**South Carolina General Assembly**

118th Session, 2009-2010

**S. 1289**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

Document Path: l:\s-jud\bills\cleary\jud0049.kw.docx

Introduced in the Senate on March 17, 2010

Currently residing in the Senate Committee on **Judiciary**

Summary: Retirement accounts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/17/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\03-17-10.docx)‑4

3/17/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\03-17-10.docx)‑4

3/23/2010 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

**VERSIONS OF THIS BILL**

[3/17/2010](file:///p:\pprever\2009-10\1289_20100317.docx)

**A** **BILL**

TO AMEND SECTION 15‑41‑30 (A)(13) CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO DELETE THE PROVISION THAT THE EXEMPTION ONLY APPLIES TO THE EXTENT REASONABLY NECESSARY FOR THE SUPPORT OF THE DEBTOR AND ANY DEPENDENT OF THE DEBTOR AND TO INCREASE THE ALLOWABLE AMOUNTS TO CONFORM TO THOSE ALLOWABLE UNDER FEDERAL BANKRUPTCY LAW.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 15‑41‑30(A)(13) of the 1976 Code is amended to read:

“(13) The debtor’s right to receive individual retirement accounts as described in Sections 408(a) and 408A of the Internal Revenue Code, individual retirement annuities as described in Section 408(b) of the Internal Revenue Code, and accounts established as part of a trust described in Section 408(c) of the Internal Revenue Code~~, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor~~. A claimed exemption may be reduced or eliminated by the amount of a fraudulent conveyance into the individual retirement account or other plan. For purposes of this item, ‘Internal Revenue Code’ has the meaning provided in Section 12‑6‑40(A). The interest of an individual under a retirement plan shall be exempt from creditor process to the same extent permitted under federal bankruptcy law for such a plan. The exemption provided by this section shall be available whether such individual has an interest in the retirement plan as a participant, beneficiary, contingent annuitant, alternate payee, or otherwise.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑