

By: Representative Holland

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1536

1 AN ACT TO AMEND SECTIONS 75-17-7 AND 75-17-9, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT JUDGMENTS OR DECREES IN CHILD OR
3 SPOUSAL SUPPORT CASES SHALL BEAR COMPOUNDED INTEREST AT THE RATE
4 OF SIX PERCENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 75-17-7, Mississippi Code of 1972, is
7 amended as follows:

8 75-17-7. All administrative or judicial judgments or decrees
9 founded on an obligation of support, including, but not limited
10 to, child support, medical support and spousal support, shall bear
11 interest compounded daily at a rate of six percent (6%). All
12 judgments or decrees founded on any sale or contract shall bear
13 interest at the same rate as the contract evidencing the debt on
14 which the judgment or decree was rendered. All other judgments or
15 decrees shall bear interest at a per annum rate set by the judge
16 hearing the complaint from a date determined by such judge to be
17 fair but in no event prior to the filing of the complaint.

18 **SECTION 2.** Section 75-17-9, Mississippi Code of 1972, is
19 amended as follows:

20 75-17-9. When a partial payment is made on a debt evidenced
21 by an administrative or judicial judgment or decree based upon a
22 support obligation, including, but not limited to, child support,
23 medical support and spousal support, the compounded interest and
24 principal shall be aggregated, and the partial payment shall be
25 applied to the total debt owed. In other cases, when partial
26 payments are made, the interest that has accrued to the time of
27 payment, if any, shall be first paid, and the residue of such
28 partial payment shall be placed to the payment of the principal,

29 except that the parties may agree in writing that such partial
30 payment, or any portion thereof, shall be applied first to the
31 payment of principal, in which case the residue shall be applied
32 to the payment of interest that has accrued to the time of
33 payment.

34 **SECTION 3.** This act shall take effect and be in force from
35 and after July 1, 2004, and shall stand repealed on July 1, 2008.