

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

223

By: Senator Dowd

For An Act To Be Entitled

"AN ACT EXEMPTING CERTAIN PERSONAL PROPERTY FROM SEIZURE FOR
SATISFACTION OF DEBTS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. A person's wedding ring shall be exempt from attachment, execution, and seizure for satisfaction of debts.

SECTION 2. (a) A person's right to the assets held in or to receive payments, whether vested or not, under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract, including a retirement plan for self-employed individuals, or under an individual retirement account or an individual retirement annuity, including a simplified employee pension plan, is exempt from attachment, execution, and seizure for the satisfaction of debts unless the plan, contract, or account does not qualify under the applicable provisions of the Internal Revenue Code of 1986. A person's right to the assets held in or to receive payments, whether vested or not, under a government or church plan or contract is also exempt unless the plan or contract does not qualify under the definition of a government or church plan under the applicable provisions of the federal Employee Retirement Income Security Act of 1974.

(b) Contributions to an individual retirement account that exceed the amounts deductible under the applicable provisions of the Internal Revenue Code of 1986 and any accrued earnings on such contributions are not exempt under this section unless otherwise exempt by law.

SECTION 3. The exemptions provided for in this act shall be in addition to any other exemptions provided for by law.

SECTION 4. The exemptions prescribed by this act do not apply to property that is, as of the effective date of this act, subject to a voluntary bankruptcy proceeding or to valid claims of a holder of a final judgement who has, by levy, garnishment, or other legal process, obtained rights superior to those that otherwise would be held by a trustee in bankruptcy if a bankruptcy petition were then pending against the debtor.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.