

By: Representatives Smith (39th), Moore (60th), Cameron, Eakes, Rotenberry, Jennings, Chism, Nicholson, Lott, Davis, Formby, Robinson (84th), Robertson, Guice, Wells-Smith

To: Judiciary A

HOUSE BILL NO. 1491

1 AN ACT TO CREATE SECTION 11-1-67, MISSISSIPPI CODE OF 1972,  
2 TO IMPOSE A LIMITATION ON THE AMOUNT OF PUNITIVE DAMAGES IN A  
3 CIVIL ACTION; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section  
6 11-1-67, Mississippi Code of 1972.

7 11-1-67. (1) Any award of punitive damages shall not exceed  
8 the greater of three (3) times the amount of the total  
9 compensatory damages awarded to the plaintiff in an action or Five  
10 Hundred Thousand Dollars (\$500,000.00), whichever is greater;  
11 however, if the defendant is an individual or a business with less  
12 than fifty (50) full-time employees, an award of punitive damages  
13 shall not exceed three (3) times the amount of the plaintiff's  
14 compensatory damages or Five Hundred Thousand Dollars  
15 (\$500,000.00), whichever is less, unless the finder of fact and  
16 court find by clear and convincing evidence that the defendant  
17 acted with criminal intent to cause serious physical bodily  
18 injury. This restriction shall not be disclosed to the trier of  
19 fact, but shall be applied by the court to any punitive damages  
20 verdict.

21 (2) If the application of this section, or of any portion of  
22 it, to any person or circumstance is held invalid, the invalidity  
23 shall not affect the application of this section to other persons  
24 or circumstances which can be given effect without the invalid  
25 provision or application.

26 (3) This section shall apply to any civil action pending or  
27 filed on or after July 1, 2002.



28           **SECTION 2.** This act shall take effect and be in force from  
29 and after July 1, 2002.

