

**Adopted  
AMENDMENT NO 1 TO AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2680**

**BY: Representative Gipson**

1           **AMEND** after line 832 by inserting the following new section  
2 and renumbering the succeeding section:

3           "Section 6. (1) In addition to or in lieu of any other  
4 reason that a divorce for the cause of habitual cruel and inhuman  
5 treatment may be granted to an injured party pursuant to the  
6 seventh cause provided under Section 93-5-1, a divorce on such  
7 ground may be granted to the injured party as follows:

8           (a) Abusive Physical Conduct. A divorce for the cause of  
9 habitual cruel and inhuman treatment may be decreed to the injured  
10 party where one or more incidents of the following abusive  
11 physical conduct is established through the reliable testimony of  
12 one or more credible witnesses, any of whom may be the injured  
13 party: (i) that the injured party's spouse attempted to cause, or  
14 purposely, knowingly or recklessly caused bodily injury to the  
15 injured party; or (ii) that the injured party's spouse attempted  
16 by physical menace to put the injured party in fear of imminent  
17 serious bodily harm.

18           (b) Abusive Non-Physical Conduct. In addition to the  
19 foregoing subsection, a divorce for the cause of habitual cruel  
20 and inhuman treatment may also be decreed to the injured party  
21 where a pattern of abusive non-physical conduct of any one or more  
22 of the following is established through the reliable testimony of  
23 one or more credible witnesses, any of whom may be the injured



24 party: that the injured party's spouse engaged in a pattern  
25 against the injured party of (i) threats and/or intimidation, (ii)  
26 emotional and/or verbal abuse, (iii) forced isolation, (iv) sexual  
27 extortion and/or sexual abuse, (v) stalking and/or aggravated  
28 stalking as defined in Section 97-3-107, and/or (vi) economic or  
29 financial abuse; *provided that* any such established pattern of the  
30 foregoing shall be shocking to the conscience of a reasonable  
31 person.

32 (2) Standard of Proof. For purposes of subsection (1) of  
33 this section, the standard of proof shall be:

34 (a) Clear and convincing evidence when there is only the  
35 reliable testimony of a single credible witness, which may be the  
36 injured party presented to the court; or

37 (b) Preponderance of the evidence when the reliable  
38 testimony of a single credible witness, which may be the injured  
39 party, is corroborated by other credible physical or forensic  
40 evidence presented to the court.

