

By: Representative Rushing

To: Judiciary A

HOUSE BILL NO. 1153

1 AN ACT TO AMEND SECTION 91-7-31, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE VIDEO RECORDED WILLS; TO AMEND SECTION 91-5-15,  
 3 MISSISSIPPI CODE OF 1972, TO REQUIRE NUNCUPATIVE WILLS TO BE VIDEO  
 4 RECORDED; TO PROVIDE ADDITIONAL REQUIREMENTS FOR SUCH WILLS; TO  
 5 AMEND SECTION 91-5-17, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
 6 PRECEDING SECTION; TO REPEAL SECTION 91-5-19, MISSISSIPPI CODE OF  
 7 1972, WHICH REQUIRED A NUNCUPATIVE WILL TO BE WRITTEN AT A LATER  
 8 DATE FOR VALIDITY; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 91-7-31, Mississippi Code of 1972, is  
 11 amended as follows:

12 91-7-31. All original written or video recorded wills, after  
 13 probate thereof, shall be recorded and remain in the office of the  
 14 clerk of the court where they were proved, except during the time  
 15 they may be removed to any other court under proper process, from  
 16 which they shall be duly returned to the proper office.

17 Authenticated copies of such wills may be recorded in any county  
 18 in this state.

19 **SECTION 2.** Section 91-5-15, Mississippi Code of 1972, is  
 20 amended as follows:

21           91-5-15. A nuncupative will shall \* \* \* only be \* \* \* valid  
22 if it is video recorded and witnessed by a disinterested third  
23 party and:

24           (a) The subject of the will states the following at the  
25 beginning and end of the video recording: (i) his or her name,  
26 (ii) that he or she is of sound mind at the time of the recording  
27 and (iii) the date and location of the video recording;

28           (b) The video recording shall be a continuous recording  
29 with no interruptions, pauses or other disturbances;

30           (c) The disinterested third party states his or her  
31 name and that he or she "has no financial interest or valuable  
32 interest or any other interests to be gained" from the subject of  
33 the will; and

34           (d) The entire face of the subject can be clearly seen  
35 during the entire recording. \* \* \*

36           **SECTION 3.** Section 91-5-17, Mississippi Code of 1972, is  
37 amended as follows:

38           91-5-17. The probate of any nuncupative will shall not be  
39 taken, or letters testamentary granted thereon, until after  
40 the \* \* \* requirements of Section 91-5-15 are met.

41           **SECTION 4.** Section 91-5-19, Mississippi Code of 1972, which  
42 requires a nuncupative will to be written after its recording, is  
43 repealed.

44           **SECTION 5.** This act shall take effect and be in force from  
45 and after July 1, 2025.