

HCS HB 1217 -- TRANSFER OF PUBLIC PENSION BENEFITS (Dugger)

COMMITTEE OF ORIGIN: Committee on Financial Institutions

This bill specifies that the right of a person to a public employment retirement benefit cannot be transferred or assigned, at law or in equity. None of the moneys paid or payable or rights existing under a plan can be subject to execution, levy, attachment, garnishment, or other legal process, unless expressly authorized by the law that establishes the plan or that is specifically applicable to the plan.

A pension assignee cannot use any device, scheme, transfer, or other artifice to evade the applicability and prohibition of these provisions. Any contract or agreement made in violation of these provisions is void and all sums paid or collected by an assignee must be returned.

Any benefit recipient, his or her guardian or conservator, or heir or beneficiary, or the Attorney General may bring an action to enforce the restitution authorized under these provisions within five years after a violation. The Attorney General may exercise the investigative and enforcement powers authorized under Chapter 407, RSMo.

Nothing in the provisions of the bill can prohibit any action permitted under Chapter 409.