

By: Senator(s) Kirby, Hewes, Gordon, Chaney, White (29th), Canon, King, Michel, Johnson (19th), Scoper, Robertson, Moffatt, Harvey, Nunnelee, Huggins, Mettetal, Minor, Stogner, Hamilton, Hyde-Smith, Ross, Carlton, Browning

To: Judiciary

SENATE BILL NO. 2340

1 AN ACT TO CREATE SECTION 11-1-67, MISSISSIPPI CODE OF 1972,
2 TO IMPOSE A LIMITATION ON THE AMOUNT OF PUNITIVE DAMAGES IN A
3 CIVIL ACTION; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 11-1-67, Mississippi Code of 1972.

7 11-1-67. (1) Any award of punitive damages shall not exceed
8 the greater of three (3) times the amount of the total
9 compensatory damages awarded to the plaintiff in an action or Five
10 Hundred Thousand Dollars (\$500,000.00), whichever is greater;
11 however, if the defendant is an individual or a business with less
12 than fifty (50) full-time employees, an award of punitive damages
13 shall not exceed three (3) times the amount of the plaintiff's
14 compensatory damages or Five Hundred Thousand Dollars
15 (\$500,000.00), whichever is less, unless the finder of fact and
16 court find by clear and convincing evidence that the defendant
17 acted with criminal intent to cause serious physical bodily
18 injury. This restriction shall not be disclosed to the trier of
19 fact, but shall be applied by the court to any punitive damages
20 verdict.

21 (2) If the application of this section, or of any portion of
22 it, to any person or circumstance is held invalid, the invalidity
23 shall not affect the application of this section to other persons
24 or circumstances which can be given effect without the invalid
25 provision or application.

26 (3) This section shall apply to any civil action pending or
27 filed on or after July 1, 2002.



28 **SECTION 2.** This act shall take effect and be in force from
29 and after July 1, 2002.

