

By: Senator(s) Carlton

To: Judiciary

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 specified in its terms and shall describe in  
56 reasonable detail the act or acts to be restrained.

57 (7) Notwithstanding the foregoing, the court shall not issue  
58 a mutual order enjoining each party from specific acts of abuse  
59 described in Section 93-21-3 unless the court makes detailed  
60 findings of fact, based upon written or oral evidence of abuse or



61 domestic violence, that each party is entitled to protection from  
62 such abuse.

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

65 93-21-15. (1) The chancery court shall be empowered to  
66 grant any protective order or approve any consent agreement to  
67 bring about a cessation of abuse of the petitioner, any minor  
68 children, or any person alleged to be incompetent, which relief  
69 may include:

70 (a) Directing the defendant to refrain from abusing the  
71 petitioner, any minor children, or any person alleged to be  
72 incompetent;

73 (b) Granting possession to the petitioner of the  
74 residence or household to the exclusion of the defendant by  
75 evicting the defendant and/or restoring possession to the  
76 petitioner;

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

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

88 (e) If the defendant is legally obligated to support  
89 the petitioner, any minor children, or any person alleged to be  
90 incompetent, ordering the defendant to pay temporary support for  
91 the petitioner, any minor children, or any person alleged to be  
92 incompetent;



93           (f) Ordering the defendant to pay to the abused person  
94 monetary compensation for losses suffered as a direct result of  
95 the abuse, including, but not limited to, medical expenses  
96 resulting from such abuse, loss of earnings or support,  
97 out-of-pocket losses for injuries sustained, moving expenses, a  
98 reasonable attorney's fee, and/or ordering counseling or  
99 professional medical treatment for the defendant and/or the abused  
100 person; and

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

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

109           (3) The court shall not issue mutual orders enjoining each  
110 party from specific acts of abuse described in Section 93-21-3  
111 unless the court makes detailed findings of fact, based upon  
112 written or oral evidence of abuse or domestic violence, indicating  
113 that both parties are entitled to protection from such abuse.

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

116           93-21-109. Records maintained by domestic violence shelters,  
117 except the official minutes of the board of directors of the  
118 shelter, and financial reports filed as required by statute with  
119 the board of supervisors or municipal authorities or any other  
120 agency of government, shall be withheld from public disclosure  
121 under the provisions of the Mississippi Public Records Act of  
122 1983.

123           A resident or staff member of a domestic violence shelter  
124 shall not be required to disclose the street address or physical  
125 location of that shelter to any public or private agency. In all



126 cases where the provision of a physical address is required, a  
127 post office box address for the domestic violence shelter shall be  
128 deemed sufficient.

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

