

House Bill 149

By: Representatives Franklin of the 43<sup>rd</sup>, Scott of the 2<sup>nd</sup>, Jacobs of the 80<sup>th</sup>, Benfield of the 85<sup>th</sup>, Willard of the 49<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 18-4-22 of the Official Code of Georgia Annotated, relating to the  
2 exemption of certain pension or retirement funds or benefits from garnishment until certain  
3 payment or transfer thereof, so as to provide for such an exemption with respect to additional  
4 individual retirement account funds or benefits; to provide an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 18-4-22 of the Official Code of Georgia Annotated, relating to the exemption  
9 of certain pension or retirement funds or benefits from garnishment until certain payment or  
10 transfer thereof, is amended by striking subsection (a) and inserting in its place a new  
11 subsection (a) to read as follows:

12 "(a) Funds or benefits from a pension or retirement program as defined in 29 U.S.C.  
13 Section 1002(2)(A) or funds or benefits from an individual retirement account as defined  
14 in Section 408 or 408A of the United States Internal Revenue Code of 1986, as amended,  
15 shall be exempt from the process of garnishment until paid or otherwise transferred to a  
16 member of such program or beneficiary thereof. Such funds or benefits, when paid or  
17 otherwise transferred to the member or beneficiary, shall be exempt from the process of  
18 garnishment only to the extent provided in Code Section 18-4-20 for other disposable  
19 earnings, unless a greater exemption is otherwise provided by law."

20 **SECTION 2.**

21 This Act shall become effective upon its approval by the Governor or upon its becoming law  
22 without such approval.

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.