

By: Senator(s) Pickering, Doxey, Hewes

To: Judiciary, Division A

SENATE BILL NO. 2796

1 AN ACT TO AMEND SECTION 89-1-23, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE LEGAL STANDING OF NONRESIDENT ALIENS TO HOLD AN  
3 OWNERSHIP INTEREST IN REAL PROPERTY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 89-1-23, Mississippi Code of 1972, is  
6 amended as follows:

7 89-1-23. (1) Resident aliens may acquire and hold land, and  
8 may dispose of it and transmit it by descent, as citizens of the  
9 state may. Except as otherwise provided in this section,  
10 nonresident aliens shall not hereafter acquire or hold land, but a  
11 nonresident alien may have or take a lien on land to secure a  
12 debt, and at any sale thereof to enforce payment of the debt may  
13 purchase the same, and thereafter hold it, not longer than twenty  
14 (20) years, with full power during said time to sell the land, in  
15 fee, to a citizen; or he may retain it by becoming a citizen  
16 within that time. All land held or acquired contrary to this  
17 section shall escheat to the state; but a title to real estate in  
18 the name of a citizen of the United States, or a person who has  
19 declared his intention of becoming a citizen, whether resident or  
20 nonresident, if he be a purchaser or holder, shall not be  
21 forfeited or escheated by reason of the alienage of any former  
22 owner or other person.

23 (2) Any person who was or is a citizen of the United States  
24 and became or becomes an alien by reason of marriage to a citizen  
25 of a foreign country, may hereafter inherit, or if he or she  
26 heretofore inherited or acquired or hereafter inherits, may hold,  
27 own, transmit by descent or transfer land free from any escheat to

28 the State of Mississippi, if said land has not heretofore  
29 escheated by final valid order or decree of a court of competent  
30 jurisdiction.

31 (3) Nonresident aliens who are citizens of Syria or the  
32 Lebanese Republic may inherit property from citizens or residents  
33 of the State of Mississippi.

34 (4) Nonresident aliens may acquire and hold not to exceed  
35 three hundred twenty (320) acres of land in this state for the  
36 purpose of industrial development thereon. In addition, any  
37 nonresident alien may acquire and hold not to exceed five (5)  
38 acres of land for residential purposes. The nonresident alien may  
39 dispose of any such land, but if any land acquired for industrial  
40 development ceases to be used for industrial development while  
41 owned by a nonresident alien, it shall escheat to the state. The  
42 limitation set forth in this subsection (4) shall not apply to any  
43 association or legal entity organized to conduct business,  
44 including, without limitation, corporation, limited partnership,  
45 general partnership, limited liability partnership, limited  
46 liability company, joint venture, joint stock company or business  
47 trust in any of which the stock or other mechanism of ownership or  
48 participation is partially or wholly owned by nonresident aliens.

49 **SECTION 2.** This act shall take effect and be in force from  
50 and after its passage.