

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ SCS/House Bill No. 329, Page 8, Section 408.600, Line 43,

2 by inserting after all of said line the following:

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

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

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

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

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

21 (5) Any motor vehicles, not to exceed three thousand

1 dollars in value in the aggregate;

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

5 (7) Any one or more unmatured life insurance contracts  
6 owned by such person, other than a credit life insurance  
7 contract;

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

29 (9) Professionally prescribed health aids for such person

1 or a dependent of such person;

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

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

5 (b) A veteran's benefit;

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

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

9 (e) Any payment under a stock bonus plan, pension plan,  
10 disability or death benefit plan, profit-sharing plan, nonpublic  
11 retirement plan or any plan described, defined, or established  
12 pursuant to section 456.072, the person's right to a participant  
13 account in any deferred compensation program offered by the state  
14 of Missouri or any of its political subdivisions, or annuity or  
15 similar plan or contract on account of illness, disability,  
16 death, age or length of service, to the extent reasonably  
17 necessary for the support of such person and any dependent of  
18 such person unless:

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

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

24 c. Such plan or contract does not qualify under Section  
25 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue  
26 Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408,  
27 408A or 409); except that any such payment to any person shall be  
28 subject to attachment or execution pursuant to a qualified  
29 domestic relations order, as defined by Section 414(p) of the

1 Internal Revenue Code of 1986, as amended, issued by a court in  
2 any proceeding for dissolution of marriage or legal separation or  
3 a proceeding for disposition of property following dissolution of  
4 marriage by a court which lacked personal jurisdiction over the  
5 absent spouse or lacked jurisdiction to dispose of marital  
6 property at the time of the original judgment of dissolution;

7 (f) Any money or assets, payable to a participant or  
8 beneficiary from, or any interest of any participant or  
9 beneficiary in, a retirement plan [or], profit-sharing plan,  
10 health savings plan, or similar plan, including an inherited  
11 account or plan, that is qualified under Section 401(a), 403(a),  
12 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as  
13 amended, whether such participant's or beneficiary's interest  
14 arises by inheritance, designation, appointment, or otherwise,  
15 except as provided in this paragraph. Any plan or arrangement  
16 described in this paragraph shall not be exempt from the claim of  
17 an alternate payee under a qualified domestic relations order;  
18 however, the interest of any and all alternate payees under a  
19 qualified domestic relations order shall be exempt from any and  
20 all claims of any creditor, other than the state of Missouri  
21 through its division of family services. As used in this  
22 paragraph, the terms "alternate payee" and "qualified domestic  
23 relations order" have the meaning given to them in Section 414(p)  
24 of the Internal Revenue Code of 1986, as amended.

25  
26 If proceedings under Title 11 of the United States Code are  
27 commenced by or against such person, no amount of funds shall be  
28 exempt in such proceedings under any such plan, contract, or  
29 trust which is fraudulent as defined in subsection 2 of section

1 428.024 and for the period such person participated within three  
2 years prior to the commencement of such proceedings. For the  
3 purposes of this section, when the fraudulently conveyed funds  
4 are recovered and after, such funds shall be deducted and then  
5 treated as though the funds had never been contributed to the  
6 plan, contract, or trust;

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

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

20 Further amend the title and enacting clause accordingly.  
21