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## Bill would allow state pensions to be tapped to satisfy court judgments

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By KEVIN O'HANLON / Lincoln Journal Star [JournalStar.com](#) | Posted: Thursday, January 12, 2012 5:00 pm | (9) Comments

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Lincoln Sen. Colby Coash wants to change a state law that says the pension of a former Nebraska State Patrol trooper in prison for sexually assaulting a girl cannot be tapped to pay a \$325,000 civil judgment against him stemming from the crime.

Coash on Thursday introduced a bill (LB973) in response to a Nebraska Supreme Court ruling in May in the case of former Patrol Maj. Billy Hobbs, who was sentenced in 2006 to 25 to 30 years in prison for first-degree sexual assault of a child. Investigators said the sexual contact had gone on for nearly two years, starting when the girl was 12.

Hobbs gets a monthly pension of more than \$3,700 while he is in prison, of which \$1,853.15 goes to his ex-wife as part of their divorce decree. But the high court rejected a request from the girl's father to order Hobbs to use the rest of the money to start paying off the judgment against him because state law protects state benefits from collection actions.

"If an exception to (the law) is to be created for circumstances such as these, it is a matter for the Legislature to undertake," Supreme Court Judge John Gerrard wrote. "For the sake of completeness, we note that Hobbs could, obviously, voluntarily pay his retirement funds toward (the girl's) judgment if he chose to do so and that his willingness (or unwillingness) to do so could be seen as relevant in him being paroled."

Coash's bill would allow such judgments to be paid from pension funds if they resulted from felony assault, sexual assault, kidnapping, child abuse, false imprisonment or theft by embezzlement.

"My aim with this bill is to advocate for victims who have had their day in court, but have not been able to