

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1613, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

3
4 "513.430. 1. The following property shall be exempt from attachment and execution to the
5 extent of any person's interest therein:

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

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

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

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

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

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

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

23 (8) The amount of any accrued dividend or interest under, or loan value of, any one or more
24 unmaturred life insurance contracts owned by such person under which the insured is such person or
25 an individual of whom such person is a dependent; provided, however, that if proceedings under
26 Title 11 of the United States Code are commenced by or against such person, the amount exempt in
27 such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less
28 any amount of property of such person transferred by the life insurance company or fraternal benefit
29 society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture
30 insurance option and is required to be so transferred automatically under a life insurance contract

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1 with such company or society that was entered into before commencement of such proceedings. No
 2 amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts
 3 shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such
 4 amount shall be exempt in such proceedings under any such insurance contract which was
 5 purchased by such person within one year prior to the commencement of such proceedings;

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

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

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

9 (b) A veteran's benefit;

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

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

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

19 ~~[a-]~~ (i) Such plan or contract was established by or under the auspices of an insider that
 20 employed such person at the time such person's rights under such plan or contract arose;

21 ~~[b-]~~ (ii) Such payment is on account of age or length of service; and

22 ~~[c-]~~ (iii) Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408,
 23 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),
 24 403(b), 408, 408A or 409)[~~;~~].

25 ~~[except that]~~ b. Notwithstanding the exemption provided in subparagraph a. of this paragraph, any
 26 such payment to any person shall be subject to attachment or execution pursuant to a qualified
 27 domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986 (26
 28 U.S.C. Section 414(p)), as amended, issued by a court in any proceeding for dissolution of marriage
 29 or legal separation or a proceeding for disposition of property following dissolution of marriage by a
 30 court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of
 31 marital property at the time of the original judgment of dissolution;

32 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of any
 33 participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar
 34 plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b),
 35 408, 408A or 409 of the Internal Revenue Code of 1986 (26 U.S.C. 401(a), 403(a), 403(b), 408,
 36 408A, or 409), as amended, whether such participant's or beneficiary's interest arises by inheritance,
 37 designation, appointment, or otherwise, except as provided in this paragraph. Any plan or
 38 arrangement described in this paragraph shall not be exempt from the claim of an alternate payee

under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986 (26 U.S.C. Section 414(p)), as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate;

(13) Any moneys accruing to and deposited in individual savings accounts or individual deposit accounts under sections 166.400 to 166.456 or sections 166.500 to 166.529, subject to the following provisions:

(a) This subdivision shall apply to any proceeding that:

a. Is filed on or before January 1, 2022; or

b. Was filed before January 1, 2022, and is pending or on appeal after January 1, 2022;

(b) Except as provided by paragraph (c) of this subdivision, if the designated beneficiary of an individual savings account or individual deposit account established under sections 166.400 to 166.456 or sections 166.500 to 166.529 is a lineal descendant of the account owner, all moneys in the account shall be exempt from any claims of creditors of the account owner or designated beneficiary;

(c) The provisions of paragraph (b) of this subdivision shall not apply to:

a. Claims of any creditor of an account owner as to amounts contributed within a two-year period preceding the date of the filing of a bankruptcy petition under 11 U.S.C. Section 101 et seq., as amended; or

b. Claims of any creditor of an account owner as to amounts contributed within a one-year period preceding an execution on judgment for such claims against the account owner.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Sections 408 and 408A of the Internal Revenue Code of 1986 (26 U.S.C. Sections 408 and 408A), as amended."; and

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.