, the **[Judicial Council]** shall publish a list of the current dollar **amounts** of exemptions provided in M.G.L. ch. 235, Section 34, together with the date of the next scheduled adjustment.
- (d) Adjustments made under subdivision (a) do not apply with respect to cases commenced before the date of the adjustment, subject to any contrary rule applicable under the federal Bankruptcy Code.

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

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