

By: Representative Denton

To: Appropriations

HOUSE BILL NO. 77

1 AN ACT TO CREATE NEW SECTIONS 25-11-147 AND 25-11-321,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MEMBER OF THE
3 PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO IS AN ELECTED OFFICIAL OR
4 A MEMBER OF THE SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN IS
5 CONVICTED OF OR ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE IN ANY
6 COURT TO A FELONY IN WHICH PUBLIC FUNDS WERE UNLAWFULLY TAKEN,
7 OBTAINED OR MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE PERSON'S
8 OFFICE THAT IS COMMITTED ON OR AFTER JULY 1, 2023, THE COURT SHALL
9 CONDUCT A HEARING IN A SEPARATE CIVIL PROCEEDING TO DETERMINE IF
10 ALL OF THE CONDITIONS HAVE BEEN MET; TO PROVIDE THAT IF ALL OF THE
11 CONDITIONS HAVE BEEN MET, THE COURT SHALL ISSUE AN ORDER FOR
12 WITHHOLDING FROM THE MEMBER'S RETIREMENT BENEFITS FROM THE SYSTEM
13 OR PLAN; TO PROVIDE THAT THE ORDER FOR WITHHOLDING SHALL DIRECT
14 THE SYSTEM TO WITHHOLD A SPECIFIED AMOUNT FROM THE MEMBER'S
15 RETIREMENT BENEFITS EACH MONTH SO THAT THE FULL AMOUNT OF THE
16 PUBLIC FUNDS THAT WERE UNLAWFULLY TAKEN, OBTAINED OR
17 MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE MEMBER'S OFFICE WILL
18 BE REPAID WITHIN NOT MORE THAN THREE YEARS FROM THE DATE OF THE
19 FIRST WITHHOLDING; TO PROVIDE THAT THE SYSTEM SHALL PAY THE
20 AMOUNTS WITHHELD TO THE ATTORNEY GENERAL EACH MONTH, AND THE
21 ATTORNEY GENERAL SHALL DISTRIBUTE THE AMOUNTS RECEIVED FROM THE
22 SYSTEM TO THE GOVERNMENT BODY FROM WHICH THE PUBLIC FUNDS THAT
23 WERE UNLAWFULLY TAKEN, OBTAINED OR MISAPPROPRIATED IN THE ABUSE OR
24 MISUSE OF THE MEMBER'S OFFICE; TO PROVIDE THAT A MEMBER WHO IS
25 CONVICTED OF SUCH A FELONY SHALL NOT HAVE ANY OF HIS OR HER
26 RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN WITHHELD UNTIL ALL
27 APPEALS OF THE CONVICTION HAVE BEEN FINALLY CONCLUDED OR THE TIME
28 FOR AN APPEAL FROM THE CONVICTION HAS EXPIRED; TO PROVIDE THAT
29 AFTER RECEIVING THE ORDER FOR WITHHOLDING FROM THE COURT, THE
30 SYSTEM SHALL REQUEST THE ATTORNEY GENERAL FOR A DETERMINATION OF
31 WHETHER ALL APPEALS OF THE CONVICTION HAVE BEEN FINALLY CONCLUDED
32 OR THE TIME FOR AN APPEAL FROM THE CONVICTION HAS EXPIRED; TO
33 PROVIDE THAT AFTER THE ATTORNEY GENERAL NOTIFIES THE SYSTEM THAT
34 ALL APPEALS OF THE CONVICTION HAVE BEEN FINALLY CONCLUDED OR THE



35 TIME FOR AN APPEAL FROM THE CONVICTION HAS EXPIRED, THE MEMBER'S
36 RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN SHALL BE WITHHELD
37 UNTIL THE FULL AMOUNT OF THE PUBLIC FUNDS THAT WERE UNLAWFULLY
38 TAKEN, OBTAINED OR MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE
39 MEMBER'S OFFICE HAS BEEN WITHHELD FROM THE MEMBER'S RETIREMENT
40 BENEFITS, AS DETERMINED BY THE ATTORNEY GENERAL; TO PROVIDE THAT
41 IF A MEMBER OF THE SYSTEM OR PLAN IS ALSO A MEMBER OF ANOTHER
42 RETIREMENT SYSTEM ADMINISTERED BY THE BOARD OF TRUSTEES OF THE
43 SYSTEM, AND THE FELONY FOR WHICH THE MEMBER WAS CONVICTED OR
44 ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE WAS IN CONNECTION WITH
45 THE MEMBER'S SERVICE AS AN ELECTED OFFICIAL THAT IS COVERED BY
46 ONLY ONE OF THE RETIREMENT SYSTEMS, THE MEMBER'S RETIREMENT
47 BENEFITS WILL BE WITHHELD ONLY FROM THE RETIREMENT SYSTEM IN WHICH
48 HIS OR HER SERVICE AS AN ELECTED OFFICIAL WAS COVERED AT THE TIME
49 THAT HE OR SHE COMMITTED THE FELONY; TO PROVIDE THAT THE SYSTEM
50 MAY CONCLUSIVELY RELY ON AN ORDER FOR WITHHOLDING FROM THE COURT
51 AND THE NOTICE FROM THE ATTORNEY GENERAL THAT THE REQUIREMENTS OF
52 THIS ACT HAVE BEEN MET IN WITHHOLDING A MEMBER'S RETIREMENT
53 BENEFITS FROM THE SYSTEM OR PLAN; TO PROVIDE THAT THE SYSTEM IS
54 NOT LIABLE FOR ANY MISTAKE IN THE PAYMENT OF RETIREMENT BENEFITS
55 TO A MEMBER IN GOOD FAITH RELIANCE ON AN ORDER FOR WITHHOLDING
56 FROM THE COURT AND THE NOTICE FROM THE ATTORNEY GENERAL; TO
57 PROVIDE THAT ANY AMBIGUITY OR UNCERTAINTY ABOUT WHETHER A MEMBER'S
58 RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN SHOULD BE WITHHELD
59 SHALL BE RESOLVED IN FAVOR OF THE MEMBER; TO AMEND SECTIONS
60 25-11-120, 25-11-129 AND 25-11-319, MISSISSIPPI CODE OF 1972, TO
61 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

62 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

63 **SECTION 1.** The following shall be codified as Section
64 25-11-147, Mississippi Code of 1972:

65 25-11-147. (1) "Felony involving public funds" means a
66 felony in which public funds were unlawfully taken, obtained or
67 misappropriated in the abuse or misuse of the person's office or
68 money coming into the person's hands by virtue of the person's
69 office.

70 (2) (a) If an active member of the system who is an elected
71 official is convicted of or enters a plea of guilty or nolo
72 contendere in any court of this state to a felony involving public
73 funds that is committed on or after July 1, 2023; or



74 (b) If a retired member of the system who is elected to
75 public office after retirement and employed under Section
76 25-11-127 is convicted of or enters a plea of guilty or nolo
77 contendere in any court of this state to a felony involving public
78 funds that is committed during the member's employment under
79 Section 25-11-127 and is committed on or after July 1, 2023; or

80 (c) If a retired member of the system who was an
81 elected official, or a member of the system who was an elected
82 official and has withdrawn from service but is not receiving a
83 retirement allowance from the system, is convicted of or enters a
84 plea of guilty or nolo contendere in any court of this state to a
85 felony involving public funds that was committed while the member
86 was an elected official on or after July 1, 2023, the court shall
87 conduct a hearing in a separate civil proceeding to determine if
88 all of the conditions in this subsection have been met. The court
89 shall provide notice of the hearing to the member and each person
90 who is named as a beneficiary of the member in the records of the
91 system. If, after the hearing, the court determines that all of
92 the conditions in this subsection have been met, the court shall
93 issue an order for withholding from the member's retirement
94 benefits from the system as provided in this section. The court
95 shall send a copy of its order for withholding to the system.

96 (3) (a) If an active member of the system who is an elected
97 official is convicted of or enters a plea of guilty or nolo
98 contendere in a court of another state or a federal court to a



99 crime that would be a felony under the laws of this state if the
100 crime were committed in this state, and that is a felony involving
101 public funds and is committed on or after July 1, 2023; or

102 (b) If a retired member of the system who is elected to
103 public office after retirement and employed under Section
104 25-11-127 is convicted of or enters a plea of guilty or nolo
105 contendere in a court of another state or a federal court to a
106 crime that would be a felony under the laws of this state if the
107 crime were committed in this state, and that is a felony involving
108 public funds that is committed during the member's employment
109 under Section 25-11-127 and is committed on or after July 1, 2023;
110 or

111 (c) If a retired member of the system who was an
112 elected official, or a member of the system who was an elected
113 official and has withdrawn from service but is not receiving a
114 retirement allowance from the system, is convicted of or enters a
115 plea of guilty or nolo contendere in a court of another state or a
116 federal court to a crime that would be a felony under the laws of
117 this state if the crime were committed in this state, and that is
118 a felony involving public funds that was committed while the
119 member was an elected official on or after July 1, 2023, the
120 Attorney General of Mississippi shall enter a motion in the
121 circuit court of the county of residence of the member, or in the
122 Circuit Court of the First Judicial District of Hinds County,
123 Mississippi, if the member does not reside in Mississippi, for



124 issuance of an order for withholding from the member's retirement
125 benefits from the system as provided in this section. The court
126 shall conduct a civil hearing to determine if all of the
127 conditions in this subsection have been met. The court shall
128 provide notice of the hearing to the member and each person who is
129 named as a beneficiary of the member in the records of the system.
130 If, after the hearing, the court determines that all of the
131 conditions in this subsection have been met, the court shall issue
132 an order for withholding from the member's retirement benefits
133 from the system as provided in this section. The court shall send
134 a copy of its order for withholding to the system.

135 (4) The order for withholding shall direct the system to
136 withhold a specified amount from the member's retirement benefits
137 each month so that the full amount of the public funds that were
138 unlawfully taken, obtained or misappropriated in the abuse or
139 misuse of the member's office will be repaid within not more than
140 three (3) years from the date of the first withholding. The
141 system shall withhold the amount designated in the order for
142 withholding beginning on the first day of the month following the
143 date that the system receives the notice from the Attorney General
144 under subsection (5) of this section. The system shall pay the
145 amounts withheld to the Attorney General each month, and the
146 Attorney General shall distribute the amounts received from the
147 system to the government body from which the public funds that
148 were unlawfully taken, obtained or misappropriated in the abuse or



149 misuse of the member's office. The order for withholding shall
150 not be considered a garnishment.

151 (5) A member who is an elected official who is convicted of
152 a felony involving public funds shall not have any of his or her
153 retirement benefits from the system withheld until all appeals of
154 the conviction have been finally concluded or the time for an
155 appeal from the conviction has expired. Upon receipt of the
156 order for withholding from the court, the system shall request the
157 Attorney General for a determination of whether all appeals of the
158 conviction have been finally concluded or the time for an appeal
159 from the conviction has expired. After the Attorney General
160 notifies the system that all appeals of the conviction have been
161 finally concluded or the time for an appeal from the conviction
162 has expired, the member's retirement benefits from the system
163 shall be withheld as provided in this section.

164 (6) (a) An active member who is an elected official, or a
165 member of the system who was an elected official and has withdrawn
166 from service but is not receiving a retirement allowance from the
167 system, for whom a court has issued an order for withholding from
168 his or her retirement benefits from the system, shall have his or
169 her retirement benefits withheld when he or she first begins
170 receiving a retirement allowance, and the member shall not receive
171 the full amount of his or her retirement allowance or other
172 retirement benefits from the system until the full amount of the
173 public funds that were unlawfully taken, obtained or



174 misappropriated in the abuse or misuse of the member's office has
175 been withheld from the member's retirement benefits, as determined
176 by the Attorney General.

177 (b) A retired member who was an elected official and
178 for whom a court has issued an order for withholding from his or
179 her retirement benefits from the system shall have his or her
180 retirement allowance withheld beginning on the first day of the
181 month following the date that the system receives the notice from
182 the Attorney General under subsection (5) of this section, and the
183 member shall not receive the full amount of his or her retirement
184 benefits from the system after that date until the full amount of
185 the public funds that were unlawfully taken, obtained or
186 misappropriated in the abuse or misuse of the member's office has
187 been withheld from the member's retirement benefits, as determined
188 by the Attorney General.

189 (7) If a member of the system who is or was an elected
190 official is also a member of another retirement system
191 administered by the Board of Trustees of the Public Employees'
192 Retirement System, and the felony involving public funds for which
193 the member was convicted or entered a plea of guilty or nolo
194 contendere was in connection with the member's service as an
195 elected official that is covered by only one (1) of the retirement
196 systems, the member's retirement benefits will be withheld only
197 from the retirement system in which his or her service as an
198 elected official was covered at the time that he or she committed



199 the felony. In the case of a retired member who is elected to
200 public office after retirement and employed under Section
201 25-11-127, the member's retirement benefits will be withheld only
202 from the retirement system in which his or her service as an
203 elected official would have been covered if the member had been an
204 elected official in the same office at the time that he or she
205 committed the felony.

206 (8) The system may conclusively rely on an order for
207 withholding from the court and the notice from the Attorney
208 General that the requirements of this section have been met in
209 withholding a member's retirement benefits from the system under
210 this section. The system is not liable for any mistake in the
211 payment of retirement benefits to a member in good faith reliance
212 on an order for withholding from the court and the notice from the
213 Attorney General, and a member who receives any such mistaken
214 payments shall not be liable to repay those benefits to the
215 system.

216 (9) A member's retirement benefits from the system shall not
217 be withheld unless there is a specific provision in this section
218 applicable to the member's situation that requires the withholding
219 of the member's retirement benefits from the system. Any
220 ambiguity or uncertainty about whether a member's retirement
221 benefits from the system should be withheld shall be resolved in
222 favor of the member.



223 **SECTION 2.** The following shall be codified as Section
224 25-11-321, Mississippi Code of 1972:

225 25-11-321. (1) "Felony involving public funds" means a
226 felony in which public funds were unlawfully taken, obtained or
227 misappropriated in the abuse or misuse of the person's office or
228 money coming into the person's hands by virtue of the person's
229 office.

230 (2) (a) If an active member of the plan is convicted of or
231 enters a plea of guilty or nolo contendere in any court of this
232 state to a felony involving public funds that is committed on or
233 after July 1, 2023; or

234 (b) If a retired member of the plan, or a member of the
235 plan who is not serving in the State Legislature or as President
236 of the Senate but is not receiving a retirement allowance from the
237 plan, is convicted of or enters a plea of guilty or nolo
238 contendere in any court of this state to a felony involving public
239 funds that was committed while the member was serving in the State
240 Legislature or as President of the Senate on or after July 1,
241 2023, the court shall conduct a hearing in a separate civil
242 proceeding to determine if all of the conditions in this
243 subsection have been met. The court shall provide notice of the
244 hearing to the member and each person who is named as a
245 beneficiary of the member in the records of the system. If, after
246 the hearing, the court determines that all of the conditions in
247 this subsection have been met, the court shall issue an order for



248 withholding from the member's retirement benefits from the plan as
249 provided in this section. The court shall send a copy of its
250 order for withholding to the system.

251 (3) (a) If an active member of the plan is convicted of or
252 enters a plea of guilty or nolo contendere in a court of another
253 state or a federal court to a crime that would be a felony under
254 the laws of this state if the crime were committed in this state,
255 and that is a felony involving public funds and is committed on or
256 after July 1, 2023; or

257 (b) If a retired member of the plan, or a member of the
258 plan who is not serving in the State Legislature or as President
259 of the Senate but is not receiving a retirement allowance from the
260 plan, is convicted of or enters a plea of guilty or nolo
261 contendere in a court of another state or a federal court to a
262 crime that would be a felony under the laws of this state if the
263 crime were committed in this state, and that is a felony involving
264 public funds that was committed while the member was serving in
265 the State Legislature or as President of the Senate on or after
266 July 1, 2023, the Attorney General of Mississippi shall enter a
267 motion in the circuit court of the county of residence of the
268 member, or in the Circuit Court of the First Judicial District of
269 Hinds County, Mississippi, if the member does not reside in
270 Mississippi, for issuance of an order for withholding from the
271 member's retirement benefits from the plan as provided in this
272 section. The court shall conduct a civil hearing to determine if



273 all of the conditions in this subsection have been met. The court
274 shall provide notice of the hearing to the member and each person
275 who is named as a beneficiary of the member in the records of the
276 system. If, after the hearing, the court determines that all of
277 the conditions in this subsection have been met, the court shall
278 issue an order for withholding from the member's retirement
279 benefits from the plan as provided in this section. The court
280 shall send a copy of its order for withholding to the system.

281 (4) The order for withholding shall direct the system to
282 withhold a specified amount from the member's retirement benefits
283 each month so that the full amount of the public funds that were
284 unlawfully taken, obtained or misappropriated in the abuse or
285 misuse of the member's office will be repaid within not more than
286 three (3) years from the date of the first withholding. The
287 system shall withhold the amount designated in the order for
288 withholding beginning on the first day of the month following the
289 date that the system receives the notice from the Attorney General
290 under subsection (5) of this section. The system shall pay the
291 amounts withheld to the Attorney General each month, and the
292 Attorney General shall distribute the amounts received from the
293 system to the government body from which the public funds that
294 were unlawfully taken, obtained or misappropriated in the abuse or
295 misuse of the member's office. The order for withholding shall
296 not be considered a garnishment.



297 (5) A member who is convicted of a felony involving public
298 funds shall not have any of his or her retirement benefits from
299 the plan withheld until all appeals of the conviction have been
300 finally concluded or the time for an appeal from the conviction
301 has expired. Upon receipt of the order for withholding from the
302 court, the system shall request the Attorney General for a
303 determination of whether all appeals of the conviction have been
304 finally concluded or the time for an appeal from the conviction
305 has expired. After the Attorney General notifies the system that
306 all appeals of the conviction have been finally concluded or the
307 time for an appeal from the conviction has expired, the member's
308 retirement benefits from the plan shall be withheld as provided in
309 this section.

310 (6) (a) A member of the plan who is serving in the State
311 Legislature or as President of the Senate, or a member of the plan
312 who is not serving in the State Legislature or as President of the
313 Senate but is not receiving a retirement allowance from the plan,
314 for whom a court has issued an order for withholding from his or
315 her retirement benefits from the plan, shall have his or her
316 retirement benefits withheld when he or she first begins receiving
317 a retirement allowance, and the member shall not receive the full
318 amount of his or her retirement allowance or other retirement
319 benefits from the plan until the full amount of the public funds
320 that were unlawfully taken, obtained or misappropriated in the
321 abuse or misuse of the member's office has been withheld from the



322 member's retirement benefits, as determined by the Attorney
323 General.

324 (b) A retired member of the plan for whom a court has
325 issued an order for withholding from his or her retirement
326 benefits from the plan shall have his or her retirement allowance
327 withheld beginning on the first day of the month following the
328 date that the system receives the notice from the Attorney General
329 under subsection (5) of this section, and the member shall not
330 receive the full amount of his or her retirement benefits from the
331 plan after that date until the full amount of the public funds
332 that were unlawfully taken, obtained or misappropriated in the
333 abuse or misuse of the member's office has been withheld from the
334 member's retirement benefits, as determined by the Attorney
335 General.

336 (7) If a court has issued an order under this section for
337 withholding from the retirement benefits of an active member of
338 the plan, or a member of the plan who is not serving in the State
339 Legislature or as President of the Senate but is not receiving a
340 retirement allowance from the plan, the member also will have his
341 or her retirement benefits from the Public Employees' Retirement
342 System withheld when he or she first begins receiving a retirement
343 allowance. If a retired member of the plan is an active or
344 retired member of the Public Employees' Retirement System, or a
345 member of the system who has withdrawn from service but is not
346 receiving a retirement allowance from the system, for whom a court



347 has issued an order for withholding his or her retirement benefits
348 from the system under Section 25-11-147, the member's retirement
349 benefits from the plan will not be withheld if the felony
350 involving public funds for which the member was convicted or
351 entered a plea of guilty or nolo contendere was not in connection
352 with the member's service with the State Legislature or as
353 President of the Senate.

354 (8) The Public Employees' Retirement System may conclusively
355 rely on an order for withholding from the court and the notice
356 from the Attorney General that the requirements of this section
357 have been met in withholding a member's retirement benefits from
358 the plan under this section. The system is not liable for any
359 mistake in the payment of retirement benefits under the plan to a
360 member in good faith reliance on an order for withholding from the
361 court and the notice from the Attorney General, and a member who
362 receives any such mistaken payments shall not be liable to repay
363 those benefits to the plan.

364 (9) A member's retirement benefits from the plan shall not
365 be withheld unless there is a specific provision in this section
366 applicable to the member's situation that requires the withholding
367 of the member's retirement benefits from the plan. Any ambiguity
368 or uncertainty about whether a member's retirement benefits from
369 the plan should be withheld shall be resolved in favor of the
370 member.



371 **SECTION 3.** Section 25-11-120, Mississippi Code of 1972, is
372 amended as follows:

373 25-11-120. (1) Any individual aggrieved by an
374 administrative determination, including a determination of the
375 medical board, relating to the eligibility for or payment of
376 benefits, or the calculation of creditable service or other
377 similar matters relating to the Public Employees' Retirement
378 System or any other retirement system or program administered by
379 the board, may request a hearing before a hearing officer
380 designated by the board. Such hearings shall be conducted in
381 accordance with rules and regulations adopted by the board and
382 formal rules of evidence shall not apply. The hearing officer is
383 authorized to administer oaths, hear testimony of witnesses and
384 receive documentary and other evidence. In case of disability
385 appeals, the hearing officer shall have the authority to defer a
386 decision in order to request a medical evaluation or test or
387 additional existing medical records not previously furnished by
388 the claimant. After the hearing and the receipt of any additional
389 medical evidence requested by the hearing officer, the hearing
390 officer shall certify the record to the board, which shall include
391 the hearing officer's proposed statement of facts, conclusions of
392 law and recommendation. The record may include a taped recording
393 of the proceedings of the hearing in lieu of a transcribed copy of
394 the proceedings. The board shall receive the record and make its
395 determination based solely on matters contained therein.



396 (2) Any individual aggrieved by the determination of the
397 board may appeal to the Circuit Court of the First Judicial
398 District of Hinds County, Mississippi, in accordance with the
399 Uniform Circuit Court Rules governing appeals to the circuit court
400 in civil cases. Such appeal shall be made solely on the record
401 before the board and this procedure shall be the exclusive method
402 of appealing determinations of the board.

403 (3) The board is authorized to appoint a committee of the
404 board to serve as hearing officer or to employ or contract with
405 qualified personnel to perform the duties of hearing officer and
406 court reporter as may be necessary for conducting, recording and
407 transcribing such hearings. The board may assess and collect fees
408 to offset costs related to such hearings. Those fees shall be
409 deposited to the credit of the Public Employees' Retirement
410 System.

411 (4) Interest shall not be paid on any benefits, including,
412 but not limited to, benefits that are delayed as a result of an
413 administrative determination or an appeal from an administrative
414 determination.

415 (5) The withholding from a member's retirement benefits from
416 the Public Employees' Retirement System under Section 25-11-147 or
417 from the Supplemental Legislative Retirement Plan under Section
418 25-11-321 shall not be considered an administrative determination
419 for which a hearing may be requested or held under this section.



420 **SECTION 4.** Section 25-11-129, Mississippi Code of 1972, is
421 amended as follows:

422 25-11-129. (1) The right of a person to an annuity, a
423 retirement allowance or benefit, or to the return of
424 contributions, or to any optional benefit or any other right
425 accrued or accruing to any person under the provisions of Articles
426 1 and 3, the system and the monies in the system created by * * *
427 those articles, are * * * exempt from any state, county or
428 municipal ad valorem taxes, income taxes, premium taxes, privilege
429 taxes, property taxes, sales and use taxes or other taxes not so
430 named, notwithstanding any other provision of law to the contrary,
431 and exempt from levy and sale, garnishment, attachment or any
432 other process whatsoever, and shall be unassignable except as
433 specifically otherwise provided in this article and except as
434 otherwise provided in subsection (2) of this section. The
435 withholding from a member's retirement benefits from the system
436 under Section 25-11-147 is not a garnishment, attachment or
437 assignment of the member's retirement benefits for the purposes of
438 this section.

439 (2) Any retired member or beneficiary receiving a retirement
440 allowance or benefit under this article may authorize the system
441 to make deductions from the retirement allowance or benefit for
442 the payment of employer or system sponsored group life or health
443 insurance. The deductions authorized under this subsection shall
444 be subject to rules and regulations adopted by the board.



445 **SECTION 5.** Section 25-11-319, Mississippi Code of 1972, is
446 amended as follows:

447 25-11-319. (1) The right of a person to an annuity, a
448 retirement allowance or benefit, or to the return of
449 contributions, or to any optional benefit or any other right
450 accrued or accruing to any person under the provisions of the
451 Supplemental Legislative Retirement Plan, and the monies in the
452 plan created by this article, are exempt from any state or
453 municipal tax, and exempt from levy and sale, garnishment,
454 attachment or any other process whatsoever, and shall be
455 unassignable except as specifically otherwise provided in this
456 article. The withholding from a member's retirement benefits from
457 the plan under Section 25-11-321 is not a garnishment, attachment
458 or assignment of the member's retirement benefits for the purposes
459 of this section.

460 (2) Any retired member or beneficiary receiving a retirement
461 allowance or benefit under this article may authorize the system
462 to make deductions from the retirement allowance or benefit for
463 the payment of employer or system sponsored group life or health
464 insurance. The deductions authorized under this subsection shall
465 be subject to rules and regulations adopted by the board.

466 **SECTION 6.** This act shall take effect and be in force from
467 and after July 1, 2023.

