

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 807, Page 1, in the Title, Line 3, by deleting said line and inserting in lieu
2 thereof the words "court proceedings."; and
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4 Further amend said bill, Page 3, Section 456.1-113, Line 3, by inserting immediately after said line
5 the following:
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7 "513.430. 1. The following property shall be exempt from attachment and execution to the
8 extent of any person's interest therein:

9 (1) Household furnishings, household goods, wearing apparel, appliances, books, animals,
10 crops or musical instruments that are held primarily for personal, family or household use of such
11 person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

12 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
13 jewelry held primarily for the personal, family or household use of such person or a dependent of
14 such person, not to exceed five hundred dollars in value in the aggregate;

15 (3) Any other property of any kind, not to exceed in value six hundred dollars in the
16 aggregate;

17 (4) Any implements or professional books or tools of the trade of such person or the trade of
18 a dependent of such person not to exceed three thousand dollars in value in the aggregate;

19 (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

20 (6) Any mobile home used as the principal residence but not attached to real property in
21 which the debtor has a fee interest, not to exceed five thousand dollars in value;

22 (7) Any one or more unmaturred life insurance contracts owned by such person, other than a
23 credit life insurance contract, and up to fifteen thousand dollars of any matured life insurance
24 proceeds for actual funeral, cremation, or burial expenses where the deceased is the spouse, child, or
25 parent of the beneficiary;

26 (8) The amount of any accrued dividend or interest under, or loan value of, any one or more
27 unmaturred life insurance contracts owned by such person under which the insured is such person or
28 an individual of whom such person is a dependent; provided, however, that if proceedings under
29 Title 11 of the United States Code are commenced by or against such person, the amount exempt in
30 such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less
31 any amount of property of such person transferred by the life insurance company or fraternal benefit
32 society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture
33 insurance option and is required to be so transferred automatically under a life insurance contract
34 with such company or society that was entered into before commencement of such proceedings. No
35 amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts
36 shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such

Action Taken _____ Date _____

1 amount shall be exempt in such proceedings under any such insurance contract which was purchased
2 by such person within one year prior to the commencement of such proceedings;

3 (9) Professionally prescribed health aids for such person or a dependent of such person;

4 (10) Such person's right to receive:

5 (a) A Social Security benefit, unemployment compensation or a public assistance benefit;

6 (b) A veteran's benefit;

7 (c) A disability, illness or unemployment benefit;

8 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a
9 month;

10 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
11 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant
12 to section 456.014, the person's right to a participant account in any deferred compensation program
13 offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or
14 contract on account of illness, disability, death, age or length of service, to the extent reasonably
15 necessary for the support of such person and any dependent of such person unless:

16 a. Such plan or contract was established by or under the auspices of an insider that employed
17 such person at the time such person's rights under such plan or contract arose;

18 b. Such payment is on account of age or length of service; and

19 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or
20 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b),
21 408, 408A or 409);

22
23 except that any such payment to any person shall be subject to attachment or execution pursuant to a
24 qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of
25 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation
26 or a proceeding for disposition of property following dissolution of marriage by a court which lacked
27 personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at
28 the time of the original judgment of dissolution;

29 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of any
30 participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar
31 plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b),
32 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or
33 beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as
34 provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt
35 from the claim of an alternate payee under a qualified domestic relations order; however, the interest
36 of any and all alternate payees under a qualified domestic relations order shall be exempt from any
37 and all claims of any creditor, other than the state of Missouri through its department of social
38 services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations
39 order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as
40 amended. If proceedings under Title 11 of the United States Code are commenced by or against such
41 person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or
42 trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person
43 participated within three years prior to the commencement of such proceedings. For the purposes of
44 this section, when the fraudulently conveyed funds are recovered and after, such funds shall be
45 deducted and then treated as though the funds had never been contributed to the plan, contract, or
46 trust;

47 (11) The debtor's right to receive, or property that is traceable to, a payment on account of
48 the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably

1 necessary for the support of the debtor and any dependent of the debtor.

2 2. Nothing in this section shall be interpreted to exempt from attachment or execution for a
3 valid judicial or administrative order for the payment of child support or maintenance any money or
4 assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary
5 in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of
6 1986, as amended."; and

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8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.