

By: Senator(s) White

To: Judiciary, Division A

SENATE BILL NO. 2026

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 (vi) Any items of tangible personal property worth  
24 less than Two Hundred Dollars (\$200.00) each;

25 Household goods, as used in this paragraph (a), means  
26 clothing, furniture, appliances, one (1) radio and one (1)  
27 television, one (1) firearm, one (1) lawnmower, linens, china,  
28 crockery, kitchenware, and personal effects (including wedding  
29 rings) of the debtor and his dependents; however, works of art,

30 electronic entertainment equipment (except one (1) television and  
31 one (1) radio), jewelry (other than wedding rings), and items  
32 acquired as antiques are not included within the scope of the term  
33 "household goods." This paragraph (a) shall not apply to distress  
34 warrants issued for collection of taxes due the state or to wages  
35 described in Section 85-3-4.

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

39 (ii) Income from disability insurance.

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

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

51 (ii) An annuity, pension, or military retirement  
52 pay plan or other retirement plan administered by the United  
53 States; and

54 (iii) An individual retirement account.

55 (d) One (1) mobile home, trailer, manufactured housing,  
56 or similar type dwelling owned and occupied as the primary  
57 residence by the debtor, not exceeding a value of Thirty Thousand  
58 Dollars (\$30,000.00); in determining this value, existing  
59 encumbrances on said dwelling, including taxes and all other  
60 liens, shall first be deducted from the actual value of said  
61 dwelling. A debtor is not entitled to the exemption of a mobile  
62 home as personal property who claims a homestead exemption under

63 Section 85-3-21, and the exemption shall not apply to collection  
64 of delinquent taxes under Sections 27-41-101 through 27-41-109.

65 (e) (i) Assets held in, or monies payable to the  
66 participant or beneficiary from, whether vested or not, 1. a  
67 pension, profit-sharing, stock bonus or similar plan or contract  
68 established to provide retirement benefits for the participant or  
69 beneficiary and qualified under Section 401(a), 403(a), or 403(b)  
70 of the Internal Revenue Code (or corresponding provisions of any  
71 successor law), including a retirement plan for self-employed  
72 individuals qualified under one of such enumerated sections, 2. an  
73 eligible deferred compensation plan described in Section 457(b) of  
74 the Internal Revenue Code (or corresponding provisions of any  
75 successor law), or 3 an individual retirement account or an  
76 individual retirement annuity within the meaning of Section 408 of  
77 the Internal Revenue Code (or corresponding provisions of any  
78 successor law), including a simplified employee pension plan.

79 (ii) This paragraph shall not be construed to  
80 preclude issuance of orders or judgments for the payment of  
81 alimony, separate maintenance or child support against any  
82 payments covered under this paragraph.

83 (f) The assets of a health savings account, including  
84 any interest accrued thereon, established pursuant to a health  
85 savings account program as provided in the Health Savings Accounts  
86 Act, Section 83-62-1 et seq.

87 (g) In addition to all other exemptions listed in this  
88 section, there shall be an additional exemption of property having  
89 a value of Fifty Thousand Dollars (\$50,000.00) of whatever type,  
90 whether real, personal or mixed, tangible or intangible, including  
91 deposits of money, available to any Mississippi resident who is  
92 seventy (70) years of age or older.

93 (h) An amount not to exceed Five Thousand Dollars  
94 (\$5,000.00) of earned income tax credit proceeds.

95                   (i) An amount not to exceed Five Thousand Dollars  
96 (\$5,000.00) of federal tax refund proceeds.

97                   (j) An amount not to exceed Five Thousand Dollars  
98 (\$5,000.00) of state tax refund proceeds.

99                   (k) Nothing in this section shall in any way affect the  
100 rights or remedies of the holder or owner of a statutory lien or  
101 voluntary security interest.

102               **SECTION 2.** This act shall take effect and be in force from  
103 and after July 1, 2007.