

By: Representatives Peranich, Coleman
(29th), Fredericks, Moak, Reynolds, Watson

To: Judiciary A

HOUSE BILL NO. 524

1 AN ACT TO AMEND SECTION 93-5-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT DIVORCE ACTIONS FILED IN THE WRONG VENUE MAY BE
3 TRANSFERRED TO THE PROPER VENUE AND PROCEED AS THOUGH ORIGINALLY
4 FILED IN THE PROPER VENUE; TO RATIFY, CONFIRM AND APPROVE ANY
5 JUDGMENT OF DIVORCE, AND ANY ORDER RENDERED AS PART OF OR RELATED
6 TO THE JUDGMENT WHETHER RENDERED AT THE TIME OF OR AFTER THE DATE
7 OF THE JUDGMENT, BEFORE THE EFFECTIVE DATE OF THIS ACT IN A
8 DIVORCE CASE THAT WAS FILED IN A WRONG VENUE AND TRANSFERRED TO
9 THE VENUE IN WHICH IT MIGHT PROPERLY HAVE BEEN FILED, REGARDLESS
10 OF WHETHER TRANSFERRED AS SPECIFICALLY AUTHORIZED BY LAW; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 93-5-11, Mississippi Code of 1972, is
14 amended as follows:

15 93-5-11. (1) All complaints, except those based solely on
16 the ground of irreconcilable differences, must be filed in the
17 county in which the plaintiff resides, if the defendant be a
18 nonresident of this state, or be absent, so that process cannot be
19 served; and the manner of making such parties defendants so as to
20 authorize a judgment against them in other chancery cases, shall
21 be observed. If the defendant be a resident of this state, the
22 complaint shall be filed in the county in which such defendant
23 resides or may be found at the time, or in the county of the
24 residence of the parties at the time of separation, if the
25 plaintiff be still a resident of such county when the suit is
26 instituted.

27 (2) A complaint for divorce based solely on the grounds of
28 irreconcilable differences shall be filed in the county of
29 residence of either party where both parties are residents of this
30 state. If one (1) party is not a resident of this state, then the



31 complaint shall be filed in the county where the resident party
32 resides.

33 (3) Where an action is brought under this section in any
34 chancery court of this state that lacks venue jurisdiction, such
35 action shall not be dismissed because of lack of proper venue, but
36 the court, on timely motion, shall transfer the action, together
37 with all prepaid costs remaining after the court in which the
38 action was originally brought has deducted the costs incurred in
39 that court, to the venue to which it belongs and the case shall
40 proceed as though originally filed therein. If there is no timely
41 motion for the transfer of such an action, the court in which the
42 action was originally filed shall dismiss the action.

43 **SECTION 2.** Any judgment of divorce, and any order rendered
44 as part of or related to the judgment whether rendered at the time
45 of or after the date of the judgment, before the effective date of
46 House Bill No. _____, 2003 Regular Session, in a divorce case that
47 was filed in a wrong venue and transferred to the venue in which
48 it might properly have been filed, regardless of whether
49 transferred as specifically authorized by law, is ratified,
50 confirmed and approved.

51 **SECTION 3.** Section 2 of this act shall be codified as a
52 separate section in Chapter 5, Title 93, Mississippi Code of 1972.

53 **SECTION 4.** This act shall take effect and be in force from
54 and after its passage.

