

By: Representative McLean

To: Judiciary A

HOUSE BILL NO. 1469

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,



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

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

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

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



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

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

51 91-1-7. (1) If a husband dies intestate and does not leave
52 children or descendants of children, his widow shall be entitled
53 to his entire estate, real and personal, in fee simple, after
54 payment of his debts; but where the deceased husband * * * leaves
55 a child or children by that or a former marriage, or descendants
56 of such child or children, his widow shall have a child's part of
57 his estate, in either case in fee simple. If a married woman dies
58 owning any real or personal estate not disposed of, it shall
59 descend to her husband and her children or their descendants if
60 she * * * has any surviving her, either by a former husband or by
61 the surviving husband, in equal parts, according to the rules of
62 descent. If she * * * has children and there also * * * are
63 descendants of other children who have died before the mother, the
64 descendants shall inherit the share to which the parent would have
65 been entitled if living, as coheirs with the surviving children.
66 If she * * * has no children or descendants of them, then the
67 husband shall inherit all of her property.

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



71 **SECTION 3.** This act shall take effect and be in force from
72 and after July 1, 2022.

