

By: Representative Watson

To: Judiciary B

HOUSE BILL NO. 873

1 AN ACT TO AMEND SECTION 93-21-15, MISSISSIPPI CODE OF 1972,
2 TO REVISE PROVISIONS REGARDING PROTECTIVE ORDERS IN DOMESTIC ABUSE
3 CASES; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 93-21-15, Mississippi Code of 1972, is
6 amended as follows:

7 93-21-15. (1) The chancery court shall be empowered to
8 grant any protective order or approve any consent agreement to
9 bring about a cessation of abuse of the petitioner, any minor
10 children, or any person alleged to be incompetent, which relief
11 may include:

12 (a) Directing the defendant to refrain from abusing the
13 petitioner, any minor children, or any person alleged to be
14 incompetent;

15 (b) Granting possession to the petitioner of the
16 residence or household to the exclusion of the defendant by
17 evicting the defendant and/or restoring possession to the
18 petitioner;

19 (c) When the defendant has a duty to support the
20 petitioner, any minor children, or any person alleged to be
21 incompetent living in the residence or household and the defendant
22 is the sole owner or lessee, granting possession to the petitioner
23 of the residence or household to the exclusion of the defendant by
24 evicting the defendant and/or restoring possession to the
25 petitioner, or by consent agreement allowing the defendant to
26 provide suitable, alternate housing;

27 (d) Awarding temporary custody of and/or establishing
28 temporary visitation rights with regard to any minor children or
29 any person alleged to be incompetent;

30 (e) If the defendant is legally obligated to support
31 the petitioner, any minor children, or any person alleged to be
32 incompetent, ordering the defendant to pay temporary support for
33 the petitioner, any minor children, or any person alleged to be
34 incompetent;

35 (f) Ordering the defendant to pay to the abused person
36 monetary compensation for losses suffered as a direct result of
37 the abuse, including, but not limited to, medical expenses
38 resulting from such abuse, loss of earnings or support,
39 out-of-pocket losses for injuries sustained, moving expenses, a
40 reasonable attorney's fee, and/or ordering counseling or
41 professional medical treatment for the defendant and/or the abused
42 person; and

43 (g) Prohibiting the transferring, encumbering, or
44 otherwise disposing of property mutually owned or leased by the
45 parties, except when in the ordinary course of business.

46 (2) (a) The court is prohibited from issuing mutual orders
47 of protection. This does not preclude the court from issuing
48 separate orders of protection against domestic violence where each
49 party complied with the filing provisions of section 93-21-9.
50 Compliance with the provisions of this section cannot be waived.

51 (b) The fact that a separate order of protection is
52 granted to each opposing party shall not be legally sufficient to
53 deny any remedy to either party or to prove that the parties are
54 equally at fault or equally endangered.

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