

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 873

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

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

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

18 (c) When the defendant has a duty to support the
19 petitioner, any minor children, or any person alleged to be
20 incompetent living in the residence or household and the defendant
21 is the sole owner or lessee, granting possession to the petitioner

22 of the residence or household to the exclusion of the defendant by
23 evicting the defendant and/or restoring possession to the
24 petitioner, or by consent agreement allowing the defendant to
25 provide suitable, alternate housing;

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

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

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

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

45 (2) (a) Mutual orders of protection shall only be issued
46 upon sufficient proof or probable cause that there exists a
47 situation in which both parties are entitled to protection from
48 domestic abuse as defined in Section 93-21-3. The court may issue
49 separate orders in cases in which both parties have complied with
50 the 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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.