

By: Representative Wooten

To: Judiciary A; Banking and
Financial Services

HOUSE BILL NO. 574

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO
2 EXPAND THE EXEMPTION FROM SEIZURE UNDER EXECUTION OR ATTACHMENT
3 FOR CASH ON HAND TO INCLUDE FUNDS CONTAINED IN A CHECKING OR
4 SAVINGS ACCOUNT WITH A BANK, SAVINGS AND LOAN ASSOCIATION, SAVINGS
5 BANK, CREDIT UNION OR OTHER FINANCIAL INSTITUTION; AND FOR RELATED
6 PURPOSES.

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

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

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

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

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

17 (ii) Motor vehicles;

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



20 (iv) Cash on hand, or funds contained in a
21 checking or savings account with a bank, savings and loan
22 association, savings bank, credit union or other financial
23 institution;

24 (v) Professionally prescribed health aids;

25 (vi) Any items of tangible personal property worth
26 less than Two Hundred Dollars (\$200.00) each.

27 Household goods, as used in this paragraph (a), means
28 clothing, furniture, appliances, one (1) radio and one (1)
29 television, one (1) firearm, one (1) lawn mower, linens, china,
30 crockery, kitchenware, and personal effects (including wedding
31 rings) of the debtor and his dependents; however, works of art,
32 electronic entertainment equipment (except one (1) television and
33 one (1) radio), jewelry (other than wedding rings), and items
34 acquired as antiques are not included within the scope of the term
35 "household goods." This paragraph (a) shall not apply to distress
36 warrants issued for collection of taxes due the state or to wages
37 described in Section 85-3-4.

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

41 (ii) Income from disability insurance.

42 (c) All property in this state, real, personal and
43 mixed, for the satisfaction of a judgment or claim in favor of
44 another state or political subdivision of another state for



45 failure to pay that state's or that political subdivision's income
46 tax on benefits received from a pension or other retirement plan.
47 As used in this paragraph (c), "pension or other retirement plan"
48 includes:

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

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

56 (iii) An individual retirement account.

57 (d) One (1) mobile home, trailer, manufactured housing,
58 or similar type dwelling owned and occupied as the primary
59 residence by the debtor, not exceeding a value of Thirty Thousand
60 Dollars (\$30,000.00); in determining this value, existing
61 encumbrances on the dwelling, including taxes and all other liens,
62 shall first be deducted from the actual value of the dwelling. A
63 debtor is not entitled to the exemption of a mobile home as
64 personal property who claims a homestead exemption under Section
65 85-3-21, and the exemption shall not apply to collection of
66 delinquent taxes under Sections 27-41-101 through 27-41-109.

67 (e) Assets held in, or monies payable to the
68 participant or beneficiary from, whether vested or not, (i) a
69 pension, profit-sharing, stock bonus or similar plan or contract



70 established to provide retirement benefits for the participant or
71 beneficiary and qualified under Section 401(a), 403(a), or 403(b)
72 of the Internal Revenue Code (or corresponding provisions of any
73 successor law), including a retirement plan for self-employed
74 individuals qualified under one (1) of such enumerated sections,
75 (ii) an eligible deferred compensation plan described in Section
76 457(b) of the Internal Revenue Code (or corresponding provisions
77 of any successor law), or (iii) an individual retirement account
78 or an individual retirement annuity within the meaning of Section
79 408 of the Internal Revenue Code (or corresponding provisions of
80 any successor law), including a simplified employee pension plan.

81 (f) Monies paid into or, to the extent payments out are
82 applied to tuition or other qualified higher education expenses at
83 eligible educational institutions, as defined in Section 529 of
84 the Internal Revenue Code or corresponding provisions of any
85 successor law, monies paid out of the assets of and the income
86 from any validly existing qualified tuition program authorized
87 under Section 529 of the Internal Revenue Code or corresponding
88 provisions of any successor law, including, but not limited to,
89 the Mississippi Prepaid Affordable College Tuition (MPACT) Program
90 established under Sections 37-155-1 through 37-155-27 and the
91 Mississippi Affordable College Savings (MACS) Program established
92 under Sections 37-155-101 through 37-155-125.

93 (g) The assets of a health savings account, including
94 any interest accrued thereon, established pursuant to a health



95 savings account program as provided in the Health Savings Accounts
96 Act (Sections 83-62-1 through 83-62-9).

97 (h) In addition to all other exemptions listed in this
98 section, there shall be an additional exemption of property having
99 a value of Fifty Thousand Dollars (\$50,000.00) of whatever type,
100 whether real, personal or mixed, tangible or intangible, including
101 deposits of money, available to any Mississippi resident who is
102 seventy (70) years of age or older.

103 (i) An amount not to exceed Five Thousand Dollars
104 (\$5,000.00) of earned income tax credit proceeds.

105 (j) An amount not to exceed Five Thousand Dollars
106 (\$5,000.00) of federal tax refund proceeds.

107 (k) An amount not to exceed Five Thousand Dollars
108 (\$5,000.00) of state tax refund proceeds.

109 (l) Subject to the provisions of Section 27-7-1003(2),
110 the assets of a catastrophe savings account, including any
111 interest accrued thereon, established under Sections 27-7-1001
112 through 27-7-1007.

113 (m) Nothing in this section shall in any way affect the
114 rights or remedies of the holder or owner of a statutory lien or
115 voluntary security interest.

116 **SECTION 2.** This act shall take effect and be in force from
117 and after July 1, 2018.

