

By: Representatives Jennings, Baker (8th),
Formby, Hamilton (6th), Horne, Howell,
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To: Judiciary A

HOUSE BILL NO. 1127

1 AN ACT TO AMEND SECTIONS 93-21-13 AND 93-21-15, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THE DEFENDANT TO PAY ALL COSTS RELATED TO
3 HOUSING ABUSED PARTIES IN DOMESTIC VIOLENCE CENTERS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-21-13, Mississippi Code of 1972, is
7 amended as follows:

8 93-21-13. (1) A petition may be filed before the justice
9 court judge, municipal court judge or county court judge, in an ex
10 parte proceeding upon good cause shown, if the justice court
11 judge, municipal court judge or county court judge deems it
12 necessary to protect from abuse the petitioner, any minor
13 children, or any person alleged to be incompetent. Immediate and
14 present danger of abuse to the petitioner, any minor children, or
15 any person alleged to be incompetent, shall constitute good cause
16 for the purposes of this section.

17 (2) The justice court, municipal court and the county court
18 shall be empowered to grant any protective order or approve any
19 consent agreement to bring about a cessation of abuse of the
20 petitioner, any minor children, or any person alleged to be
21 incompetent, which relief may include:

22 (a) Directing the defendant to refrain from abusing the
23 petitioner, any minor children, or any person alleged to be
24 incompetent;

25 (b) Granting possession to the petitioner of the
26 residence or household to the exclusion of the defendant by
27 evicting the defendant and/or restoring possession to the
28 petitioner;

29 (c) When the defendant has a duty to support the
30 petitioner, any minor children, or any person alleged to be
31 incompetent living in the residence or household and the defendant
32 is the sole owner or lessee, granting possession to the petitioner
33 of the residence or household to the exclusion of the defendant by
34 evicting the defendant and/or restoring possession to the
35 petitioner, or by consent agreement allowing the defendant to
36 provide suitable, alternate housing; and

37 (d) Prohibiting the transferring, encumbering or
38 otherwise disposing of property mutually owned or leased by the
39 parties, except when in the ordinary course of business.

40 (3) Any order issued under subsection (2) of this section is
41 temporary and shall not exceed ten (10) days and shall expire as
42 of the date of the hearing in chancery court, at which time, the
43 petitioner may seek a temporary order from the chancery court.

44 (4) The court may amend its order or agreement at any time
45 upon subsequent petition by either party.

46 (5) A protective order from another jurisdiction issued to
47 protect the applicant from abuse as defined in Section 93-21-3
48 shall be accorded full faith and credit by the courts of this
49 state and enforced as if the order were rendered by a court of
50 this state.

51 (6) Every order granting a protective order pursuant to this
52 section shall set forth the reasons for its issuance, shall
53 contain specific findings of fact regarding the existence of
54 abuse, shall be specific in its terms and shall describe in
55 reasonable detail the act or acts to be restrained.

56 (7) If the case requires the abused party or parties to be
57 placed in a domestic violence shelter, the defendant shall be
58 liable for all costs related to housing the abused party or
59 parties.

60 **SECTION 2.** Section 93-21-15, Mississippi Code of 1972, is
61 amended as follows:

62 93-21-15. (1) The chancery court shall be empowered to
63 grant any protective order or approve any consent agreement to
64 bring about a cessation of abuse of the petitioner, any minor
65 children, or any person alleged to be incompetent, which relief
66 may include:

67 (a) Directing the defendant to refrain from abusing the
68 petitioner, any minor children, or any person alleged to be
69 incompetent;

70 (b) Granting possession to the petitioner of the
71 residence or household to the exclusion of the defendant by
72 evicting the defendant and/or restoring possession to the
73 petitioner;

74 (c) When the defendant has a duty to support the
75 petitioner, any minor children, or any person alleged to be
76 incompetent living in the residence or household and the defendant
77 is the sole owner or lessee, granting possession to the petitioner
78 of the residence or household to the exclusion of the defendant by
79 evicting the defendant and/or restoring possession to the
80 petitioner, or by consent agreement allowing the defendant to
81 provide suitable, alternate housing;

82 (d) Awarding temporary custody of and/or establishing
83 temporary visitation rights with regard to any minor children or
84 any person alleged to be incompetent;

85 (e) If the defendant is legally obligated to support
86 the petitioner, any minor children, or any person alleged to be
87 incompetent, ordering the defendant to pay temporary support for
88 the petitioner, any minor children, or any person alleged to be
89 incompetent;

90 (f) Ordering the defendant to pay to the abused person
91 monetary compensation for losses suffered as a direct result of
92 the abuse, including, but not limited to, medical expenses
93 resulting from such abuse, loss of earnings or support,
94 out-of-pocket losses for injuries sustained, moving expenses, a

95 reasonable attorney's fee, and/or ordering counseling or
96 professional medical treatment for the defendant and/or the abused
97 person; and

98 (g) Prohibiting the transferring, encumbering, or
99 otherwise disposing of property mutually owned or leased by the
100 parties, except when in the ordinary course of business.

101 (2) Every order granting a protective order pursuant to this
102 section shall set forth the reasons for its issuance, shall
103 contain specific findings of fact regarding the existence of
104 abuse, shall be specific in its terms and shall describe in
105 reasonable detail the act or acts to be prohibited.

106 (3) If the case requires the abused party or parties to be
107 placed in a domestic violence shelter, the defendant shall be
108 liable for all costs related to housing the abused party or
109 parties.

110 **SECTION 3.** This act shall take effect and be in force from
111 and after July 1, 2004.