

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2084

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

41 ( \* \* \*e) "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 ( \* \* \*f) "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, \* \* \* any person  
105 alleged to be incompetent or any companion animal;

106 (ii) Granting possession to the petitioner of the  
107 residence \* \* \*, household or personal property to the exclusion  
108 of the respondent by evicting the respondent or restoring  
109 possession 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, 2023.

