

By: Representative Moak

To: Judiciary B

HOUSE BILL NO. 128

1 AN ACT TO CREATE NEW SECTION 11-1-73, MISSISSIPPI CODE OF
2 1972, TO PROVIDE FOR AND RESTRICT THE CONTRACTUAL WAIVER OF THE
3 CONSTITUTIONAL RIGHT TO TRIAL BY JURY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 11-1-73, Mississippi Code of 1972:

7 11-1-73. The contractual waiver of the constitutional right
8 to trial by jury must be knowing, intelligent and voluntary by all
9 parties. It must be specifically limited to the subject matter of
10 the contract. A general waiver is void. The burden of proof is
11 on the party asserting the waiver of the constitutional right to
12 trial by jury.

13 **SECTION 2.** This act shall take effect and be in force from
14 and after July 1, 2004.