

By: Senator(s) Nunnelee

To: Judiciary, Division A

SENATE BILL NO. 2969

1 AN ACT TO AMEND SECTION 13-1-23, MISSISSIPPI CODE OF 1972, TO
2 ALLOW DECLARATION OF PRESUMPTION OF DEATH IN SITUATIONS OF MASS
3 CASUALTIES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 13-1-23, Mississippi Code of 1972, is
6 amended as follows:

7 13-1-23. (1) Any person who shall remain beyond the sea, or
8 absent himself from this state, or conceal himself in this state,
9 for seven years successively without being heard of, shall be
10 presumed to be dead in any case where his death shall come in
11 question, unless proof be made that he was alive within that time.
12 Any property or estate recovered in any such case shall be
13 restored to the person evicted or deprived thereof, if, in a
14 subsequent action, it shall be proved that the person so presumed
15 to be dead is living.

16 (2) In the event the Governor declares a state of emergency
17 due to terrorism or other disaster resulting in mass casualties,
18 the chancery court may order presumption of death in the absence
19 of recovery of a corpse after a reasonable period of less than
20 seven (7) years should the person be unable to be located with
21 whereabouts unknown, and it reasonably appears to the court that
22 the person died as a result of the event causing the mass
23 casualties.

24 **SECTION 2.** This act shall take effect and be in force from
25 and after July 1, 2006.