

By: Representative Denny

To: Judiciary A

HOUSE BILL NO. 91

1 AN ACT TO AMEND SECTION 11-11-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT VENUE FOR CIVIL ACTIONS OF WHICH THE CIRCUIT COURT
3 HAS ORIGINAL JURISDICTION SHALL BE IN THE COUNTY WHERE THE FIRST
4 ACT OR OMISSION GIVING RISE TO THE CAUSE OF ACTION OCCURRED; TO
5 REQUIRE VENUE TO BE PROPER AS TO EACH AND EVERY DEFENDANT AND
6 PLAINTIFF; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 11-11-3, Mississippi Code of 1972, is
9 amended as follows:

10 11-11-3. Venue for civil actions of which the circuit court
11 has original jurisdiction shall be * * * in the county where the
12 first act or omission giving rise to the cause of action occurred.
13 Venue must be proper as to each and every defendant and each and
14 every plaintiff. Where multiple claims or causes of action are
15 combined in one (1) lawsuit, venue must be proper as to each
16 separate claim or cause of action. If the venue is improper as to
17 any claim or cause of action against any party, then the claims
18 involving that party that are not in the proper venue shall be
19 severed and transferred to the county where venue is proper as to
20 such claims or causes of action. If there is no proper venue for
21 a claim for any reason, including because the first act or
22 omission giving rise to a claim did not occur within a Mississippi
23 county, such claim shall be dismissed without prejudice.

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25 **SECTION 2.** This act shall take effect and be in force from
26 and after July 1, 2004.