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ASSEMBLY BILL NO. 17—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE STATE CONTROLLER)

PREFILED NOVEMBER 6, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to writs of garnishment.  
(BDR 3-416)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to writs of garnishment; revising provisions relating to the service of writs of garnishment where the named garnishee is the State of Nevada; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires a writ of garnishment where the named garnishee is the  
2 State of Nevada to be served upon the State Controller. (NRS 31.249) This bill  
3 replaces the State Controller with the Division of Human Resource Management of  
4 the Department of Administration for purposes of serving such a writ.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 31.249 is hereby amended to read as follows:  
2 31.249 1. No writ of garnishment in aid of attachment may  
3 issue except on order of the court. The court may order the writ of  
4 garnishment to be issued:  
5 (a) In the order directing the clerk to issue a writ of attachment;  
6 or  
7 (b) If the writ of attachment has previously issued without notice  
8 to the defendant and the defendant has not appeared in the action, by  
9 a separate order without notice to the defendant.  
10 2. The plaintiff’s application to the court for an order directing  
11 the issuance of a writ of garnishment must be by affidavit made by



1 or on behalf of the plaintiff to the effect that the affiant is informed  
2 and believes that the named garnishee:

3 (a) Is the employer of the defendant; or

4 (b) Is indebted to or has property in the garnishee's possession  
5 or under the garnishee's control belonging to the defendant,

6 ↪ and that to the best of the knowledge and belief of the affiant,  
7 the defendant's future wages, the garnishee's indebtedness or the  
8 property possessed is not by law exempt from execution. If the  
9 named garnishee is the State of Nevada, the writ of garnishment  
10 must be served upon the ~~[State Controller.]~~ *Division of Human*  
11 *Resource Management of the Department of Administration.*

12 3. The affidavit by or on behalf of the plaintiff may be  
13 contained in the application for the order directing the writ of  
14 attachment to issue or may be filed and submitted to the court  
15 separately thereafter.

16 4. Except as otherwise provided in this section, the grounds  
17 and procedure for a writ of garnishment are identical to those for a  
18 writ of attachment.

19 5. If the named garnishee is the subject of more than one writ  
20 of garnishment regarding the defendant, the court shall determine  
21 the priority and method of satisfying the claims, except that any writ  
22 of garnishment to satisfy a judgment for the collection of child  
23 support must be given first priority.

24 **Sec. 2.** This act becomes effective upon passage and approval.

