

By: Senator(s) Doxey

To: Judiciary, Division A

SENATE BILL NO. 2716

1 AN ACT TO AMEND SECTION 11-1-55, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE EVERY TRIAL COURT JUDGE IN ANY ACTION RESULTING IN A FINAL
3 DECISION FOR A MONEY JUDGMENT TO STATE IN A WRITTEN OPINION WHY
4 THE COURT DID OR DID NOT ORDER ADDITUR AND DID OR DID NOT ORDER
5 REMITTITUR; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 11-1-55, Mississippi Code of 1972, is
8 amended as follows:

9 11-1-55. Every final decision for a money judgment shall
10 state in a written opinion as part of the final order why the
11 judge did or did not order additur and did or did not order
12 remittitur, regardless of whether any party moved or did not move
13 for additur or remittitur. The Supreme Court or any other court
14 of record in a case in which money damages were awarded may
15 overrule a motion for new trial or affirm on direct or cross
16 appeal, upon condition of an additur or remittitur, if the court
17 finds that the damages are excessive or inadequate for the reason
18 that the jury or trier of the facts was influenced by bias,
19 prejudice, or passion, or that the damages awarded were contrary
20 to the overwhelming weight of credible evidence. If such additur
21 or remittitur be not accepted then the court may direct a new
22 trial on damages only. If the additur or remittitur is accepted
23 and the other party perfects a direct appeal, then the party
24 accepting the additur or remittitur shall have the right to cross
25 appeal for the purpose of reversing the action of the court in
26 regard to the additur or remittitur.

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