

## 1 SENATE BILL NO. 404

2 INTRODUCED BY W. MCNUTT, S. BARTLETT, T. BECK, A. BISHOP, J. BOHLINGER, B. CRIPPEN,  
3 B. DEPRATU, G. DEVLIN, S. DOHERTY, P. EKEGREN, D. GRIMES, L. GROSFIELD, M. HALLIGAN,  
4 D. HARGROVE, J. HARP, R. HOLDEN, R. JABS, J. LYNCH, D. MAHLUM, K. MESAROS, A. MOHL,  
5 B. REHBEIN, P. SLITER, M. SPRAGUE, M. TAYLOR, F. THOMAS, B. WILSON  
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7 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE ASSETS OF AN INDIVIDUAL RETIREMENT  
8 ACCOUNT ARE EXEMPT FROM EXECUTION OF JUDGMENT TO THE EXTENT OF CONTRIBUTION LIMITS  
9 TO THE ACCOUNT; PROVIDING THAT THE EXCEPTION DOES NOT APPLY TO CHILD SUPPORT AND  
10 CERTAIN FAMILY SUPPORT ORDERS; AMENDING SECTION 25-13-608, MCA; AND PROVIDING AN  
11 APPLICABILITY DATE."  
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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15 **Section 1.** Section 25-13-608, MCA, is amended to read:

16 **"25-13-608. Property exempt without limitation -- exceptions.** (1) A judgment debtor is entitled to  
17 exemption from execution of the following:

18 (a) professionally prescribed health aids for the judgment debtor or a dependent of the judgment debtor;

19 (b) benefits the judgment debtor has received or is entitled to receive under federal social security or  
20 local public assistance legislation, except as provided in subsection (2);

21 (c) veterans' benefits, except as provided in subsection (2);

22 (d) disability or illness benefits, except as provided in subsection (2);

23 (e) except as provided in subsection (2), individual retirement accounts, as defined in 26 U.S.C.408(a),  
24 to the extent of deductible contributions MADE BEFORE THE SUIT RESULTING IN JUDGMENT WAS FILED and the earnings  
25 on those contributions, and Roth individual retirement accounts, as defined in 26 U.S.C. 408A, to the extent of  
26 qualified contributions MADE BEFORE THE SUIT RESULTING IN JUDGMENT WAS FILED and the earnings on those  
27 contributions;

28 ~~(e)~~(f) benefits paid or payable for medical, surgical, or hospital care to the extent they are used or will  
29 be used to pay for the care;

30 ~~(f)~~(g) maintenance and child support; and

1           ~~(g)~~(h) a burial plot for the judgment debtor and the debtor's family.

2           (2) Veterans' and social security legislation benefits based upon remuneration for employment, as  
3 defined in 42 U.S.C. 662(f), ~~and~~ disability benefits, and assets of individual requirement accounts are not exempt  
4 from execution if the debt for which execution is levied is for:

5           (a) child support; or

6           (b) maintenance to be paid to a spouse or former spouse if the spouse or former spouse is the custodial  
7 parent of a child for whom child support is owed or owing and the judgment debtor is the parent of the child."

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9           NEW SECTION. **Section 2. Applicability.** [This act] applies to judgments filed after September 30,  
10 1999.

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