

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1613, Page 1, Section A, Line 2, by inserting after
2 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 extent of
5 any person's interest therein:

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

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

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

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

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

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

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1 anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance
 2 contract which was purchased by such person within one year prior to the commencement of such
 3 proceedings;

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

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

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

7 (b) A veteran's benefit;

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

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

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

16 ~~[a.]~~ (i) 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.]~~ (ii) Such payment is on account of age or length of service; and

19 ~~[c.]~~ (iii) 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), 408, 408A
 21 or 409)[;].

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

30 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of any
 31 participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan,
 32 including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or
 33 409 of the Internal Revenue Code of 1986 (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A, or 409), as
 34 amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment,
 35 or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall
 36 not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the
 37 interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any
 38 and all claims of any creditor, other than the state of Missouri through its department of social services. As
 39 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 after 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

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