

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1209

5 By: Representative Warren
6 By: Senator Gilmore
7

For An Act To Be Entitled

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

15 FOR THE PROPER ADMINISTRATION OF
16 BENEFITS BY THE ARKANSAS JUDICIAL
17 RETIREMENT SYSTEM REGARDING THE
18 SUBJECTION OF ANNUITY RIGHTS TO PROCESS
19 OF LAW AND CORRECTION OF ERRORS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 24, Chapter 8, Subchapter 1, is amended
25 to add additional sections to read as follows:

26 24-8-102. Benefit provisions – Subjection of annuity rights to process
27 of law.

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

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

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



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

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

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9 24-8-103. Correction of errors.

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

15 (1) Correct the error; and

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

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

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

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

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

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

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

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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