

By: Representatives Hood, Brown, Boyd

To: Judiciary B

HOUSE BILL NO. 767

1 AN ACT TO CODIFY THE DUTY OF CARE OF A POSSESSOR OF REAL  
2 PROPERTY TO A LICENSEE OR TRESPASSER; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** The following shall be codified as Section  
5 95-5-31, Mississippi Code of 1972:

6 95-5-31. **Duty of possessor of real property to licensee or**  
7 **trespasser.** (1) A possessor of any fee, reversionary or easement  
8 interest in real property, including an owner, lessee, or other  
9 lawful occupant, owes no duty of care to a licensee or to a  
10 trespasser except in those circumstances where a common law or  
11 statutory right of action existed as of the effective date of this  
12 act.

13 (2) This section does not affect any immunities from or  
14 defenses to civil liability established by another statute or  
15 available at common law to which a possessor of real property may  
16 be entitled.

17 **SECTION 2.** This act shall take effect and be in force from  
18 and after July 1, 2016.

