

By: Representative Ellington

To: Judiciary A

HOUSE BILL NO. 725

1 AN ACT TO AMEND SECTION 85-3-1, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT INDIVIDUAL RETIREMENT ACCOUNTS FROM SEIZURE UNDER EXECUTION  
3 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.

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



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

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

32 (ii) Income from disability insurance.

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

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

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

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

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

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



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

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

66                   (iii) An individual retirement account.

67                   (e) An individual retirement account.

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

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

