

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2610 Session of
1978

INTRODUCED BY DeWEESE, RHODES, SCIRICA, IRVIS, SELTZER, BERSON,
SPENCER, RYAN, BROWN, COHEN, DUMAS, LEVIN, PRATT, OLIVER,
WHITE, WILLIAMS, FISHER, GREENLEAF, HASKELL,
W. D. HUTCHINSON, MILLER, MOEHLMANN, WAGNER, KUKOVICH,
BENNETT, BURNS, CALTAGIRONE, COWELL, DAVIES, DORR, FEE,
FISCHER, FREIND, GALLAGHER, GLEESON, GRIECO, HARPER,
D. S. HAYES, HOFFEL, KERNICK, McCLATCHY, MADIGAN, MEBUS,
MELUSKEY, O'KEEFE, PYLES, QUEST, REED, L. E. SMITH,
STAPLETON, SWEET, TENAGLIO, WEIDNER AND WISE, JUNE 21, 1978

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 21, 1978

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, authorizing attachment of
3 retirement allowances in cases of certain criminal conduct.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Subsection (b) of section 8124 of Title 42, act
7 of November 25, 1970 (P.L.707, No.230), known as the
8 Pennsylvania Consolidated Statutes, amended April 28, 1978
9 (No.53), is amended to read:

10 § 8124. Exemption of particular property.

11 * * *

12 (b) Retirement funds and accounts.--When a monetary judgment
13 has been secured against any present or former public employee
14 or public official based upon any criminal conduct of that
15 public employee or public official under color of or in

connection with any public office or public employment, the
judgment may be enforced through attachment or execution on a
judgment of that person's (i) retirement allowance, (ii)
contribution to the retirement fund, (iii) contributions to a
retirement fund returned to such person, and (iv) the moneys in
the retirement fund credited to such member. The following money
or other property of the judgment debtor shall be exempt from
attachment or execution on a judgment:

(1) Certain amounts payable under the Public School
Employees' Retirement Code as provided by 24 Pa.C.S. § 8533
(relating to taxation, attachment and assignment of funds).

(2) Certain amounts payable under the State Employees'
Retirement Code as provided by 71 Pa.C.S. § 5953 (relating to
taxation, attachment and assignment of funds).

(3) The retirement allowance provided for in the act of
May 24, 1893 (P.L.129, No.82).

(4) Compensation or pension provided for in the act of
May 20, 1915 (P.L.566, No.242).

(5) Compensation or pension provided for in the act of
May 28, 1915 (P.L.596, No.259).

(6) The retirement allowance, contributions and returned
contributions under the act of February 1, 1974 (P.L.34,
No.15), known as the "Pennsylvania Municipal Retirement Law."

(7) Any pension or annuity, whether by way of a gratuity
or otherwise, granted or paid by any private corporation or
employer to a retired employee under a plan or contract which
provides that the pension or annuity shall not be assignable.

(8) Any retirement or annuity fund of any self-employed
person (to the extent of payments thereto made while solvent,
but not exceeding the amount actually excluded or deducted as

1 retirement funding for Federal income tax purposes) and the
2 appreciation thereon, the income therefrom and the benefits
3 or annuity payable thereunder.

4 * * *

5 Section 2. This act shall take effect in 60 days.