

By: Representative Moak

To: Judiciary A

HOUSE BILL NO. 575
(As Passed the House)

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE DEBTOR EXEMPTIONS FOR ONE FIREARM, ONE LAWNMOWER AND ONE
3 MOBILE HOME OR SIMILAR TYPE DWELLING; 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.

19 Household goods, as used in this paragraph (a) means clothing,
20 furniture, appliances, one (1) radio and one (1) television, one
21 (1) firearm, one (1) lawnmower, linens, china, crockery,
22 kitchenware, and personal effects (including wedding rings) of the
23 debtor and his dependents; however, works of art, electronic
24 entertainment equipment (except one (1) television and one (1)
25 radio), jewelry (other than wedding rings), and items acquired as
26 antiques are not included within the scope of the term "household
27 goods". This paragraph (a) shall not apply to distress warrants

28 issued for collection of taxes due the state or to wages described
29 in Section 85-3-4.

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

33 (ii) Income from disability insurance.

34 (iii) Payment under a stock bonus, pension,
35 profit-sharing, annuity, or similar plan or contract on account of
36 illness, disability, death, age or length of service, to the
37 extent reasonably necessary for the support of the debtor and any
38 dependent of the debtor, unless:

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

42 B. Such payment is on account of age or
43 length of service; and

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

47 (c) All property, real, personal and mixed, for the
48 collection or enforcement of any order or judgment, in whole or in
49 part, issued by any court for civil or criminal contempt of said
50 court; expressly excepted herefrom are such orders or judgments
51 for the payment of alimony, separate maintenance and child support
52 actions.

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

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

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

67 (iii) An individual retirement account.

68 (e) One (1) mobile home, trailer, manufactured housing,
69 or similar type dwelling owned and occupied as the primary
70 residence by the debtor, not exceeding a value of Thirty Thousand
71 Dollars (\$30,000.00); provided, however, that in determining this
72 value, existing encumbrances on said dwelling, including taxes and
73 all other liens shall first be deducted from the actual value of
74 said dwelling.

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

78 (g) An individual retirement account.

79 SECTION 2. This act shall take effect and be in force from
80 and after July 1, 2001.