

By: Representative Guice

To: Banking and Financial
Services

HOUSE BILL NO. 1071

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A ROTH INDIVIDUAL RETIREMENT ACCOUNT IS EXEMPT FROM
3 SEIZURE UNDER EXECUTION OR ATTACHMENT; AND FOR RELATED PURPOSES.

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

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

7 85-3-1. There shall be exempt from seizure under execution
8 or attachment:

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

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

14 (ii) Motor vehicles;

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

17 (iv) Cash on hand;

18 (v) Professionally prescribed health aids;



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

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

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

(ii) Income from disability insurance.

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



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

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

(iii) An individual retirement account.

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

(e) Assets held in, or monies payable to the participant or beneficiary from, whether vested or not, (i) a pension, profit-sharing, stock bonus or similar plan or contract established to provide retirement benefits for the participant or beneficiary and qualified under Section 401(a), 403(a), or 403(b) of the Internal Revenue Code (or corresponding provisions of any successor law), including a retirement plan for self-employed



68 individuals qualified under one (1) of such enumerated sections,
69 (ii) an eligible deferred compensation plan described in Section
70 457(b) of the Internal Revenue Code (or corresponding provisions
71 of any successor law), * * * (iii) an individual retirement
72 account or an individual retirement annuity within the meaning of
73 Section 408 of the Internal Revenue Code (or corresponding
74 provisions of any successor law), including a simplified employee
75 pension plan, or (iv) a Roth individual retirement account within
76 the meaning of Section 408A of the Internal Revenue Code (or
77 corresponding provisions of any successor law).

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

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



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

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

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

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

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

