

By: Senator(s) Carlton

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2409

1 AN ACT TO AMEND SECTIONS 93-21-13 AND 93-21-15, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE REQUIREMENTS FOR PROTECTIVE ORDERS
3 ISSUED IN DOMESTIC VIOLENCE CASES; TO AMEND SECTION 93-21-109,
4 MISSISSIPPI CODE OF 1972, TO PROTECT THE CONFIDENTIALITY OF
5 SHELTER LOCATIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 93-21-13, Mississippi Code of 1972, is
8 amended as follows:

9 93-21-13. (1) A petition may be filed before the justice
10 court judge, municipal court judge or county court judge, in an ex
11 parte proceeding upon good cause shown, if the justice court
12 judge, municipal court judge or county court judge deems it
13 necessary to protect from abuse the petitioner, any minor
14 children, or any person alleged to be incompetent. Immediate and
15 present danger of abuse to the petitioner, any minor children, or
16 any person alleged to be incompetent, shall constitute good cause
17 for the purposes of this section.

18 (2) The justice court, municipal court and the county court
19 shall be empowered to grant any protective order or approve any
20 consent agreement to bring about a cessation of abuse of the
21 petitioner, any minor children, or any person alleged to be
22 incompetent, which relief may include:

23 (a) Directing the defendant to refrain from abusing the
24 petitioner, any minor children, or any person alleged to be
25 incompetent;

26 (b) Granting possession to the petitioner of the
27 residence or household to the exclusion of the defendant by



28 evicting the defendant and/or restoring possession to the
29 petitioner;

30 (c) When the defendant has a duty to support the
31 petitioner, any minor children, or any person alleged to be
32 incompetent living in the residence or household and the defendant
33 is the sole owner or lessee, granting possession to the petitioner
34 of the residence or household to the exclusion of the defendant by
35 evicting the defendant and/or restoring possession to the
36 petitioner, or by consent agreement allowing the defendant to
37 provide suitable, alternate housing; and

38 (d) Prohibiting the transferring, encumbering or
39 otherwise disposing of property mutually owned or leased by the
40 parties, except when in the ordinary course of business.

41 (3) Any order issued under subsection (2) of this section is
42 temporary and shall not exceed ten (10) days and shall expire as
43 of the date of the hearing in chancery court, at which time, the
44 petitioner may seek a temporary order from the chancery court.

45 (4) The court may amend its order or agreement at any time
46 upon subsequent petition by either party.

47 (5) A protective order from another jurisdiction issued to
48 protect the applicant from abuse as defined in Section 93-21-3
49 shall be accorded full faith and credit by the courts of this
50 state and enforced as if the order were rendered by a court of
51 this state.

52 (6) Every order granting a protective order pursuant to this
53 section shall set forth the reasons for its issuance, shall
54 contain specific findings of fact regarding the existence of
55 abuse, shall be specific in its terms and shall describe in
56 reasonable detail the act or acts to be restrained.

57 **SECTION 2.** Section 93-21-15, Mississippi Code of 1972, is
58 amended as follows:

59 93-21-15. (1) The chancery court shall be empowered to
60 grant any protective order or approve any consent agreement to



61 bring about a cessation of abuse of the petitioner, any minor
62 children, or any person alleged to be incompetent, which relief
63 may include:

64 (a) Directing the defendant to refrain from abusing the
65 petitioner, any minor children, or any person alleged to be
66 incompetent;

67 (b) Granting possession to the petitioner of the
68 residence or household to the exclusion of the defendant by
69 evicting the defendant and/or restoring possession to the
70 petitioner;

71 (c) When the defendant has a duty to support the
72 petitioner, any minor children, or any person alleged to be
73 incompetent living in the residence or household and the defendant
74 is the sole owner or lessee, granting possession to the petitioner
75 of the residence or household to the exclusion of the defendant by
76 evicting the defendant and/or restoring possession to the
77 petitioner, or by consent agreement allowing the defendant to
78 provide suitable, alternate housing;

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

82 (e) If the defendant is legally obligated to support
83 the petitioner, any minor children, or any person alleged to be
84 incompetent, ordering the defendant to pay temporary support for
85 the petitioner, any minor children, or any person alleged to be
86 incompetent;

87 (f) Ordering the defendant to pay to the abused person
88 monetary compensation for losses suffered as a direct result of
89 the abuse, including, but not limited to, medical expenses
90 resulting from such abuse, loss of earnings or support,
91 out-of-pocket losses for injuries sustained, moving expenses, a
92 reasonable attorney's fee, and/or ordering counseling or



93 professional medical treatment for the defendant and/or the abused
94 person; and

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

98 (2) Every order granting a protective order pursuant to this
99 section shall set forth the reasons for its issuance, shall
100 contain specific findings of fact regarding the existence of
101 abuse, shall be specific in its terms and shall describe in
102 reasonable detail the act or acts to be prohibited.

103 **SECTION 3.** Section 93-21-109, Mississippi Code of 1972, is
104 amended as follows:

105 93-21-109. Records maintained by domestic violence shelters,
106 except the official minutes of the board of directors of the
107 shelter, and financial reports filed as required by statute with
108 the board of supervisors or municipal authorities or any other
109 agency of government, shall be withheld from public disclosure
110 under the provisions of the Mississippi Public Records Act of
111 1983.

112 A resident or staff member of a domestic violence shelter
113 shall not be required to disclose the street address or physical
114 location of that shelter to any public or private agency. In all
115 cases where the provision of a physical address is required, a
116 post office box address for the domestic violence shelter shall be
117 deemed sufficient.

118 **SECTION 4.** This act shall take effect and be in force from
119 and after July 1, 2002.

