

By: Representative Fillingane

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 1457

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT FROM SEIZURE UNDER EXECUTION OR ATTACHMENT THE AMOUNT IN A  
3 HEALTH SAVINGS ACCOUNT ESTABLISHED UNDER A HEALTH SAVINGS ACCOUNT  
4 PROGRAM; AND FOR RELATED PURPOSES.

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

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

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

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

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

15 (ii) Motor vehicles;

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

18 (iv) Cash on hand;

19 (v) Professionally prescribed health aids;

20 (vi) Any item of tangible personal property worth  
21 less than Two Hundred Dollars (\$200.00).

22 Household goods, as used in this paragraph (a), means  
23 clothing, furniture, appliances, one (1) radio and one (1)  
24 television, one (1) firearm, one (1) lawnmower, linens, china,  
25 crockery, kitchenware, and personal effects (including wedding  
26 rings) of the debtor and his dependents; however, works of art,  
27 electronic entertainment equipment (except one (1) television and  
28 one (1) radio), jewelry (other than wedding rings), and items

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

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

36 (ii) Income from disability insurance.

37 (c) All property, real, personal and mixed, for the  
38 collection or enforcement of any order or judgment, in whole or in  
39 part, issued by any court for civil or criminal contempt of said  
40 court; expressly excepted herefrom are such orders or judgments  
41 for the payment of alimony, separate maintenance and child support  
42 actions.

43 (d) All property in this state, real, personal and  
44 mixed, for the satisfaction of a judgment or claim in favor of  
45 another state or political subdivision of another state for  
46 failure to pay that state's or that political subdivision's income  
47 tax on benefits received from a pension or other retirement plan.  
48 As used in this paragraph (d), "pension or other retirement plan"  
49 includes:

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

54 (ii) An annuity, pension, or military retirement  
55 pay plan or other retirement plan administered by the United  
56 States; and

57 (iii) An individual retirement account.

58 (e) One (1) mobile home, trailer, manufactured housing,  
59 or similar type dwelling owned and occupied as the primary  
60 residence by the debtor, not exceeding a value of Twenty Thousand  
61 Dollars (\$20,000.00); in determining this value, existing

62 encumbrances on said dwelling, including taxes and all other  
63 liens, shall first be deducted from the actual value of said  
64 dwelling. A debtor is not entitled to the exemption of a mobile  
65 home as personal property who claims a homestead exemption under  
66 Section 85-3-21, and the exemption shall not apply to collection  
67 of delinquent taxes under Sections 27-41-101 through 27-41-109.

68 (f) Assets held in, or monies payable to the  
69 participant or beneficiary from, whether vested or not, (i) a  
70 pension, profit-sharing, stock bonus or similar plan or contract  
71 established to provide retirement benefits for the participant or  
72 beneficiary and qualified under Section 401(a), 403(a), or 403(b)  
73 of the Internal Revenue Code (or corresponding provisions of any  
74 successor law), including a retirement plan for self-employed  
75 individuals qualified under one of such enumerated sections, (ii)  
76 an eligible deferred compensation plan described in Section 457(b)  
77 of the Internal Revenue Code (or corresponding provisions of any  
78 successor law), or (iii) an individual retirement account or an  
79 individual retirement annuity within the meaning of Section 408 of  
80 the Internal Revenue Code (or corresponding provisions of any  
81 successor law), including a simplified employee pension plan.

82 (g) The amount deposited in a health savings account,  
83 and any interest accrued on the account, that is established under  
84 a health savings account program under the Health Savings Accounts  
85 Act, Section 83-62-1 et seq.

86 (h) Nothing in this section shall in any way affect the  
87 rights or remedies of the holder or owner of a statutory lien or  
88 voluntary security interest.

89 **SECTION 2.** This act shall take effect and be in force from  
90 and after July 1, 2006.