

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2091

1 AN ACT TO AMEND SECTION 93-21-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE DEFINITIONS IN THE PROTECTION FROM DOMESTIC ABUSE ACT; TO
3 AMEND SECTION 93-21-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A
4 COURT, IN ISSUING A PROTECTION ORDER, TO INCLUDE THE PROTECTION OF
5 PETS IN THE ORDER; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 93-21-3, Mississippi Code of 1972, is
8 amended as follows:

9 93-21-3. As used in this chapter, unless the context
10 otherwise requires:

11 (a) "Abuse" means the occurrence of one or more of the
12 following acts between spouses, former spouses, persons living as
13 spouses or who formerly lived as spouses, persons having a child
14 or children in common, other individuals related by consanguinity
15 or affinity who reside together or who formerly resided together
16 or between individuals who have a current or former dating
17 relationship:



18 (i) Attempting to cause or intentionally,
19 knowingly or recklessly causing bodily injury or serious bodily
20 injury with or without a deadly weapon;

21 (ii) Placing, by physical menace or threat,
22 another in fear of imminent serious bodily injury;

23 (iii) Criminal sexual conduct committed against a
24 minor within the meaning of Section 97-5-23;

25 (iv) Stalking within the meaning of Section
26 97-3-107;

27 (v) Cyberstalking within the meaning of Section
28 97-45-15; or

29 (vi) Sexual offenses within the meaning of Section
30 97-3-65 or 97-3-95.

31 "Abuse" does not include any act of self-defense.

32 (b) "Adult" means any person eighteen (18) years of age
33 or older, or any person under eighteen (18) years of age who has
34 been emancipated by marriage.

35 (c) "Companion animal" means any animal that is kept
36 inside a residential dwelling and any dog or cat regardless of
37 where it is kept, but does not include livestock or any wild
38 animal; a companion animal is personal property.

39 (* * *ed) "Court" means the chancery court, justice
40 court, municipal court or county court.

41 (* * *de) "Dating relationship" means a social
42 relationship of a romantic or intimate nature between two (2)



43 individuals; it does not include a casual relationship or ordinary
44 fraternization between two (2) individuals in a business or social
45 context. Whether a relationship is a "dating relationship" shall
46 be determined by examining the following factors:

- 47 (i) The length of the relationship;
- 48 (ii) The type of relationship; and
- 49 (iii) The frequency of interaction between the two
50 (2) individuals involved in the relationship.

51 (* * *ef) "Mutual protection order" means a protection
52 order that includes provisions in favor of both the individual
53 seeking relief and the respondent.

54 **SECTION 2.** Section 93-21-15, Mississippi Code of 1972, is
55 amended as follows:

56 93-21-15. (1) (a) After a hearing is held as provided in
57 Section 93-21-11 for which notice and opportunity to be heard has
58 been granted to the respondent, and upon a finding that the
59 petitioner has proved the existence of abuse by a preponderance of
60 the evidence, the municipal and justice courts shall be empowered
61 to grant a temporary domestic abuse protection order to bring
62 about a cessation of abuse of the petitioner, any minor children,
63 or any person alleged to be incompetent. The relief the court may
64 provide includes, but is not limited to, the following:

- 65 (i) Directing the respondent to refrain from
66 abusing the petitioner, any minor children, or any person alleged
67 to be incompetent;



68 (ii) Prohibiting or limiting respondent's physical
69 proximity to the abused or other household members as designated
70 by the court, including residence and place of work;

71 (iii) Prohibiting or limiting contact by the
72 respondent with the abused or other household members designated
73 by the court, whether in person, by telephone or by other
74 electronic communication;

75 (iv) Granting possession to the petitioner of the
76 residence or household to the exclusion of the respondent by
77 evicting the respondent or restoring possession to the petitioner,
78 or both; or

79 (v) Prohibiting the transferring, encumbering,
80 harming or otherwise disposing of property mutually owned or
81 leased by the parties, except when in the ordinary course of
82 business.

83 (b) The duration of any temporary domestic abuse
84 protection order issued by a municipal or justice court shall not
85 exceed thirty (30) days. However, if the party to be protected
86 and the respondent do not have minor children in common, the
87 duration of the temporary domestic abuse protection order may
88 exceed thirty (30) days but shall not exceed one (1) year.

89 (c) Procedures for an appeal of the issuance of a
90 temporary domestic abuse protection order are set forth in Section
91 93-21-15.1.



92 (2) (a) After a hearing is held as provided in Section
93 93-21-11 for which notice and opportunity to be heard has been
94 granted to the respondent, and upon a finding that the petitioner
95 has proved the existence of abuse by a preponderance of the
96 evidence, the chancery or county court shall be empowered to grant
97 a final domestic abuse protection order or approve any consent
98 agreement to bring about a cessation of abuse of the petitioner,
99 any minor children, or any person alleged to be incompetent. In
100 granting a final domestic abuse protection order, the chancery or
101 county court may provide for relief that includes, but is not
102 limited to, the following:

103 (i) Directing the respondent to refrain from
104 abusing the petitioner, any minor children, * * * ~~or~~ any person
105 alleged to be incompetent or any companion animal;

106 (ii) Granting possession to the petitioner of the
107 residence or household or personal property to the exclusion of
108 the respondent by evicting the respondent or restoring possession
109 to the petitioner, or both;

110 (iii) When the respondent has a duty to support
111 the petitioner, any minor children, or any person alleged to be
112 incompetent living in the residence or household and the
113 respondent is the sole owner or lessee, granting possession to the
114 petitioner of the residence or household to the exclusion of the
115 respondent by evicting the respondent or restoring possession to



116 the petitioner, or both, or by consent agreement allowing the
117 respondent to provide suitable, alternate housing;

118 (iv) Awarding temporary custody of or establishing
119 temporary visitation rights with regard to any minor children or
120 any person alleged to be incompetent, or both;

121 (v) If the respondent is legally obligated to
122 support the petitioner, any minor children, or any person alleged
123 to be incompetent, ordering the respondent to pay temporary
124 support for the petitioner, any minor children, or any person
125 alleged to be incompetent;

126 (vi) Ordering the respondent to pay to the abused
127 person monetary compensation for losses suffered as a direct
128 result of the abuse, including, but not limited to, medical
129 expenses resulting from such abuse, loss of earnings or support,
130 out-of-pocket losses for injuries sustained, moving expenses, a
131 reasonable attorney's fee, or any combination of the above;

132 (vii) Prohibiting the transferring, encumbering,
133 or otherwise disposing of property mutually owned or leased by the
134 parties, except when in the ordinary course of business;

135 (viii) Prohibiting or limiting respondent's
136 physical proximity to the abused or other household members
137 designated by the court, including residence, school and place of
138 work;

139 (ix) Prohibiting or limiting contact by the
140 respondent with the abused or other household members designated



141 by the court whether in person, by telephone or by electronic
142 communication; and

143 (x) Ordering counseling or professional medical
144 treatment for the respondent, including counseling or treatment
145 designed to bring about the cessation of domestic abuse.

146 (b) Except as provided below, a final domestic abuse
147 protection order issued by a chancery or county court under the
148 provisions of this chapter shall be effective for such time period
149 as the court deems appropriate. The expiration date of the order
150 shall be clearly stated in the order.

151 (c) Temporary provisions addressing temporary custody,
152 visitation or support of minor children contained in a final
153 domestic abuse protection order issued by a chancery or county
154 court shall be effective for one hundred eighty (180) days. A
155 party seeking relief beyond that period must initiate appropriate
156 proceedings in the chancery court of appropriate jurisdiction. If
157 at the end of the one-hundred-eighty-day period, neither party has
158 initiated such proceedings, the custody, visitation or support of
159 minor children will revert to the chancery court order addressing
160 such terms that was in effect at the time the domestic abuse
161 protection order was granted. The chancery court in which
162 custody, visitation or support proceedings have been initiated may
163 provide for any temporary provisions addressing custody,
164 visitation or support as the court deems appropriate.



165 (3) Every domestic abuse protection order issued pursuant to
166 this section shall set forth the reasons for its issuance, shall
167 contain specific findings of fact regarding the existence of
168 abuse, shall be specific in its terms and shall describe in
169 reasonable detail the act or acts to be prohibited. No mutual
170 protection order shall be issued unless that order is supported by
171 an independent petition by each party requesting relief pursuant
172 to this chapter, and the order contains specific findings of fact
173 regarding the existence of abuse by each party as principal
174 aggressor, and a finding that neither party acted in self-defense.

175 (4) The Attorney General, in cooperation with the
176 Mississippi Supreme Court and the Mississippi Judicial College,
177 shall develop standardized forms for temporary and final domestic
178 abuse protection orders. The use of standardized forms in
179 protection order proceedings pursuant to this chapter shall be
180 fully implemented by all courts no later than July 1, 2015.
181 However, in any criminal prosecution or contempt proceeding for a
182 violation of a domestic abuse protection order, it shall not be a
183 defense that the order was not issued on the standardized form.

184 (5) Upon issuance of any protection order by the court, the
185 order shall be entered in the Mississippi Protection Order
186 Registry by the clerk of the court pursuant to Section 93-21-25,
187 and a copy shall be provided to the sheriff's department in the
188 county of the court of issuance.



189 (6) Upon subsequent petition by either party and following a
190 hearing of which both parties have received notice and an
191 opportunity to be heard, the court may modify, amend, or dissolve
192 a domestic abuse protection order previously issued by that court.

193 (7) A domestic abuse protection order issued under this
194 section is effective in this state, in all other states, and in
195 United States territories and tribal lands. A court shall not
196 limit the scope of a protection order to the boundaries of the
197 State of Mississippi or to the boundaries of a municipality or
198 county within the State of Mississippi.

199 (8) Procedures for an appeal of the issuance or denial of a
200 final domestic abuse protection order are set forth in Section
201 93-21-15.1.

202 **SECTION 3.** This act shall take effect and be in force from
203 and after July 1, 2021.

