

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 512 Session of  
1991

INTRODUCED BY LEVDANSKY, KUKOVICH, HANNA, MURPHY, McNALLY,  
JOHNSON, SERAFINI, NICKOL, CAWLEY, TIGUE, FREEMAN, JOSEPHS,  
DeLUCA, TANGRETTI, PESCI, VAN HORNE, DALEY AND HAYDEN,  
MARCH 11, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 11, 1991

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania  
2 Consolidated Statutes, further providing for taxation,  
3 attachment and assignment of pension rights.

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

6 Section 1. Section 5953(a) of Title 71 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 5953. Taxation, attachment and assignment of funds.

9 (a) General rule.--

10 (1) Except as provided in paragraph (2) or (3), the  
11 right of a person to any benefit or right accrued or accruing  
12 under the provisions of this part and the moneys in the fund  
13 are hereby exempt from any State or municipal tax, levy and  
14 sale, garnishment, attachment, spouse's election, or any  
15 other process whatsoever except for a set-off by the  
16 Commonwealth in the case provided in subparagraph (i), and  
17 shall be unassignable except:

1           (i) To the Commonwealth in the case of a member who  
2           is terminating State service and has been determined to  
3           be obligated to the Commonwealth for the repayment of  
4           money owed on account of his employment or to the fund on  
5           account of a loan from a credit union which has been  
6           satisfied by the board from the fund.

7           (ii) To a credit union as security for a loan not to  
8           exceed \$750 and interest not to exceed 6% per annum  
9           discounted and/or fines thereon if the credit union is  
10          now or hereafter organized and incorporated under the  
11          laws of this Commonwealth and the membership of such  
12          credit union is limited solely to officials and employees  
13          of the Commonwealth and if such credit union has paid to  
14          the fund \$3 for each such assignment.

15          (2) Rights under this part shall be subject to  
16          forfeiture as provided by the act of July 8, 1978 (P.L.752,  
17          No.140), known as the ["]Public Employee Pension Forfeiture  
18          Act.["]

19          (3) A benefit or right accrued or accruing under the  
20          provisions of this part and the moneys in the fund are  
21          subject to garnishment and attachment to satisfy a judgment  
22          on a claim for deceit, fraud or breach of fiduciary duty.

23          \* \* \*

24          Section 2. The provisions of 71 Pa.C.S. § 5953(a) shall  
25          apply retroactively to judgments that have not been satisfied on  
26          the effective date of this act.

27          Section 3. This act shall take effect in 60 days.