

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2173
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE LIST OF PERSONAL PROPERTY EXEMPT FROM SEIZURE UNDER
3 EXECUTION OR ATTACHMENT; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 85-3-1, Mississippi Code of 1972, is
6 amended as follows:

7 85-3-1. There shall be exempt from seizure under execution
8 or attachment:

9 (a) Tangible personal property of the following kinds
10 selected by the debtor, not exceeding Ten Thousand Dollars
11 (\$10,000.00) in cumulative value:

12 (i) Household goods, wearing apparel, books,
13 animals or crops;

14 (ii) Motor vehicles;

15 (iii) Implements, professional books or tools of
16 the trade;

17 (iv) Cash on hand;

18 (v) Professionally prescribed health aids.

19 Household goods, as used in this paragraph (a), means
20 clothing, furniture, appliances, one (1) radio and one (1)
21 television, linens, china, crockery, kitchenware, and personal
22 effects (including wedding rings) of the debtor and his
23 dependents; however, works of art, electronic entertainment
24 equipment (except one (1) television and one (1) radio), jewelry
25 (other than wedding rings), and items acquired as antiques are not
26 included within the scope of the term "household goods." This
27 paragraph (a) shall not apply to distress warrants issued for

28 collection of taxes due the state or to wages described in Section
29 85-3-4.

30 (b) A mobile home, when owned and occupied as the
31 residence of the debtor, not exceeding Ten Thousand Dollars
32 (\$10,000.00) in value; in determining this value, existing
33 encumbrances, including taxes and all other liens, shall be
34 deducted. A debtor is not entitled to the exemption of a mobile
35 home as personal property who claims a homestead exemption under
36 Section 85-3-21.

37 (c) (i) The proceeds of insurance on property, real
38 and personal, exempt from execution or attachment, and the
39 proceeds of the sale of such property.

40 (ii) Income from disability insurance.

41 (iii) Payment under a stock bonus, pension,
42 profit-sharing, annuity, or similar plan or contract on account of
43 illness, disability, death, age or length of service, to the
44 extent reasonably necessary for the support of the debtor and any
45 dependent of the debtor, unless:

46 A. Such plan or contract was established by
47 or under the auspices of an insider that employed the debtor at
48 the time the debtor's rights under such plan or contract arose;

49 B. Such payment is on account of age or
50 length of service; and

51 C. Such plan or contract does not qualify
52 under Section 401(a), 403(a), 403(b), 408 or 409 of the Internal
53 Revenue Code of 1954.

54 * * *

55 (d) All property in this state, real, personal and
56 mixed, for the satisfaction of a judgment or claim in favor of
57 another state or political subdivision of another state for
58 failure to pay that state's or that political subdivision's income
59 tax on benefits received from a pension or other retirement plan

60 as used in this paragraph (d), "pension or other retirement plan",
61 includes:

62 (i) An annuity, pension, or profit-sharing or
63 stock bonus or similar plan established to provide retirement
64 benefits for an officer or employee of a public or private
65 employer or for a self-employed individual;

66 (ii) An annuity, pension, or military retirement
67 pay plan or other retirement plan administered by the United
68 States; and

69 (iii) An individual retirement account.

70 (e) Nothing in this section shall in any way affect the
71 rights or remedies of the holder or owner of a statutory lien or
72 voluntary security interest.

73 SECTION 2. This act shall take effect and be in force from
74 and after July 1, 2001.