

By: Representatives Currie, Hall, McLean,  
Mangold

To: Judiciary B

HOUSE BILL NO. 80

1 AN ACT TO AMEND SECTION 13-1-23, MISSISSIPPI CODE OF 1972, TO  
2 CREATE AN EVIDENTIARY PRESUMPTION OF DEATH TO BE KNOWN AS THE "ZEB  
3 HUGHES LAW" WHENEVER UNCONTRADICTED SWORN TESTIMONY AND EVIDENCE  
4 SUPPORT A DETERMINATION OF THE DEATH OF A MISSING PERSON WHO HAS  
5 UNDERGONE A CATASTROPHIC EVENT THAT EXPOSED THE PERSON TO IMMINENT  
6 PERIL; TO CREATE NEW SECTION 41-57-8, MISSISSIPPI CODE OF 1972, TO  
7 REQUIRE THE STATE REGISTRAR OF VITAL STATISTICS TO PREPARE A DEATH  
8 CERTIFICATE FOR A MISSING PERSON LEGALLY PRESUMED TO BE DEAD UPON  
9 RECEIPT OF A PROPER COURT ORDER; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 13-1-23, Mississippi Code of 1972, is  
12 amended as follows:

13 13-1-23. (1) Except as otherwise provided in subsection (2)  
14 of this section, a \* \* \* person who shall remain beyond the sea,  
15 or absent himself or herself from this state, or conceal himself  
16 or herself in this state, for seven (7) years successively without  
17 being heard of, shall be presumed to be dead in any case  
18 where \* \* \* the person's death shall come in question, unless  
19 proof be made that \* \* \* the person was alive within that time.  
20 Any property or estate recovered in any such case shall be  
21 restored to the person evicted or deprived thereof, if, in a



22 subsequent action, it shall be proved that the person so presumed  
23 to be dead is living.

24 (2) This subsection shall be known and may be cited as the  
25 "Zeb Hughes Law."

26 A person who has undergone a catastrophic event that exposed  
27 the person to imminent peril or danger reasonably expected to  
28 result in loss of life and whose absence following the event is  
29 not explained satisfactorily after diligent search or inquiry is  
30 presumed to be dead if the sworn testimony of persons having  
31 firsthand knowledge of the event, including law enforcement  
32 officers, first responders, search and rescue personnel and  
33 volunteers, eyewitnesses and any other persons, along with any  
34 other evidence before the court, is uncontradicted and supports a  
35 determination that the death of the missing person occurred in the  
36 catastrophic event. The death is presumed to have occurred at the  
37 time of the catastrophic event.

38 **SECTION 2.** The following shall be codified as Section  
39 41-57-8, Mississippi Code of 1972:

40 41-57-8. (1) When a death is presumed to have occurred  
41 under Section 13-1-23, the State Registrar of Vital Statistics  
42 shall prepare a death certificate upon receipt of an order of a  
43 court of competent jurisdiction within the state. The court order  
44 must include the following:

45 (a) The decedent's full legal name;



46 (b) The date of death, as determined by the evidence  
47 presented;

48 (c) The place of death, as determined by the evidence  
49 presented;

50 (d) The decedent's address at the time of death;

51 (e) The decedent's marital status at the time of death;

52 (f) The given name of the decedent's surviving spouse,  
53 if any;

54 (g) If known, information necessary to complete the  
55 medical portion of the death certificate, including the cause and  
56 manner of death. If the death occurred from a catastrophic event,  
57 the court order must include information on how and when the event  
58 occurred; and

59 (h) Such other information that may be required under  
60 rules and regulations promulgated by the State Board of Health.

61 (2) A death certificate issued pursuant to this section must  
62 identify the court that issued the order on which the death  
63 certificate is based and include the date of the court order.

64 (3) The record of a death registered under this section must  
65 be marked "presumptive."

66 **SECTION 3.** This act shall take effect and be in force from  
67 and after July 1, 2024.

