Mississippi Legislature

Regular Session 2003

By: Representative Moak

To: Judiciary A

House Bill No. 1125

An Act to Amend Section 11-46-13, Mississippi Code of 1972, to provide that cases sent back from appellate courts may be heard in chancery court; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Section 11-46-13, Mississippi Code of 1972, is amended as follows:

11-46-13. (1) Jurisdiction for any suit filed under the provisions of this chapter shall be in the court having original or concurrent jurisdiction over a cause of action upon which the claim is based. The judge of the appropriate court shall hear and determine, without a jury, any suit filed under the provisions of this chapter. Appeals may be taken in the manner provided by law. Cases that are remanded or otherwise returned from the Supreme Court or the Court of Appeals may be heard in chancery court.

(2) The venue for any suit filed under the provisions of this chapter against the state or its employees shall be in the county in which the act, omission or event on which the liability phase of the action is based, occurred or took place. The venue for all other suits filed under the provisions of this chapter shall be in the county or judicial district thereof in which the principal offices of the governing body of the political subdivision are located. The venue specified in this subsection shall control in all actions filed against governmental entities, notwithstanding that other defendants which are not governmental entities may be joined in the suit, and notwithstanding the provisions of any other venue statute that otherwise would apply.
SECTION 2. This act shall take effect and be in force from and after July 1, 2003.