



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1870		DATE: 2/11/2026
COMMITTEE: Financial Institutions		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: ANDREW ARNOLD		PHONE NUMBER: 314-541-6936
REPRESENTING: MISSOURI INDEPENDENT BANKERS ASSOCIATION		TITLE:
ADDRESS: 28697 KENDALWOOD DRIVE		
CITY: WRIGHT CITY		STATE: MO
		ZIP: 63390
EMAIL: andrew.rnld@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/11/2026 1:37 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: KEITH THORNBURG		PHONE NUMBER: 573-636-8151
REPRESENTING: MISSOURI BANKERS ASSOCIATION		TITLE:
ADDRESS: 207 EAST CAPITOL AVENUE		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/11/2026 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/11/2026 12:00 AM	
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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: GABE HARRIS		PHONE NUMBER: 573-635-5215
BUSINESS/ORGANIZATION NAME: MISSOURI ASSOCIATION OF TRIAL ATTORNEYS		TITLE: MEMBER
ADDRESS: 240 E HIGH STREET, SUITE 300		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/6/2026 2:57 PM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

HOUSE BILL 1870 is not a benign “modernization” of garnishment law.

It is a structural reallocation of power away from debtors and toward judgment creditors and financial institutions, achieved by procedural shortcuts that increase the probability of unconstitutional deprivation of property, suppress meaningful notice, and shift litigation risk onto Missouri residents least able to bear it.

This bill materially increases the likelihood of wrongful seizure of exempt funds, temporary deprivation without due process, and irreversible harm during the pendency of objections, all while insulating garnishees and garnishors from accountability.

I. DUE PROCESS VIOLATIONS — SEIZURE FIRST, PROCESS LATER

HB 1870 authorizes the immediate restraint of bank accounts, including joint accounts and accounts containing exempt funds, based solely on service of process to a financial institution — before any judicial determination of ownership, exemption status, or necessity.

This is constitutionally radioactive.

The Supreme Court has repeatedly held that pre-judgment or quasi-judgment seizure of property without meaningful notice and opportunity to be heard violates the Fourteenth Amendment, particularly where the deprivation affects basic subsistence.

Here, HB 1870 explicitly authorizes withholding entire joint accounts, admits that funds may later be proven not to belong to the debtor, and nonetheless denies liability for the harm caused in the interim.

That is textbook unconstitutional procedure.

II. JOINT ACCOUNT SEIZURE — COLLECTIVE PUNISHMENT BY STATUTE

Section 525.235(5) mandates that when an account is jointly held, the garnishee shall withhold the entire amount sought, even when non-debtor owners exist.

**The statute affirmatively authorizes:
 seizure of third-party property,**

deprivation without individualized findings,
forced litigation burdens on innocent co-owners.

This is not debt collection.

This is state-sanctioned collective punishment.

III. EXEMPT FUNDS — ILLUSORY PROTECTION, REAL HARM

Although the bill gestures toward federal “look-back” requirements, it still authorizes restraint of accounts containing exempt funds, including Social Security, disability benefits, veterans benefits, and retirement funds.

The damage occurs before exemption claims are adjudicated.

Courts have been explicit: temporary deprivation of exempt funds is still a constitutional injury, particularly where those funds are necessary for food, housing, and medical care.

HB 1870 institutionalizes that injury.

IV. GOOD-FAITH STANDARD — TOOTHLESS AND UNENFORCEABLE

The bill purports to limit harassment by requiring “good-faith belief” before garnishment. This language is functionally meaningless.

There is:

no evidentiary requirement,
no pre-service judicial verification,
no penalty for abuse,
no remedy for wrongful restraint.

This invites serial garnishment filings, especially against low-income debtors who lack immediate access to counsel.

V. SHIFTING LIABILITY AWAY FROM WRONGDOERS

HB 1870 deliberately insulates:

garnishors,
financial institutions,
third-party actors,
while placing the entire burden of correction on the debtor, who must affirmatively object after funds are frozen.

This reverses the constitutional presumption against wrongful deprivation and replaces it with “freeze first, litigate later.”

Courts hate this.

VI. CUMULATIVE EFFECT — HEIGHTENED CIVIL RIGHTS EXPOSURE

Missouri does not legislate in a vacuum. When the General Assembly knowingly enacts procedures that mirror fact patterns already condemned by federal courts, it exposes the state and its political subdivisions to:

§1983 civil-rights litigation
attorneys’ fees under 42 U.S.C. §1988
injunctions invalidating the statute
adverse precedent binding future cases

This bill will be challenged.

And parts of it will not survive.

CONCLUSION

HOUSE BILL 1870 trades constitutional safeguards for creditor convenience, outsources due process to after-the-fact objections, and treats wrongful deprivation as an acceptable cost of efficiency.

That is not conservative governance.

That is not fiscally responsible.

That is not constitutional.

This bill should be rejected in its entirety.

CASE LAW FOOTNOTES:

Fuentes v. Shevin, 407 U.S. 67 (1972).

Pre-judgment seizure of property without prior notice and hearing violates due process except in extraordinary circumstances.

Sniadach v. Family Finance Corp., 395 U.S. 337 (1969).

Wage and asset garnishment without adequate procedural safeguards constitutes unconstitutional deprivation.

North Georgia Finishing, Inc. v. Di-Chem, Inc., 419 U.S. 601 (1975).

Struck down garnishment procedures lacking judicial oversight prior to seizure.

Connecticut v. Doehr, 501 U.S. 1 (1991).

Prejudgment attachment of property requires strict procedural protections due to risk of erroneous deprivation.

Goldberg v. Kelly, 397 U.S. 254 (1970).

Termination or interruption of subsistence benefits without prior hearing violates due process.

Philpott v. Essex County Welfare Bd., 409 U.S. 413 (1973).

Social Security benefits are protected from legal process; temporary restraint still constitutes injury.

Washington State Dep't of Social & Health Servs. v. Guardianship Estate of Keffeler, 537 U.S. 371 (2003).

Federal benefit protections are broadly construed against indirect seizure mechanisms.

Finberg v. Sullivan, 634 F.2d 50 (3d Cir. 1980) (en banc).

Procedures that delay access to exempt funds violate due process.

McCahey v. L.P. Investors, 774 F.2d 543 (2d Cir. 1985).

Post-seizure remedies are insufficient where initial deprivation risks subsistence.