

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1209

By: Representative Warren

By: Senator Gilmore

For An Act To Be Entitled

AN ACT FOR THE PROPER ADMINISTRATION OF BENEFITS BY
THE ARKANSAS JUDICIAL RETIREMENT SYSTEM REGARDING THE
SUBJECTION OF ANNUITY RIGHTS TO PROCESS OF LAW AND
CORRECTION OF ERRORS; AND FOR OTHER PURPOSES.

Subtitle

FOR THE PROPER ADMINISTRATION OF
BENEFITS BY THE ARKANSAS JUDICIAL
RETIREMENT SYSTEM REGARDING THE
SUBJECTION OF ANNUITY RIGHTS TO PROCESS
OF LAW AND CORRECTION OF ERRORS.

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

SECTION 1. Arkansas Code Title 24, Chapter 8, Subchapter 1, is amended to add additional sections to read as follows:

24-8-102. Benefit provisions – Subjection of annuity rights to process of law.

(a) The right of a person to an annuity, the annuity itself, the return of accumulated contributions, any other right accrued or accruing under § 24-8-201 et seq., or § 24-8-701 et seq., and all moneys belonging to a plan shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law and shall be unassignable except as specifically provided in this chapter.

(b) An exception to the prohibition against the subjection of annuity rights to process of law applies to the following:

(1) An employer or entity charged with appropriating funds for



court expenses shall have the right of setoff for a claim arising from embezzlement or fraud committed by a member, retiree, or beneficiary; and

(2) A court of competent jurisdiction of this state may order the monthly benefit of a retiree to be paid into the registry of the court for disposition as the court deems just and proper if the retiree is found by the court to be willfully refusing or failing to support his or her minor dependent children in violation of a court order providing for that support.

24-8-103. Correction of errors.

(a) If any change or error in the records of the Arkansas Judicial Retirement System results in a person receiving more or less than he or she would have been entitled to receive from the system had the records been correct, the Executive Director of the Arkansas Judicial Retirement System shall:

(1) Correct the error; and

(2) Adjust the payment in a manner that allows the actuarial equivalent of the benefit that the person was entitled to be paid, to the extent it is equitable and practicable.

(b)(1) The system shall have the right to recover any overpayment that a person may have received from funds of the system, provided that the overpayment is determined, and the person is notified within five (5) years of the date of the last overpayment.

(2) If the overpayment is determined at a date later than five (5) years after the date of the last overpayment, the overpayment shall not be recouped by the Board of Trustees of the Arkansas Judicial Retirement System unless the overpayment was a result of an error caused or created through the intentional nondisclosure, fraud, misrepresentation, or gross negligence by the person receiving the overpayment.

(3) In all instances where an overpayment is determined, any subsequent payments shall be adjusted to the correct amount.

(c) If it is determined that a person has received an underpayment from the funds of the system, regardless of the date of the determination:

(1) The system shall pay in a lump sum to the person the total of any underpayments made before the date of the determination; and

(2) Any subsequent payments shall be adjusted to the correct amount.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the provisions of the Arkansas Code related to subjection of annuity rights to process of law and correction of errors that result in underpayments or overpayments of benefits under the Arkansas Judicial Retirement System are in need of revision in order to provide clarity and increase efficiency of the system; that the revisions in this act are immediately necessary in order to allow the Arkansas Judicial Retirement System to administer benefits in a fair and accurate manner amongst all participants; and that this act is immediately necessary to achieve the goals of the Arkansas Judicial Retirement System to safeguard and maintain an orderly system of benefits. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 2/20/25