

By: Senator(s) Barrett

To: Judiciary, Division A

SENATE BILL NO. 2542

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

26 (b) A person who has undergone a catastrophic event  
27 that exposed the person to imminent peril or danger reasonably  
28 expected to result in loss of life and whose absence following the  
29 event is not explained satisfactorily after diligent search or  
30 inquiry is presumed to be dead if the sworn testimony of persons  
31 having 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 (c) The hearing to review evidence of the catastrophic  
39 event shall be held no less than two (2) years after the  
40 catastrophic event. Loss of life shall be proven by clear and  
41 convincing evidence. A notice of the hearing shall be provided to  
42 the coroner, the district attorney and the sheriff of the county  
43 in which the catastrophic event occurred within thirty (30) days  
44 of the date set for the hearing in accordance with the Mississippi  
45 Rules of Civil Procedure.



46           **SECTION 2.** The following shall be codified as Section  
47 41-57-8, Mississippi Code of 1972:

48           41-57-8. (1) When a death is presumed to have occurred  
49 under Section 13-1-23, the State Registrar of Vital Statistics  
50 shall prepare a death certificate upon receipt of an order of a  
51 court of competent jurisdiction within the state. The court order  
52 shall include the following:

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

54                   (b) The date of death, as determined by the evidence  
55 presented;

56                   (c) The place of death, as determined by the evidence  
57 presented;

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

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

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

62                   (g) If known, information necessary to complete the  
63 medical portion of the death certificate, including the cause and  
64 manner of death. If the death occurred from a catastrophic event,  
65 the court order must include information on how and when the event  
66 occurred; and

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



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

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

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

