

By: Senator(s) Blackmon

To: Judiciary

SENATE BILL NO. 2767

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT INDIVIDUAL RETIREMENT ACCOUNTS FROM SEIZURE UNDER EXECUTION
3 AND 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) (i) The proceeds of insurance on property, real
31 and personal, exempt from execution or attachment, and the
32 proceeds of the sale of such property.

33 (ii) Income from disability insurance.

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

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

42 B. Such payment is on account of age or
43 length of service; and

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

47 * * *

48 (c) All property in this state, real, personal and
49 mixed, for the satisfaction of a judgment or claim in favor of
50 another state or political subdivision of another state for
51 failure to pay that state's or that political subdivision's income
52 tax on benefits received from a pension or other retirement plan
53 so used in this paragraph (c), "pension or other retirement plan"
54 includes:

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

59 (ii) An annuity, pension or military retirement
60 pay plan or other retirement plan administered by the United
61 States; and

62 (iii) An individual retirement account.

63 (d) Individual retirement accounts.

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

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