

By: Senator(s) White (29th)

To: Judiciary

SENATE BILL NO. 2088

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE EXEMPTION FROM SEIZURE UNDER EXECUTION OR
3 ATTACHMENT OF CERTAIN PAYMENTS MADE ON ACCOUNT OF ILLNESS,
4 DISABILITY, DEATH, AGE OR LENGTH OF SERVICE SHALL NOT PRECLUDE THE
5 ISSUANCE AGAINST SUCH PAYMENTS OF ORDERS OR JUDGMENTS FOR THE
6 PAYMENT OF ALIMONY, SEPARATE MAINTENANCE OR CHILD SUPPORT; AND FOR
7 RELATED PURPOSES.

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

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

11 85-3-1. There shall be exempt from seizure under execution
12 or attachment:

13 (a) Tangible personal property of the following kinds
14 selected by the debtor, not exceeding Ten Thousand Dollars
15 (\$10,000.00) in cumulative value:

16 (i) Household goods, wearing apparel, books,
17 animals or crops;

18 (ii) Motor vehicles;

19 (iii) Implements, professional books or tools of
20 the trade;

21 (iv) Cash on hand;

22 (v) Professionally prescribed health aids.

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



30 included within the scope of the term "household goods." This
31 paragraph (a) shall not apply to distress warrants issued for
32 collection of taxes due the state or to wages described in Section
33 85-3-4.

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

37 (ii) Income from disability insurance.

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

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

46 B. Such payment is on account of age or
47 length of service; and

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

51 This subparagraph (iii) shall not be construed to preclude
52 the issuance against such payments of orders or judgments for the
53 payment of alimony, separate maintenance or child support.

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

60 (d) All property in this state, real, personal and
61 mixed, for the satisfaction of a judgment or claim in favor of
62 another state or political subdivision of another state for



63 failure to pay that state's or that political subdivision's income
64 tax on benefits received from a pension or other retirement plan,
65 as used in this paragraph (d), "pension or other retirement plan"
66 includes:

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

71 (ii) An annuity, pension, or military retirement
72 pay plan or other retirement plan administered by the United
73 States; and

74 (iii) An individual retirement account.

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

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

