

By: Representatives Hulum, Osborne, Anthony, Clark To: Judiciary A

HOUSE BILL NO. 309

1 AN ACT TO CREATE NEW SECTION 41-43-9, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT OWNERS AND LESSEES OF PRIVATE LAND ON WHICH
3 A CEMETERY, GRAVES OR BURIAL SITES ARE LOCATED SHALL HAVE A DUTY
4 TO ALLOW REASONABLE ACCESS TO THE CEMETERY, GRAVES OR BURIAL SITES
5 BY CERTAIN PERSONS WHO HAVE GIVEN REASONABLE NOTICE TO THE OWNER
6 OR LESSEES; TO PROVIDE THAT ANY PERSON ENTERING ONTO PRIVATE LAND
7 AS AUTHORIZED BY THIS SECTION SHALL BE RESPONSIBLE FOR CONDUCTING
8 HIMSELF OR HERSELF IN A MANNER THAT DOES NOT DAMAGE THE PRIVATE
9 LAND, CEMETERY, GRAVESITE OR BURIAL SITE, AND SHALL BE LIABLE TO
10 THE OWNER OR LESSEE OF THE PROPERTY FOR ANY DAMAGE CAUSED AS THE
11 RESULT OF HIS OR HER ACCESS; TO PROVIDE IMMUNITY FROM LIABILITY TO
12 THE LANDOWNER AND LESSEE IN ANY CIVIL ACTION ARISING OUT OF THE
13 ACCESS GRANTED BY THIS SECTION; AND FOR RELATED PURPOSES.

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

15 SECTION 1. The following shall be codified as Section
16 41-43-9, Mississippi Code of 1972:

17 41-43-9. (1) Owners and lessees of private land on which a
18 cemetery, graves, or burial sites are located shall have a duty to
19 allow ingress and egress to the cemetery, graves, or burial sites
20 by (a) family members, friends, or descendants of deceased persons
21 buried there; (b) any cemetery plot owner; and (c) any person
22 engaged in genealogical, historical, or cultural research, who has



23 given reasonable notice to the owner of record or to the lessees,
24 or both.

25 (2) (a) The right of ingress and egress granted by this
26 section shall be reasonable and limited to the purposes of
27 visiting graves or burial sites, maintaining the gravesite or
28 burial site or cemetery, or conducting genealogical, historical,
29 or cultural research, or, in the case of a plot owner, burying a
30 deceased person in the plot.

31 (b) The owner or lessee of the land has the right to
32 designate the frequency, hours, and duration of the access and the
33 access route, if no traditional access route is obviously visible
34 from a view of the property, provided that the designation is
35 reasonable for the purposes set out in paragraph (a) of this
36 subsection.

37 (3) (a) Any person entering onto private land as authorized
38 by this section shall be responsible for conducting himself or
39 herself in a manner that does not damage the private land,
40 cemetery, gravesite, or burial site, and shall be liable to the
41 owner or lessee of the property for any damage caused as the
42 result of his or her access.

43 (b) The landowner and lessee, in the absence of gross
44 negligence or willful misconduct, shall be immune from liability
45 in any civil suit, action, or cause of action arising out of the
46 access granted by this section.



47 **SECTION 2.** This act shall take effect and be in force from
48 and after July 1, 2024.

