

By: Smith

To: Judiciary

SENATE BILL NO. 3106

1 AN ACT TO AMEND SECTION 73-54-39, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A MARRIAGE AND FAMILY THERAPIST SHALL BE
3 INCOMPETENT TO TESTIFY IN ALIMONY, CUSTODY OR DIVORCE ACTIONS IF
4 THE THERAPIST HAS BEEN DULY LICENSED AS OF THE TIME OF THE
5 PROPOSED TESTIMONY, EVEN THOUGH THE LICENSE WAS OBTAINED
6 SUBSEQUENT TO THE TIME OF THERAPY; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 73-54-39, Mississippi Code of 1972, is
9 amended as follows:[JMR1]

10 73-54-39. If both parties to a marriage have obtained
11 marriage and family therapy by a licensed marriage and family
12 therapist, the therapist shall not be competent to testify in an
13 alimony, custody or divorce action concerning information acquired
14 in the course of the therapeutic relationship. The therapist
15 shall be incompetent to testify if the therapist has been duly
16 licensed as of the time of the proposed testimony, even though the
17 license was obtained subsequent to the time of therapy.

18 SECTION 2. This act shall take effect and be in force from
19 and after July 1, 2000.