

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 70

# **HOUSE BILL 2348**

AN ACT

AMENDING TITLE 12, CHAPTER 9, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-1539; AMENDING TITLE 25, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-318.01; AMENDING TITLE 25, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-530; RELATING TO MILITARY DISABILITY BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 12, chapter 9, article 2, Arizona Revised Statutes,  
3 is amended by adding section 12-1539, to read:  
4 12-1539. Veterans disability benefits; exemption from seizure  
5 A. NOTWITHSTANDING SECTION 12-1521, FEDERAL DISABILITY BENEFITS  
6 AWARDED TO VETERANS FOR SERVICE-CONNECTED DISABILITIES PURSUANT TO 38 UNITED  
7 STATES CODE CHAPTER 11:  
8 1. ARE EXEMPT FROM THE CLAIM OF CREDITORS.  
9 2. ARE NOT SUBJECT TO ATTACHMENT, LEVY OR SEIZURE UNDER ANY LEGAL OR  
10 EQUITABLE PROCESS, AS PROVIDED BY FEDERAL LAW.  
11 3. MAY NOT BE AWARDED TO ANY OTHER PERSON.  
12 B. THIS SECTION DOES NOT APPLY TO THAT PORTION OF SERVICE-CONNECTED  
13 DISABILITY BENEFITS THAT IS SUBJECT TO CHILD AND SPOUSAL SUPPORT ENFORCEMENT  
14 UNDER 42 UNITED STATES CODE SECTION 659(h)(1)(A)(ii)(V).  
15 Sec. 2. Title 25, chapter 3, article 2, Arizona Revised Statutes, is  
16 amended by adding section 25-318.01, to read:  
17 25-318.01. Military retirement benefits; disability related  
18 waiver  
19 IN MAKING A DISPOSITION OF PROPERTY PURSUANT TO SECTION 25-318 OR  
20 25-327, A COURT SHALL NOT DO ANY OF THE FOLLOWING:  
21 1. CONSIDER ANY FEDERAL DISABILITY BENEFITS AWARDED TO A VETERAN FOR  
22 SERVICE-CONNECTED DISABILITIES PURSUANT TO 38 UNITED STATES CODE CHAPTER 11.  
23 2. INDEMNIFY THE VETERAN'S SPOUSE OR FORMER SPOUSE FOR ANY PREJUDGMENT  
24 OR POSTJUDGMENT WAIVER OR REDUCTION IN MILITARY RETIREMENT OR RETAINER PAY  
25 RELATED TO RECEIPT OF THE DISABILITY BENEFITS.  
26 3. AWARD ANY OTHER INCOME OR PROPERTY OF THE VETERAN TO THE VETERAN'S  
27 SPOUSE OR FORMER SPOUSE FOR ANY PREJUDGMENT OR POSTJUDGMENT WAIVER OR  
28 REDUCTION IN MILITARY RETIREMENT OR RETAINER PAY RELATED TO RECEIPT OF THE  
29 DISABILITY BENEFITS.  
30 Sec. 3. Title 25, chapter 5, article 1, Arizona Revised Statutes, is  
31 amended by adding section 25-530, to read:  
32 25-530. Spousal maintenance; veterans disability benefits  
33 IN DETERMINING WHETHER TO AWARD SPOUSAL MAINTENANCE OR THE AMOUNT OF  
34 ANY AWARD OF SPOUSAL MAINTENANCE, THE COURT SHALL NOT CONSIDER ANY FEDERAL  
35 DISABILITY BENEFITS AWARDED TO THE OTHER SPOUSE FOR SERVICE-CONNECTED  
36 DISABILITIES PURSUANT TO 38 UNITED STATES CODE CHAPTER 11.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.

Passed the House March 22, 2010

Passed the Senate April 12, 2010

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 20 10

at 8:50 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 16th day of

April

at 4:21 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of April, 20 10

at 11:40 o'clock a M.

[Signature]  
Secretary of State

H.B. 2348