

By: Representatives Montgomery (74th),
Stevens

To: Judiciary A

HOUSE BILL NO. 1051

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CERTAIN TAX SHELTERED ANNUITIES, INDIVIDUAL
3 RETIREMENT ANNUITIES AND OTHER PLANS IN WHICH INDIVIDUALS SAVE FOR
4 RETIREMENT SHALL BE EXEMPT FROM SEIZURE UNDER EXECUTION OR
5 ATTACHMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 85-3-1, Mississippi Code of 1972, is
8 amended as follows:

9 85-3-1. There shall be exempt from seizure under execution
10 or attachment:

11 (a) Tangible personal property of the following kinds
12 selected by the debtor, not exceeding Ten Thousand Dollars
13 (\$10,000.00) in cumulative value:

14 (i) Household goods, wearing apparel, books,
15 animals or crops;

16 (ii) Motor vehicles;

17 (iii) Implements, professional books or tools of
18 the trade;

19 (iv) Cash on hand;

20 (v) Professionally prescribed health aids.

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



29 paragraph (a) shall not apply to distress warrants issued for
30 collection of taxes due the state or to wages described in Section
31 85-3-4.

32 (b) (i) The proceeds of insurance on property, real
33 and personal, exempt from execution or attachment, and the
34 proceeds of the sale of such property.

35 (ii) Income from disability insurance.

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

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

44 B. Such payment is on account of age or
45 length of service; and

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

49 (c) All property, real, personal and mixed, for the
50 collection or enforcement of any order or judgment, in whole or in
51 part, issued by any court for civil or criminal contempt of said
52 court; expressly excepted herefrom are such orders or judgments
53 for the payment of alimony, separate maintenance and child support
54 actions.

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 so 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) Assets held in, or monies payable to the
71 participant or beneficiary from, whether vested or not, a pension,
72 profit-sharing, stock bonus or similar plan or contract
73 established to provide retirement benefits for the participant or
74 beneficiary, including a retirement plan for self-employed
75 individuals, or an individual retirement account or an individual
76 retirement annuity, including a simplified employee pension plan,
77 unless the plan, contract or account does not qualify under the
78 applicable provisions of the Internal Revenue Code.

79 Nothing in this section shall in any way affect the rights or
80 remedies of the holder or owner of a statutory lien or voluntary
81 security interest.

82 **SECTION 2.** This act shall take effect and be in force from
83 and after July 1, 2002.

