

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1217**  
**97TH GENERAL ASSEMBLY**

4869S.04T

2014

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**AN ACT**

To amend chapters 105 and 434, RSMo, by adding thereto six new sections relating to public employee retirement plan benefits.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 105 and 434, RSMo, are amended by adding thereto six new sections, to be known as sections 105.669, 434.300, 434.301, 434.302, 434.303, and 434.304 to read as follows:

**105.669. 1. Any participant of a plan who is found guilty of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after the effective date of this section, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after the effective date of this section, except a participant may still request from the respective retirement system a refund of the participant's plan contributions, including interest credited to the participant's account.**

**2. Upon a finding of guilt, the court shall forward a notice of the court's finding to the appropriate retirement system in which the offender was a participant. The court shall also make a determination on the value of the money, property, or services involved in committing the offense. The plans shall take all actions necessary to implement the provisions of this section.**

**3. The finding of guilt for any of the following offenses or a substantially similar offense provided under federal law shall result in the ineligibility of retirement benefits as provided in subsection 1 of this section:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **(1) The offense of felony stealing under section 570.030 when such offense involved**  
17 **money, property, or services valued at five thousand dollars or more as determined by the**  
18 **court;**

19           **(2) The offense of felony receiving stolen property under section 570.080 when such**  
20 **offense involved money, property, or services valued at five thousand dollars or more as**  
21 **determined by the court;**

22           **(3) The offense of forgery under section 570.090;**

23           **(4) The offense of felony counterfeiting under section 570.103;**

24           **(5) The offense of bribery of a public servant under section 576.010; or**

25           **(6) The offense of acceding to corruption under section 576.020.**

**434.300. For purposes of sections 434.300 to 434.303, the following terms shall**  
2 **mean:**

3           **(1) "Benefit recipient", the person who is the plan participant or authorized**  
4 **beneficiary under the plan entitled to receive a plan benefit;**

5           **(2) "Pension assignee", an individual or entity that has been assigned a plan benefit**  
6 **or portions of a plan benefit by the benefit recipient or that otherwise claims an interest**  
7 **in, or control over, a plan benefit or account to which a plan benefit has been deposited.**  
8 **The term "pension assignee" shall not include an individual who is a designated payee**  
9 **under a division of benefits order;**

10           **(3) "Plan", any retirement system established by the state of Missouri, any political**  
11 **subdivision, or instrumentality of the state for the purpose of providing plan benefits for**  
12 **elected or appointed public officials or employees of the state of Missouri, any political**  
13 **subdivision, or instrumentality of the state;**

14           **(4) "Plan benefit", the benefit amount payable from a plan, and includes any**  
15 **annuity, supplemental payment, or death benefit under the plan together with any**  
16 **supplemental payments from public funds to the benefit recipient.**

**434.301. 1. The right of any person to a plan benefit shall not be transferable or**  
2 **assignable, at law or in equity, and none of the moneys paid or payable or rights existing**  
3 **under a plan shall be subject to execution, levy, attachment, garnishment, or other legal**  
4 **process. This section shall not prohibit the division or assignability of a plan benefit that**  
5 **is expressly authorized by law that establishes the plan or that is specifically applicable to**  
6 **the plan, including division of benefits orders and any legal process in furtherance of the**  
7 **collection of either a judgment or administrative order for child support or spousal**  
8 **support.**

9           **2. A pension assignee shall not use any device, scheme, transfer, or other artifice**  
10 **to evade the applicability and prohibition of this section, including the deposit of such plan**  
11 **benefits into a joint account with a pension assignee or the authorization to a pension**

12 assignee under a power of attorney or other instrument or document to access an account  
13 or otherwise obtain funds from an account to which plan benefits have been deposited.

434.302. 1. Any contract or agreement made in violation of section 434.301 is void.  
2 All sums paid to or collected by a pension assignee in violation of section 434.301 shall be  
3 returned by the pension assignee to the benefit recipient or his or her heirs or beneficiaries  
4 as restitution.

5 2. Any benefit recipient, his or her guardian or conservator, or heir or beneficiary  
6 may bring an action to enforce the restitution authorized under this section.

7 3. Notwithstanding any other provision of law to the contrary, any actions brought  
8 under this section must be commenced within five years after any individual or entity  
9 engages in any act or practice in violation of 434.301.

434.303. 1. Whenever it appears that any individual or entity is engaged or is about  
2 to engage in any act or practice which is in violation of section 434.301, the attorney  
3 general may bring an action in the circuit court having venue to enjoin such act or practice,  
4 and upon a proper showing, a temporary restraining order or a preliminary or permanent  
5 injunction shall be granted without bond.

6 2. The attorney general may seek the recovery authorized under section 434.302 on  
7 behalf of the benefit recipient or his or her heirs or beneficiaries and the state, and may  
8 exercise the investigative and enforcement powers authorized under chapter 407 to the  
9 attorney general and the attorney general may have such recovery of costs as authorized  
10 under chapter 407.

434.304. Nothing in sections 434.301 to 434.303 shall prohibit any action permitted  
2 under chapter 409.

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