

ACT 289

H.B. NO. 2760-86

A Bill for an Act Relating to Attachment and Execution.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 651, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§651- Pension money exempt. The right of a debtor to a pension, annuity, retirement or disability allowance, death benefit, any optional benefit, or any other right accrued or accruing under any retirement plan or arrangement described in section 401(a), 403(a), 403(b), 408, 409 (as in effect prior to January 1, 1984), 414(d), or 414(e) of the Internal Revenue Code of 1954, as amended, or any fund created by the plan or arrangement, shall be exempt from attachment, execution, seizure, the operation of bankruptcy or insolvency laws under 11 U.S.C. section 522(b), or under any legal process whatever. However, this section shall not apply to (1) a “qualified domestic relations order” as defined in section 206(d) of the Employee Retirement Security Act of 1974, as amended, or in section 414(p) of the Internal Revenue Code of 1954, as amended, and (2) contributions made to a plan or arrangement within the three years before the date a debtor files for bankruptcy, whether voluntary or involuntary, or within three years before the date a civil action is initiated against the debtor, except for contributions to a

retirement plan established by state statute if the effect would be to eliminate a state employee's retirement service credit.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved May 29, 1986.)

Note

1. Edited pursuant to HRS §23G-16.5.