

By: Representative Compretta

To: Judiciary A

HOUSE BILL NO. 1522

1 AN ACT TO AMEND SECTION 93-5-11, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE CHANCELLORS TO TRANSFER DIVORCE COMPLAINT FILED IN AN
3 IMPROPER COUNTY; AND FOR RELATED PURPOSES.

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

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

7 93-5-11. All complaints, except those based solely on the
8 ground of irreconcilable differences, must be filed in the county
9 in which the plaintiff resides, if the defendant be a nonresident
10 of this state, or be absent, so that process cannot be served; and
11 the manner of making such parties defendants so as to authorize a
12 judgment against them in other chancery cases, shall be observed.
13 If the defendant be a resident of this state, the complaint shall
14 be filed in the county in which such defendant resides or may be
15 found at the time, or in the county of the residence of the
16 parties at the time of separation, if the plaintiff be still a
17 resident of such county when the suit is instituted.

18 A complaint for divorce based solely on the grounds of
19 irreconcilable differences shall be filed in the county of
20 residence of either party where both parties are residents of this
21 state. If one (1) party is not a resident of this state, then the
22 complaint shall be filed in the county where the resident party
23 resides.

24 If a complaint is filed in an improper county, the chancellor
25 may transfer the complaint to the proper county. The expenses of
26 the transfer shall be borne by the plaintiff.

27 **SECTION 2.** This act shall take effect and be in force from
28 and after July 1, 2005.