

By: Representative Moak (By Request)

To: Judiciary A

HOUSE BILL NO. 195
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 9-5-137 AND 9-5-141, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE CHANCERY CLERKS TO EXCLUDE CERTAIN
3 PERSONAL IDENTIFYING INFORMATION FROM PUBLIC RECORDS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-5-137, Mississippi Code of 1972, is
7 amended as follows:

8 9-5-137. It shall be the duty of the clerk to preserve and
9 keep all records, files, papers and proceedings belonging to his
10 office, and to record all last wills and testaments which may be
11 probated; all letters testamentary, of administration, and
12 guardianship; all accounts allowed; all inventories,
13 appraisements, and reports duly returned; all instruments which
14 are duly proved, and which by law are required to be recorded in
15 his office, in well-bound books to be kept for that purpose, each
16 class in a separate book or books, or by means of electronic
17 filing or storage or both in addition to or in lieu of any such
18 physical records as provided in Sections 9-1-51 through 9-1-57, as
19 the clerk may elect; all records shall be properly indexed. He
20 shall issue all process which may be required of him by law or by
21 order of the court, or the chancellor in vacation; and shall
22 discharge all other duties which may be required of him by law, or
23 which properly appertain to the duties of his office. The clerk
24 shall be under the direction of the court in termtime, and of the
25 chancellor in vacation. The clerk is authorized to exclude an
26 individual's social security number from any bank or financial
27 institution from any public records filed in any records under the
28 custody of the chancery clerk from and after July 1, 2010.



29 **SECTION 2.** Section 9-5-141, Mississippi Code of 1972, is
30 amended as follows:

31 9-5-141. The clerk or his deputy may at any time receive and
32 file all bills, petitions, motions, accounts, inventories,
33 reports, or other papers offered for that purpose, and may issue
34 all process authorized by law and proper in any matter or
35 proceeding. He may also at any time, in termtime or vacation,
36 perform the following functions; issue warrants of appraisement to
37 appraise the personal estate of decedents; allow and register
38 claims against estates being administered in the court of which he
39 is clerk; make all orders and issue all process necessary for the
40 collection and preservation of estates of decedents, minors, and
41 persons of unsound mind; appoint some person to collect and
42 preserve the estate of any decedent in the state in any case
43 provided for; grant letters of administration to the husband or
44 wife, or other person entitled thereto; take the proof of wills,
45 admit wills to probate, in common form, grant letters
46 testamentary, letters of administration with the will annexed, and
47 de bonis non; appoint guardians for minors, persons of unsound
48 mind, and convicts of felony; grant letters of administration;
49 institute suits in cases provided for, and, whenever an appeal
50 shall be taken from the grant of letters testamentary, of
51 administration, or guardianship, appoint some fit person to
52 discharge the duties pending the appeal. He may do all such other
53 acts as are provided by law and by the Mississippi Rules of Civil
54 Procedure. The clerk is authorized to exclude certain personal
55 information from records as provided in Section 9-5-137.

56 **SECTION 3.** This act shall take effect and be in force from
57 and after July 1, 2010.

