

SCS HCS HB 1217 -- PUBLIC EMPLOYEE RETIREMENT BENEFITS

This bill specifies that any participant in a public employee retirement system established by the State of Missouri or any political subdivision of the state who is found guilty of certain felonies specified in the bill that is committed in direct connection with or directly related to the participant's duties must not be eligible to receive any retirement benefits from the system based on service rendered on or after the effective date of these provisions. The participant may still request a refund of his or her contributions to the system including any credited interest.

Upon a finding of guilty, the court must forward a notice of its finding to the appropriate retirement system and make a determination on the value of money, property, or services involved in committing the offense. All retirement systems must take all actions in order to implement these provisions.

The 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, including division of benefits orders and any legal process in furtherance of the collection of a judgment or administrative order for child support or spousal support.

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 to or collected by an assignee must be returned as restitution.

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. Whenever it appears that an individual or entity is engaged or is about to engage in a violation of these provisions, the Attorney General may bring an action to enjoin the act or practice and, upon a proper showing, a temporary restraining order or an injunction must be granted without bond. 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 pertaining to fraudulent and other

prohibited practices regarding securities.