

By: Representative Watson

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
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 shall not issue mutual orders of  
47 protection without sufficient proof or probable cause. This does  
48 not preclude the court from issuing separate orders of protection  
49 against domestic violence where each party complied with the  
50 filing provisions of section 93-21-9. Compliance with the  
51 provisions of this section cannot be waived.

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

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