

By: Representative Crudup

To: Judiciary B

HOUSE BILL NO. 1324

1 AN ACT TO AMEND SECTION 13-3-5, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE PHOTOGRAPHIC EVIDENCE OF THE METHOD USED TO SERVE A
3 SUMMONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 13-3-5, Mississippi Code of 1972, is
6 amended as follows:

7 13-3-5. (1) The process to bring in defendants in all civil
8 actions in all courts except justice court shall be a summons, the
9 form, issuance, service, waiver, return, amendment and time limits
10 of which shall be governed by this section and the Mississippi
11 Rules of Civil Procedure.

12 (2) (a) The process to bring in defendants in all civil
13 actions in justice court shall be a summons which shall be served
14 in one (1) of the following modes:

15 First. -- Upon the defendant personally, if to be found in
16 the county, by handing him a true copy of the process.

17 Second. -- If the defendant cannot himself be found in the
18 county, then by leaving a true copy of the process at his usual



19 place of abode, with his wife or some other person of his family
20 above the age of sixteen (16) years, and willing to receive such
21 copy.

22 Third. -- If the defendant cannot himself be found, and if no
23 person of his family aged sixteen (16) years can be found at his
24 usual place of abode who is willing to receive such copy, then by
25 posting a true copy on a door of the defendant's usual place of
26 abode; provided, however, that if this mode is used when the
27 defendant's usual place of abode is a multifamily dwelling, a copy
28 of the summons shall be mailed to the defendant by the clerk of
29 the court upon return of service.

30 (b) If the summons is served using the second option
31 provided in paragraph (a) of this section, the server shall take a
32 photograph of the summons in the possession of the person who
33 received the summons.

34 (c) If the summons is served using the third option
35 provided in paragraph (a) of this section, the server shall take a
36 photograph of the summons on a door of the defendant's usual place
37 of abode with proof of or a photograph of the summons being placed
38 in the mail as proof.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2022.

