

By: Representative McLean

To: Judiciary A

HOUSE BILL NO. 688

1 AN ACT TO AMEND SECTION 91-1-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT FOR THE PURPOSES OF INTESTATE SUCCESSION, IF THE
3 DECEDENT DIES BEFORE THE START OF A PREGNANCY BY ASSISTED
4 REPRODUCTION RESULTING IN THE BIRTH OF AN INDIVIDUAL WHO LIVES AT
5 LEAST ONE HUNDRED TWENTY HOURS AFTER BIRTH, THAT INDIVIDUAL IS
6 DEEMED TO BE LIVING AT THE TIME OF THE DECEDENT'S DEATH UNDER
7 CERTAIN CONDITIONS; TO AMEND SECTION 91-1-7, MISSISSIPPI CODE OF
8 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Section 91-1-3, Mississippi Code of 1972, is
12 amended as follows:

13 91-1-3. (1) When any person * * * dies seized of any estate
14 of inheritance in lands, tenements, and hereditaments not devised,
15 the same shall descend to his or her children, and their
16 descendants, in equal parts, the descendants of the deceased child
17 or grandchild to take the share of the deceased parent in equal
18 parts among them. When there * * * is not * * * a child or
19 children of the intestate nor descendants of such children, then
20 to the brothers and sisters and father and mother of the intestate
21 and the descendants of such brothers and sisters in equal parts,



the descendants of a sister or brother of the intestate to have in equal parts among them their deceased parent's share. If there * * * is not * * * a child or children of the intestate, or descendants of such children, or brothers or sisters, or descendants of them, or father or mother, then such estate shall descend, in equal parts, to the grandparents and uncles and aunts, if * * * there * * * are any; otherwise, such estate shall descend in equal parts to the next of kin of the intestate in equal degree, computing by the rules of the civil law. There shall not be any representation among collaterals, except among the descendants of the brothers and sisters of the intestate.

(2) (a) As used in this subsection, the term "assisted reproduction" means a method of causing pregnancy other than sexual intercourse.

(b) For the purposes of intestate succession under this chapter, if the decedent dies before the start of a pregnancy by assisted reproduction resulting in the birth of an individual who lives at least one hundred twenty (120) hours after birth, that individual is deemed to be living at the time of the decedent's death if the decedent's personal representative, not later than six (6) months after the decedent's death, received notice or had actual knowledge of an intent to use genetic material in the assisted reproduction; and

(i) The embryo was in utero not later than thirty six (36) months after the decedent's death; or



(ii) The individual was born not later than forty five (45) months after the decedent's death.

SECTION 2. Section 91-1-7, Mississippi Code of 1972, is amended as follows:

91-1-7. (1) If a husband dies intestate and does not leave children or descendants of children, his widow shall be entitled to his entire estate, real and personal, in fee simple, after payment of his debts; but where the deceased husband * * * leaves a child or children by that or a former marriage, or descendants of such child or children, his widow shall have a child's part of his estate, in either case in fee simple. If a married woman dies owning any real or personal estate not disposed of, it shall descend to her husband and her children or their descendants if she * * * has any surviving her, either by a former husband or by the surviving husband, in equal parts, according to the rules of descent. If she * * * has children and there also * * * are descendants of other children who have died before the mother, the descendants shall inherit the share to which the parent would have been entitled if living, as coheirs with the surviving children. If she * * * has no children or descendants of them, then the husband shall inherit all of her property.

(2) The provisions of Section 91-1-3(2) shall apply in determining whether a child of a deceased husband is living at the time of the decedent's death.



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

