

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2265** Session of  
1998

INTRODUCED BY ROBERTS, READSHAW, NAILOR, HALUSKA, JAMES,  
COLAIZZO, PISTELLA, TRELLO, STABACK, CALTAGIRONE, ORIE,  
DALEY, BELARDI, SERAFINI AND KIRKLAND, FEBRUARY 19, 1998

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 19, 1998

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, providing for division of certain  
3 military pensions.

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

6 Section 1. Title 23 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 3509. Division of military pensions.

9 (a) General rule.--In an action for divorce or annulment,  
10 the court may, subject to the other provisions of this chapter,  
11 equitably divide the disposable retired pay of a party who is a  
12 member of the United States armed forces provided that the  
13 parties have been married to each other for at least ten years  
14 during which time at least ten years of creditable military  
15 service accrued to the member.

16 (b) Forfeiture.--A party who is awarded a portion of the  
17 other party's disposable retired pay under this section shall  
18 forfeit any right to receive that portion if, before attaining

1 60 years of age, that party marries or cohabitates in a conjugal  
2 relationship with another person.

3 (c) Forfeiture hearing.--A court may not order forfeiture  
4 under subsection (b) unless requested by a party and a hearing  
5 has been conducted.

6 (d) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection:

9 "Disposable retired pay." The term shall have the same  
10 meaning as defined in 10 U.S.C. § 1408 (relating to payment of  
11 retired or retainer pay in compliance with court orders).

12 "Member of the United States armed forces." A person who is  
13 a member or former member of an armed force as defined in and  
14 for the purposes of 10 U.S.C. Ch. 71 (relating to computation of  
15 retired pay).

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