

ASSEMBLY, No. 5461

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Provides certain protections for pandemic financial assistance.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2021)

1 AN ACT concerning pandemic financial assistance and
2 supplementing N.J.S.2A:17-19.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. All financial assistance shall be the property of the
8 individual that is entitled to the assistance, and shall be reserved,
9 both before and after the individual's death, for the individual's use,
10 or that of the individual's family or estate, and shall not be liable to
11 be seized or taken by virtue of any execution or civil process
12 whatever, issued out of any court of this State.

13 Nothing in this subsection shall be deemed or held to protect
14 from sale under execution or other process any goods, chattels or
15 property, for the purchase whereof the debt or demand for which the
16 judgment on which that execution or process was issued, shall have
17 been contracted, or to apply to process issued for the collection of
18 taxes or assessments.

19 b. (1) If the State or federal government deposits financial
20 assistance into an account at a financial institution, the financial
21 institution shall allow the individual to access the full amount of
22 financial assistance, without withholding any amount for overdraft
23 or other fees that the individual may owe the financial institution at
24 the time the assistance is deposited.

25 (2) If an individual with an account at a financial institution
26 cashes a check for financial assistance at the financial institution,
27 the financial institution shall not withhold any amount for overdraft
28 or other fees that the individual may owe the financial institution.

29 c. As used in this section:

30 "Financial assistance" means money provided by the State or
31 federal government to an individual in response to the Public Health
32 Emergency and State of Emergency declared by Executive Order
33 No. 103 of 2020 concerning the coronavirus disease 2019 pandemic
34 or any related federal emergency declaration pursuant to federal law
35 concerning that same pandemic.

36 "Financial institution" means a State chartered bank, savings
37 bank, savings and loan association, or credit union.

38
39 2. This act shall take effect immediately and shall expire on the
40 18th month next after the expiration of the Public Health
41 Emergency and State of Emergency declared by Executive Order
42 No. 103 of 2020 concerning the coronavirus disease 2019
43 pandemic.

44
45
46 STATEMENT

47
48 This bill provides certain protections for pandemic financial
49 assistance. As used in the bill, "financial assistance" means money

1 provided by the State or federal government to an individual in
2 response to the Public Health Emergency and State of Emergency
3 declared by Executive Order No. 103 of 2020 concerning the
4 coronavirus disease 2019 pandemic or any related federal
5 emergency declaration pursuant to federal law concerning that same
6 pandemic.

7 The bill provides that all financial assistance shall be the
8 property of the individual that is entitled to the assistance, and shall
9 be reserved, both before and after the individual's death, for the
10 individual's use, or that of the individual's family or estate, and
11 shall not be liable to be seized or taken by virtue of any execution
12 or civil process whatever, issued out of any court of this State.

13 The bill also provides that, if an individual has financial
14 assistance deposited into an account at a financial institution, the
15 financial institution shall allow the individual to access the full
16 amount of financial assistance, without withholding any amount for
17 overdraft or other fees that the individual may owe the financial
18 institution at the time the assistance is deposited. The bill prohibits
19 a financial institution from withholding any amount for overdraft or
20 other fees that an individual may owe the financial institution if an
21 individual with an account at the financial institution cashes a check
22 for financial assistance at the institution. As used in the bill,
23 "financial institution" means a State chartered bank, savings bank,
24 savings and loan association, or credit union.