

HOUSE BILL No. 2297

AN ACT concerning civil procedure; relating to garnishment; amending K.S.A. 2002 Supp. 60-739 and 61-3512 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2002 Supp. 60-739 is hereby amended to read as follows: 60-739. ~~If the garnishment is to attach property other than earnings of the judgment debtor, after 10 days following receipt of the answer of the garnishee by the court, and no reply to the answer has been filed, the court shall direct the garnishee to pay to the court such amount that the garnishee is holding as indicated by the answer, or such lesser amount if the circumstances warrant. If the garnishee is holding property other than money, the provisions of K.S.A. 60-701 et seq., and amendments thereto, relating to attachment shall be applicable. If through garnishment, the claim is overpaid to the court, the court shall promptly refund to the judgment debtor any such overpayment.~~ *(a) The court shall direct the garnishee to pay to the court such amount that the garnishee is holding, as indicated by the answer, or such lesser amount as warranted, if:*

*(1) The garnishment has attached to property other than earnings of the judgment debtor;*

*(2) ten days have passed since receipt of the answer of the garnishee by the court; and*

*(3) no reply to the answer has been filed.*

*(b) The court shall promptly refund to the judgment debtor any overpayment of the claim. The garnishee may release the funds, credits or indebtedness that have been attached pursuant to the order of garnishment if no order to pay the court has been received within 60 days following the receipt of the answer of the garnishee by the court.*

Sec. 2. K.S.A. 2002 Supp. 61-3512 is hereby amended to read as follows: 61-3512. ~~If the garnishment is to attach property other than earnings of the judgment debtor, after 10 days following receipt of the answer of the garnishee by the court, and no reply to the answer has been filed, the court shall direct the garnishee to pay to the court such amount that the garnishee is holding as indicated by the answer, or such lesser amount if the circumstances warrant. If the garnishee is holding property other than money, the provisions of K.S.A. 2002 Supp. 61-3501, and amendments thereto, relating to attachment shall be applicable. If through garnishment, the claim is overpaid to the court, the court shall promptly refund to the judgment debtor any such overpayment.~~ *(a) The court shall direct the garnishee to pay to the court such amount that the garnishee is holding, as indicated by the answer, or such lesser amount as warranted, if:*

*(1) The garnishment has attached to property other than earnings of the judgment debtor;*

*(2) ten days have passed since receipt of the answer of the garnishee by the court; and*

*(3) no reply to the answer has been filed.*

*(b) The court shall promptly refund to the judgment debtor any overpayment of the claim. The garnishee may release the funds, credits or indebtedness that have been attached pursuant to the order of garnishment if no order to pay the court has been received within 60 days following the receipt of the answer of the garnishee by the court.*

Sec. 3. K.S.A. 2002 Supp. 60-739 and 61-3512 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

\_\_\_\_\_

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*