

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 733

1 AN ACT TO AMEND SECTION 41-21-65, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT COMMITMENT PROCEEDINGS WILL BE INITIATED WITHOUT
3 REGARD TO THE PERSON'S COUNTY OF RESIDENCE; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 41-21-65, Mississippi Code of 1972, is
7 amended as follows:

8 41-21-65. If any person shall be alleged to be in need of
9 treatment, any relative of the person, or any interested person,
10 may make affidavit of that fact and shall file the affidavit with
11 the clerk of the chancery court of the county in which the person
12 alleged to be in need of treatment resides or of the county in
13 which such person is found, posting with the clerk a reasonable
14 sum for court costs in the premises if financially able. * * *
15 The affidavit shall be filed in duplicate. The affidavit shall
16 set forth the name and address of the proposed patient's nearest
17 relatives, if known, and the reasons for the affidavit. The
18 affidavit must contain factual descriptions of the proposed
19 patient's recent behavior, including a description of the
20 behavior, where it occurred, and over what period of time it
21 occurred. Each factual allegation must be supported by
22 observations of witnesses named in the affidavit. Affidavits
23 shall be stated in behavioral terms and shall not contain
24 judgmental or conclusory statements.

25 **SECTION 2.** This act shall take effect and be in force from
26 and after July 1, 2005.