

amended Pub. L. 109-233, title III, §302, June 15, 2006, 120 Stat. 406.)

PRIOR PROVISIONS

A prior section 594, act Oct. 17, 1940, ch. 888, art. VII, §704, as added Pub. L. 107-107, div. A, title XVI, §1603, Dec. 28, 2001, 115 Stat. 1276, related to guarantee of residency for military personnel, prior to the general amendment of this Act by Pub. L. 108-189. See section 595 of this Appendix.

AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-233, §302(b), substituted “in a case in which the” for “if the”.

Subsec. (e). Pub. L. 109-233, §302(a), added subsec. (e).

§ 595. Guarantee of residency for military personnel and spouses of military personnel

(a) In general

For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become a resident in or a resident of any other State.

(b) Spouses

For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become a resident in or a resident of any other State.

(Oct. 17, 1940, ch. 888, title VII, §705, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865; amended Pub. L. 111-97, §2(a), Nov. 11, 2009, 123 Stat. 3007.)

AMENDMENTS

2009—Pub. L. 111-97 inserted “and spouses of military personnel” after “military personnel” in section catchline, designated existing provisions as subsec.(a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-97, §2(c), Nov. 11, 2009, 123 Stat. 3007, provided that: “Subsection (b) of section 705 of such Act [Servicemembers Civil Relief Act] (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act [Nov. 11, 2009], regardless of the date of the military or naval order concerned.”

§ 596. Business or trade obligations

(a) Availability of non-business assets to satisfy obligations

If the trade or business (without regard to the form in which such trade or business is carried out) of a servicemember has an obligation or liability for which the servicemember is personally liable, the assets of the servicemember not held in connection with the trade or business may not be available for satisfaction of the obligation or liability during the servicemember's military service.

(b) Relief to obligors

Upon application to a court by the holder of an obligation or liability covered by this section, relief granted by this section to a servicemember may be modified as justice and equity require.

(Oct. 17, 1940, ch. 888, title VII, §706, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865.)

TITLE VIII—CIVIL LIABILITY

§ 597. Enforcement by the Attorney General

(a) Civil action

The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

(1) engages in a pattern or practice of violating this Act [sections 501 to 515 and 516 to 597b of this Appendix]; or

(2) engages in a violation of this Act that raises an issue of significant public importance.

(b) Relief

In a civil action commenced under subsection (a), the court may—

(1) grant any appropriate equitable or declaratory relief with respect to the violation of this Act [sections 501 to 515 and 516 to 597b of this Appendix];

(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

(3) may, to vindicate the public interest, assess a civil penalty—

(A) in an amount not exceeding \$55,000 for a first violation; and

(B) in an amount not exceeding \$110,000 for any subsequent violation.

(c) Intervention

Upon timely application, a person aggrieved by a violation of this Act [sections 501 to 515 and 516 to 597b of this Appendix] with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 802 [section 597a of this Appendix] with respect to that violation, along with costs and a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, §801, as added Pub. L. 111-275, title III, §303(a), Oct. 13, 2010, 124 Stat. 2877.)

§ 597a. Private right of action

(a) In general

Any person aggrieved by a violation of this Act [sections 501 to 515 and 516 to 597b of this Appendix] may in a civil action—