

By: Blackmon

To: Judiciary

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3051

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT INDIVIDUAL RETIREMENT ACCOUNTS FROM SEIZURE UNDER EXECUTION  
3 AND ATTACHMENT; TO REPEAL SECTION 85-3-2, MISSISSIPPI CODE OF  
4 1972, WHICH PRECLUDES ENTITLEMENT OF MISSISSIPPI RESIDENTS TO THE  
5 FEDERAL EXEMPTIONS PROVIDED IN SECTION 522(D) OF THE BANKRUPTCY  
6 REFORM ACT OF 1978; AND FOR RELATED 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:[WAN1]

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;

21 (v) Professionally prescribed health aids.

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

29 included within the scope of the term "household goods." This  
30 paragraph (a) shall not apply to distress warrants issued for  
31 collection of taxes due the state or to wages described in Section  
32 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 (iii) Payment under a stock bonus, pension,  
38 profit-sharing, annuity, or similar plan or contract on account of  
39 illness, disability, death, age or length of service, to the  
40 extent reasonably necessary for the support of the debtor and any  
41 dependent of the debtor, unless:

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

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

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

50 \* \* \*

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

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

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

65 (iii) An individual retirement account.

66           (d) Individual retirement accounts.

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

70           SECTION 2. Section 85-3-2, Mississippi Code of 1972, which  
71 precludes entitlement of residents of the State of Mississippi to  
72 the federal exemptions provided in Section 522(d) of the  
73 Bankruptcy Reform Act of 1978, as amended, is repealed.

74           SECTION 3. This act shall take effect and be in force from  
75 and after July 1, 2000.