

By: Representative Compretta

To: Judiciary A

HOUSE BILL NO. 1522
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 93-5-11, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE TRANSFER OF A DIVORCE COMPLAINT FILED IN AN IMPROPER
3 COUNTY TO BE MADE IN ACCORDANCE WITH THE RULES OF CIVIL PROCEDURE;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-5-11, Mississippi Code of 1972, is
7 amended as follows:

8 93-5-11. All complaints, except those based solely on the
9 ground of irreconcilable differences, must be filed in the county
10 in which the plaintiff resides, if the defendant be a nonresident
11 of this state, or be absent, so that process cannot be served; and
12 the manner of making such parties defendants so as to authorize a
13 judgment against them in other chancery cases, shall be observed.
14 If the defendant be a resident of this state, the complaint shall
15 be filed in the county in which such defendant resides or may be
16 found at the time, or in the county of the residence of the
17 parties at the time of separation, if the plaintiff be still a
18 resident of such county when the suit is instituted.

19 A complaint for divorce based solely on the grounds of
20 irreconcilable differences shall be filed in the county of
21 residence of either party where both parties are residents of this
22 state. If one (1) party is not a resident of this state, then the
23 complaint shall be filed in the county where the resident party
24 resides.

25 Transfer of venue shall be governed by Rule 82(d) of the
26 Mississippi Rules of Civil Procedure.

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