

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

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2342

1 AN ACT TO CREATE THE VENUE REFORM ACT OF 2002; TO AMEND
2 SECTION 11-11-3, MISSISSIPPI CODE OF 1972, TO REVISE THE STATUTE
3 PROVIDING FOR VENUE OF CIVIL ACTIONS AGAINST HEALTH CARE
4 PROVIDERS; TO AMEND SECTIONS 13-5-2 AND 13-5-26, MISSISSIPPI CODE
5 OF 1972, TO ALLOW MULTI-COUNTY VENIRE FOR THE SELECTION OF JURORS
6 FOR CERTAIN CIVIL SUITS; AND FOR RELATED PURPOSES.

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

8 SECTION 1. This act shall be known as the "Venue Reform Act
9 of 2002."

10 SECTION 2. Section 11-11-3, Mississippi Code of 1972, is
11 amended as follows:

12 11-11-3. (1) Except as otherwise provided in this section,
13 civil actions of which the circuit court has original jurisdiction
14 shall be commenced in the county in which the defendant or any of
15 them may be found or in the county where the cause of action may
16 occur or accrue and, if the defendant is a domestic corporation,
17 in the county in which said corporation is domiciled or in the
18 county where the cause of action may occur or accrue, except where
19 otherwise provided, and except actions of trespass on land,
20 ejectment and actions for the statutory penalty for cutting and
21 boxing trees and firing woods and actions for the actual value of
22 trees cut which shall be brought in the county where the land or
23 some part thereof is situated. If a civil action is brought in an
24 improper county, such action may be transferred to the proper
25 county pursuant to Section 11-11-17.

26 (2) Notwithstanding any other venue statute or law that may
27 otherwise apply, except as provided in Section 11-46-13, any
28 malpractice action against a physician, osteopath, dentist,
29 hospital, nurse, pharmacist, podiatrist, optometrist, chiropractor



30 or nursing home or other long-term care provider for damages for
31 injury or wrongful death, shall be brought in the county in which
32 the alleged negligent act or omission occurred.

33 **SECTION 3.** Section 13-5-2, Mississippi Code of 1972, is
34 amended as follows:

35 13-5-2. It is the policy of this state that all persons
36 selected for jury service be selected at random from a fair cross
37 section of the population of the area served by the court, or, if
38 applicable, from the counties contiguous to the county in which
39 the trial is to be conducted, and that all qualified citizens have
40 the opportunity in accordance with this chapter to be considered
41 for jury service in this state and an obligation to serve as
42 jurors when summoned for that purpose. A citizen shall not be
43 excluded from jury service in this state on account of race,
44 color, religion, sex, national origin, or economic status.

45 **SECTION 4.** Section 13-5-26, Mississippi Code of 1972, is
46 amended as follows:

47 13-5-26. (1) The circuit clerk shall maintain a jury box
48 and shall place therein the names or identifying numbers of all
49 prospective jurors drawn from the jury wheel.

50 (2) A judge or any court or any other state or county
51 official having authority to conduct a trial or hearing with a
52 jury within the county may direct the circuit clerk to draw and
53 assign to that court or official the number of jurors he deems
54 necessary for one or more jury panels or as required by law for a
55 grand jury, except as otherwise provided by subsection (3) of this
56 section. Upon receipt of the direction, and in a manner
57 prescribed by the court, the circuit clerk shall publicly draw at
58 random from the jury box the number or jurors specified.

59 (3) The court may order that the drawing and assigning of
60 jurors pursuant to subsection (2) of this section may be performed
61 by random selection of a computer or electronic device pursuant to
62 such rules and regulations as may be prescribed by the court. The



63 jurors drawn for jury service shall be assigned at random by the
64 clerk to each jury panel in a manner prescribed by the court.

65 (4) In a civil suit, if the amount in controversy is greater
66 than Five Million Dollars (\$5,000,000.00), or if the plaintiff
67 cannot state an amount, upon the request of any party, the court
68 may order that the drawing and assigning of jurors shall be done
69 by multi-county venire. A multi-county venire shall be drawn from
70 the county where the suit is filed and all contiguous counties.
71 "Contiguous" means touching at any point or along a boundary. The
72 number of names to be placed in the jury wheel from each
73 contributing county shall be proportional to the relationship of
74 the population of each county to the total population of all the
75 counties. The circuit clerks, in the application of this section,
76 shall apply by analogy insofar as possible, first, the
77 requirements of this chapter as relates to the selection of
78 potential jurors, and second, the method of selection of potential
79 jurors for any statewide grand jury. The court, in its
80 discretion, may assess all costs associated with the impaneling of
81 a multi-county venire jury against any party or may apportion the
82 costs among the parties.

83 **SECTION 5.** This act shall take effect and be in force from
84 and after July 1, 2002.

