

By: Representatives Powell, Yates, Mansell,  
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Zuber

To: Judiciary A

HOUSE BILL NO. 1200

1 AN ACT TO CREATE THE "REAL PROPERTY OWNERS PROTECTION ACT";  
2 TO DEFINE SQUATTING; TO OUTLINE THE PROCESS TO REMOVE A SQUATTER;  
3 TO PROVIDE A FORM FOR THE SUMMONS TO THE ALLEGED SQUATTER; TO  
4 PRESCRIBE THE PROCEDURE FOR THE HEARING TO DETERMINE WHETHER A  
5 PERSON IS A SQUATTER; TO REQUIRE A WARRANT OF REMOVAL FOR  
6 SQUATTERS; TO PROVIDE PENALTIES FOR FALSE COMPLAINTS OF SQUATTING;  
7 TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO CLARIFY  
8 THAT ADVERSE POSSESSION DOES NOT PROVIDE SQUATTERS' RIGHTS; TO  
9 DEFINE SQUATTER; TO AMEND SECTIONS 15-1-7, 15-1-9, 15-1-15 AND  
10 15-1-3, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISIONS OF LAW  
11 THAT REGULATE RECOVERY OF LAND UPON ENTRY; TO AMEND SECTIONS  
12 89-8-3, 89-8-7 AND 89-7-5, MISSISSIPPI CODE OF 1972, TO CONFORM  
13 THE PROVISIONS OF LAW THAT REGULATE LANDLORD TENANT AGREEMENTS TO  
14 THIS ACT; TO AMEND SECTION 97-21-7, MISSISSIPPI CODE OF 1972, TO  
15 INCREASE PENALTIES FOR FORGERY OF FALSE CONVEYANCES; TO REPEAL  
16 SECTION 15-3-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDED FOR  
17 EXCEPTIONS TO FALSE CONVEYANCES; TO BRING FORWARD SECTION  
18 97-21-33, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PENALTIES  
19 FOR FORGERY, FOR PURPOSES OF AMENDMENT; TO AMEND SECTION 97-21-63,  
20 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PENALTIES FOR FALSE  
21 CERTIFICATION OF ANY DEED SHALL BE SUPPLEMENTAL TO THE PENALTIES  
22 PROVIDED BY THIS ACT; TO AMEND SECTION 97-19-51, MISSISSIPPI CODE  
23 OF 1972, TO INCREASE PENALTIES FOR KNOWINGLY SELLING PROPERTY WITH  
24 A LIEN; TO AMEND SECTION 15-1-7, MISSISSIPPI CODE OF 1972, TO  
25 REMOVE THE AUTHORITY TO RECOVER LAND WITHIN 10 YEARS; TO AMEND  
26 SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ADVERSE  
27 POSSESSION SHALL NEVER VEST COMPLETE TITLE; TO AMEND SECTION  
28 15-3-1, MISSISSIPPI CODE OF 1972, TO UPDATE THE PROVISIONS OF THE  
29 CODE SECTION; TO BRING FORWARD SECTION 89-5-13, MISSISSIPPI CODE  
30 OF 1972, WHICH REGULATES DEFECTIVE CONVEYANCE INSTRUMENTS, FOR  
31 PURPOSES OF AMENDMENT; TO AMEND SECTION 95-5-29, MISSISSIPPI CODE  
32 OF 1972, TO REVISE WHEN ACTIONS FOR FORGERY CAN BE BROUGHT; TO  
33 AMEND SECTION 95-5-25, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
34 PENALTIES FOR INTENTIONALLY SETTING FIRE TO LANDS; TO AMEND



35 SECTION 97-17-85, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
36 PENALTIES FOR TRESPASS TO ENCLOSED PROPERTY; TO PROVIDE THAT ANY  
37 PERSON WHO COMMITS TRESPASS FOR ANY PERIOD OF TIME WITHOUT THE  
38 AUTHORITY OF THE OWNER SHALL NOT ACCRUE RIGHTS TO THE PROPERTY; TO  
39 PROVIDE THAT THE RIGHT TO MANAGE, CONTROL OR RECEIVE PAYMENTS FOR  
40 ANY USE OF REAL PROPERTY SHALL ONLY BELONG TO THE OWNER OF THE  
41 PROPERTY OR A PERSON DESIGNATED BY THE OWNER FOR SUCH PURPOSES; TO  
42 PROVIDE ADDITIONAL REMEDIES TO LAND OWNERS BY AUTHORIZING AN  
43 AMOUNT EQUAL TO THE VALUE LOST TO THE OWNER FOR ANY RENTAL,  
44 MORTGAGE OR LEASE FEES THE OWNER COULD HAVE CHARGED DURING A  
45 TRESPASSER'S FAILURE TO EXIT AS A REQUIRED ADDITION TO ANY FINES;  
46 TO PROVIDE DEFINITIONS FOR SUCH ACT; TO AMEND SECTION 97-17-103,  
47 MISSISSIPPI CODE OF 1972, TO REVISE THE LIMITATION OF LIABILITY OF  
48 LANDOWNERS TO TRESPASSERS BY INCLUDING SQUATTERS; TO AMEND SECTION  
49 97-17-93, MISSISSIPPI CODE OF 1972, TO INCREASE THE FINE FOR  
50 TRESPASSING; TO AMEND SECTION 97-17-97, MISSISSIPPI CODE OF 1972,  
51 TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
52 PURPOSES.

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

54 **SECTION 1.** This act shall be known and may be cited as the  
55 "Real Property Owners Protection Act".

56 **SECTION 2.** (1) (a) "Agent" means any person who contracts  
57 with the owner to assume all rights and duties of the owner or  
58 landlord or is given written authority by the owner to assume all  
59 rights and duties of the owner or landlord.

60 (b) "Owner" means the person listed on the deed in the  
61 chancery court of the county in which the premises is located.

62 (c) "Squatter" means and includes (a) a trespasser who  
63 remains on the premises for an indefinite period of time; or (b)  
64 any person who was invited by a tenant, but remains on the  
65 premises after the tenant's rental agreement has ended. A  
66 squatter shall not have the same rights or eviction process as a  
67 tenant as defined in Section 89-7-1 et seq. and Section 89-8-1 et  
68 seq.



69 (d) "Tenant" means the same as provided in Section  
70 89-7-1 et seq. and Section 89-8-1 et seq.

71 (2) (a) Notwithstanding any other provision of law to the  
72 contrary, any person who commits the crime of trespass or  
73 otherwise enters or remains on another person's property for a  
74 short period of time or an indefinite period of time without the  
75 authority or consent of the owner or without the authority or  
76 consent of a person designated by the owner, shall not accrue any  
77 property rights based on the trespass or unauthorized entrance  
78 regardless of the time the person remains on the property.

79 (b) The right to manage, control or receive payments  
80 for any use of real property shall only belong to the owner of the  
81 property or an agent designated by the owner for such purposes.

82 (3) (a) A person commits the crime of squatting when he or  
83 she trespasses onto property or is invited onto property and  
84 remains on the property without the consent or authority of the  
85 owner or an agent of the owner after written notification to leave  
86 the premises by the owner or an agent of the owner or the law  
87 enforcement agency of the municipality, county or political  
88 subdivision in which the property is located.

89 (b) To commence the process to expel a squatter, the  
90 owner of the property or his or her agent shall file a sworn  
91 affidavit with the law enforcement agency of the municipality,  
92 county or political subdivision in which the property is located.  
93 The affidavit shall include:



94 (i) The address of the property in question;  
95 (ii) The name and address of the person filing,  
96 and whether such person is the owner or an agent of the owner of  
97 the property;

98 (iii) Any documentation supporting the affidavit  
99 of squatting; and

100 (c) No more than twenty-four (24) hours after the  
101 filing of the sworn affidavit, the law enforcement agency shall  
102 issued a citation upon the alleged squatter in possession of the  
103 identified premises or claiming possession thereof. The citation  
104 shall command such person to immediately vacate the premises or to  
105 notify the municipal or justice court, as applicable, no more than  
106 three (3) consecutive days after receipt of the citation that he  
107 or she wishes to show cause why he or she is not squatting and  
108 should continue in possession of the property. If the alleged  
109 squatter fails to notify the municipal or justice court of his or  
110 her intent to challenge the charge of squatting within the prescribed  
111 time period of three (3) days, the squatter shall be subject to  
112 immediate removal from property by the law enforcement agency of the  
113 municipality, county or political subdivision in which the property in  
114 question is located. No writ of removal shall be required for such  
115 removal. The owner, his or her agent, nor the law enforcement  
116 agency shall be liable for any damage to the squatter's personal  
117 property.



118 In addition to the information required by this subsection  
119 and the applicable Mississippi Rules of Court, the citation shall  
120 state:

121 "You are being cited for squatting and required to vacate the  
122 premises. If you choose to contest the allegation of squatting,  
123 you must notify your municipal or justice court that you will  
124 contest the allegations in no more than three (3) consecutive  
125 business days from the date you receive this citation. If you do  
126 not choose to contest the allegation of squatting, you must vacate  
127 the property within twenty-four (24) hours from the date you  
128 receive this citation. Failure to vacate the property when you  
129 choose not to contest the allegation of squatting shall result in  
130 your immediate removal and the immediate removal of all of your  
131 personal property. No writ of removal shall be required for such  
132 removal. The owner, nor any agent of the owner or the law  
133 enforcement officer that removes you or your personal property  
134 shall be liable for any damages associated with the removal. At  
135 the hearing, the judge will determine if you are a squatter and  
136 required to vacate, or if you are entitled to possession of the  
137 premises.

138 If you are found to be a squatter, then you will have no more  
139 than twenty-four (24) hours from the date of the judgment to move  
140 out, unless a shorter period of time for vacating the premises is  
141 ordered because of an emergency or other compelling circumstances.



142           If you are a squatter, criminal and civil penalties may be  
143 assessed against you, and you shall vacate the premises by the  
144 court-ordered move-out date.

145           If you move out by the date ordered by the court, leaving  
146 personal property behind, then the owner or his or her agent may  
147 dispose of such abandoned property without further notice.

148           If you do not move out by the date and time ordered by the  
149 court, the owner or his or her agent can have you removed or  
150 arrested by law enforcement, after which time you will lose your  
151 authority to remove any items remaining on the premises.

152           The owner or his or her agent may remove any personal  
153 property remaining on the premises in any manner determined best  
154 by the owner or his or her agent. You may only retrieve your  
155 personal property if the owner or his or her agent approves  
156 retrieval, but neither the owner nor his or her agent will be  
157 obligated to preserve the personal property upon removal."

158           (d) Upon receipt by the municipal or justice court, as  
159 applicable, of notice to show cause from an alleged squatter  
160 within three (3) days of issuance of a citation for squatting, the  
161 court shall set a hearing to determine whether the allegation of  
162 squatting is true. The standard shall be a preponderance of the  
163 evidence. The hearing shall be set no later than seven (7) days  
164 from the date the court receives notice of the alleged squatter's  
165 intent to challenge the squatting citation.



166 (4) (a) The hearing to determine whether the person is a  
167 squatter shall be held no more than seven (7) days from the date  
168 on which the citation is issued.

169 (b) If a judgment to vacate is granted, then the judge  
170 shall order the squatter to vacate the premises no more than  
171 twenty-four (24) hours from the date of the judgment, unless the  
172 court finds that a shorter period of time is justified because of  
173 an emergency or other compelling circumstances. Circumstances  
174 that justify setting the move-out date less than twenty-four (24)  
175 hours from the date of the judgment, include, but are not limited  
176 to:

177 (i) The squatter has committed acts that  
178 materially affect health or safety; or

179 (ii) The squatter poses an immediate and  
180 significant risk of damage to the premises or of harm or injury to  
181 persons on the premises.

182 Prior to the court-ordered move-out date, the squatter shall  
183 have access to the premises to remove all personal property. If  
184 the squatter moves out by the date ordered by the court, leaving  
185 personal property behind, then the owner may dispose of such  
186 abandoned property without further notice.

187 (c) After the court-ordered move-out date, the owner or  
188 his or her agent shall contact the law enforcement agency of the  
189 municipality, county or political subdivision in which the  
190 property is located, to immediately remove the person and his or



191 her personal property and put the owner or the agent of the owner  
192 in full possession of the property. No writ of removal shall be  
193 required for such removal. The owner, his or her agent, nor the  
194 law enforcement agency shall be liable for any damage to the  
195 squatter's personal property.

196 (5) (a) During the hearing to determine whether a person is  
197 a squatter, the owner or his or her agent shall provide  
198 documentation asserting his or her right to possess the property  
199 in question. The standard for the hearing shall be a  
200 preponderance of the evidence. If the owner filed the complaint  
201 and presents a certified copy of the deed that shows him or her as  
202 the owner of record, the court shall declare the person who is the  
203 subject of the affidavit a squatter and issue a judgment of  
204 possession in favor of the owner in accordance with this act.

205 (b) If the person filing the complaint is not the owner  
206 but presents documentation that proves the person in possession is  
207 not the owner, a tenant of the property or any other person with a  
208 right to remain on the premises, the court shall declare the  
209 person to be a squatter and issue a warrant for removal as  
210 provided in this act.

211 (c) (i) If the court determines that the person in  
212 possession is not a squatter, he or she shall remain on the  
213 property.

214 (ii) If the court determines that the person who  
215 filed the complaint intentionally made false statements, the





216 person shall be guilty of a misdemeanor and fined in an amount  
217 equal to triple all costs and fees accrued by the person who is  
218 the subject of the affidavit and may be imprisoned in the county  
219 jail for up to six (6) months, or both.

220 (d) The court shall award attorney's fees and an amount  
221 equal to the costs incurred as a result of the hearing to the  
222 prevailing party, in addition to any other monies the court finds  
223 necessary.

224 **SECTION 3.** Section 15-1-13, Mississippi Code of 1972, is  
225 amended as follows:

226 15-1-13. (1) Ten (10) years' actual adverse possession by  
227 any person claiming to be the owner for that time of any land,  
228 uninterruptedly continued for ten (10) years by occupancy,  
229 descent, conveyance, or otherwise, in whatever way such occupancy  
230 may have commenced or continued, shall vest in every actual  
231 occupant or possessor of such land a full and complete title,  
232 saving to persons under the disability of minority or unsoundness  
233 of mind the right to sue within ten (10) years after the removal  
234 of such disability, as provided in Section 15-1-7. However, the  
235 saving in favor of persons under disability of unsoundness of mind  
236 shall never extend longer than thirty-one (31) years.

237 (2) For claims of adverse possession not matured as of July  
238 1, 1998, the provisions of subsection (1) shall not apply to a  
239 landowner upon whose property a fence or driveway has been built  
240 who files with the chancery clerk within the ten (10) years



241 required by this section a written notice that such fence or  
242 driveway is built without the permission of the landowner.  
243 Failure to file such notice shall not create any inference that  
244 property has been adversely possessed. The notice shall be filed  
245 in the land records by the chancery clerk and shall describe the  
246 property where said fence or driveway is constructed.

247 (3) (a) The provisions of this section shall not be  
248 construed to authorize squatters' rights or any other rights that  
249 are not specifically described in this section.

250 (b) A squatter shall not have the same rights or  
251 eviction process as a tenant, nor more rights or more leniency for  
252 eviction than a tenant as the term is defined in Section 89-7-1 et  
253 seq., and Section 89-8-1 et seq.

254 **SECTION 4.** Section 15-1-7, Mississippi Code of 1972, is  
255 amended as follows:

256 15-1-7. A person may not make an entry or commence an action  
257 to recover land except within ten (10) years next after the time  
258 at which the right to make the entry or to bring the action shall  
259 have first accrued to some person through whom he or she claims,  
260 or, if the right shall not have accrued to any person through whom  
261 he or she claims, then except within ten (10) years next after the  
262 time at which the right to make the entry or bring the action  
263 shall have first accrued to the person making or bringing the  
264 same. However, if, at the time at which the right of any person  
265 to make an entry or to bring an action to recover land shall have



266 first accrued, such person shall have been under the disability of  
267 infancy or unsoundness of mind, then such person or the person  
268 claiming through him or her may, notwithstanding that the period  
269 of ten (10) years hereinbefore limited shall have expired, make an  
270 entry or bring an action to recover the land at any time within  
271 ten (10) years next after the time at which the person to whom the  
272 right shall have first accrued shall have ceased to be under  
273 either disability, or shall have died, whichever shall have first  
274 happened. However, when any person who shall be under either of  
275 the disabilities mentioned, at the time at which his or her right  
276 shall have first accrued, shall depart this life without having  
277 ceased to be under such disability, no time shall be allowed, by  
278 reason of the disability of any other person, to make an entry or  
279 to bring an action to recover the land beyond the period of ten  
280 (10) years next after the time at which such person shall have  
281 died. The provisions of this section shall not be construed to  
282 authorize squatters' rights as the term is defined in Section  
283 15-1-13 or any other rights that are not specifically authorized  
284 in this section.

285       **SECTION 5.** Section 15-1-9, Mississippi Code of 1972, is  
286 amended as follows:

287       15-1-9. A person claiming land in equity may not bring suit  
288 to recover the same except within the period during which, by  
289 virtue of Section 15-1-7, he might have made an entry or brought  
290 an action to recover the same, if he had been entitled at law to



291 such an estate, interest, or right in or to the same as he shall  
292 claim therein in equity. However, in every case of a concealed  
293 fraud, the right of any person to bring suit in equity for the  
294 recovery of land, of which he or any person through whom he claims  
295 may have been deprived by such fraud, shall be deemed to have  
296 first accrued at and not before the time at which the fraud shall,  
297 or, with reasonable diligence might, have been first known or  
298 discovered. The provisions of this section shall not be construed  
299 to authorize squatters' rights as the term is defined in Section  
300 15-1-13 or any other rights that are not specifically authorized  
301 in this section.

302 **SECTION 6.** Section 15-1-15, Mississippi Code of 1972, is  
303 amended as follows:

304 15-1-15. Actual occupation for three (3) years, after two  
305 (2) years from the day of sale of land held under a conveyance by  
306 a tax collector in pursuance of a sale for taxes, shall bar any  
307 suit to recover such land or assail such title because of any  
308 defect in the sale of the land for taxes, or in any precedent step  
309 to the sale, saving to minors and persons of unsound mind the  
310 right to bring suit within such time, after the removal of their  
311 disabilities, and upon the same terms as is provided for the  
312 redemption of land by such persons. The provisions of this  
313 section shall not be construed to authorize squatters' rights as  
314 the term is defined in Section 15-1-13 or any other rights that  
315 are not specifically authorized in this section.



316           **SECTION 7.** Section 15-1-3, Mississippi Code of 1972, is  
317 amended as follows:

318           15-1-3. (1) The completion of the period of limitation  
319 prescribed to bar any action, shall defeat and extinguish the  
320 right as well as the remedy. However, the former legal obligation  
321 shall be a sufficient consideration to uphold a new promise based  
322 thereon.

323           (2) In any case founded on a debt, when any part of the debt  
324 shall have been paid, or an acknowledgment of an existing  
325 liability, debt or claim, or any promise to pay the same shall  
326 have been made, the statute of limitations not having run, an  
327 action may be brought in such case within the period prescribed  
328 for the same, with the said period to begin after such payment,  
329 acknowledgment or promise. The provisions of this section shall  
330 not be construed to authorize squatters' rights as the term is  
331 defined in Section 15-1-13 or any other rights that are not  
332 specifically authorized in this section.

333           **SECTION 8.** Section 89-8-3, Mississippi Code of 1972, is  
334 amended as follows:

335           89-8-3. (1) This chapter shall apply to, regulate and  
336 determine rights, obligations and remedies under any rental  
337 agreement entered into after July 1, 1991, wherever made, for a  
338 dwelling unit located within this state. Any rights, obligations,  
339 or remedies at law or in equity not prohibited by this chapter  
340 remain available to residential landlords and tenants. The



341 provisions of this chapter shall not be construed to give rights  
342 to any person who trespasses or otherwise enters and/or remains on  
343 the property of another for any length of time without the  
344 landlord's knowledge or permission.

345 (2) The following arrangements are not governed by this  
346 chapter:

347 (a) Residence at an institution, public or private, if  
348 incidental to detention or the provision of medical, geriatric,  
349 educational, counseling, religious or similar service;

350 (b) Occupancy under a contract of sale of a dwelling  
351 unit or the property of which it is a part, if the occupant is the  
352 purchaser or a person who succeeds to the purchaser's interest;

353 (c) Occupancy by a member of a fraternal or social  
354 organization in the portion of a structure operated for the  
355 benefit of the organization;

356 (d) Transient occupancy in a hotel, motel or lodgings;

357 (e) Occupancy by an owner of a condominium unit or a  
358 holder of a proprietary lease in a cooperative; or

359 (f) Occupancy under a rental agreement covering  
360 premises used by the occupant primarily for agricultural purposes  
361 or when the occupant is performing agricultural labor for the  
362 owner and the premises are rented for less than fair rental value.

363 **SECTION 9.** Section 89-8-7, Mississippi Code of 1972, is  
364 amended as follows:



365           89-8-7. (1) As used in this chapter, the following terms  
366 shall have the meaning ascribed herein unless the context requires  
367 otherwise:

368           (a) "Building and housing codes" means any law,  
369 ordinance, or governmental regulation concerning fitness for  
370 habitation, construction, maintenance, operation, occupancy or use  
371 of any premises or dwelling unit.

372           (b) "Court" means a justice court, a county court or a  
373 circuit court.

374           (c) "Dwelling unit" means a structure or the part of a  
375 structure that is used as a home, residence or sleeping place by  
376 one (1) person who maintains a household or by two (2) or more  
377 persons who maintain a common household.

378           (d) "Good faith" means honesty in fact in the conduct  
379 of the transaction concerned and observation of reasonable  
380 community standards of fair dealing.

381           (e) "Judge" means a justice court judge, a county court  
382 judge or a circuit court judge.

383           (f) "Landlord" means the owner, lessor or sublessor of  
384 the dwelling unit or the building of which it is a part, or the  
385 agent representing such owner, lessor or sublessor.

386           (g) "Organization" means a corporation, government,  
387 governmental subdivision or agency, business trust, estate, trust,  
388 partnership or association, two (2) or more persons having a joint  
389 or common interest, and any other legal or commercial entity.



390 (h) "Owner" means one or more persons, jointly or  
391 severally, in whom is vested (i) all or part of the legal title to  
392 property or (ii) all or part of the beneficial ownership and a  
393 right to present use and enjoyment of the premises, and the term  
394 includes a mortgagee in possession.

395 (i) "Premises" means a dwelling unit and the structure  
396 of which it is a part, facilities and appurtenances therein, and  
397 grounds, areas and facilities held out for the use of tenants  
398 generally or whose use is promised to the tenant.

399 (j) "Possession judgment" means a judgment granting the  
400 landlord exclusive possession of the premises pursuant to this  
401 chapter.

402 (k) "Rent" means all payments to be made to the  
403 landlord under the rental agreement, including any late fees that  
404 are required to be paid under the rental agreement by a defaulting  
405 tenant.

406 (l) "Rental agreement" means all written or oral  
407 agreements for a dwelling unit located within this state that are  
408 subject to this chapter.

409 (m) "Tenant" means a person entitled under a rental  
410 agreement to occupy a dwelling unit to the exclusion of others,  
411 and shall not include any person who trespasses or otherwise  
412 enters and/or remains on the property of another for any length of  
413 time without the landlord's knowledge or permission.





414 (n) "Qualified tenant management organizations" means  
415 any organization incorporated under the Mississippi Nonprofit  
416 Corporation Act, a majority of the directors of which are tenants  
417 of the housing project to be managed under a contract authorized  
418 by this section and which is able to conform to standards set by  
419 the United States Department of Housing and Urban Development as  
420 capable of satisfactorily performing the operational and  
421 management functions delegated to it by the contract.

422 (2) For purposes of giving any notice required under this  
423 chapter, notice given to the agent of the landlord is equivalent  
424 to giving notice to the landlord. The landlord may contract with  
425 an agent to assume all the rights and duties of the landlord under  
426 this chapter; provided, however, that such a contract does not  
427 relieve the landlord of ultimate liability in regard to such  
428 rights and duties.

429 **SECTION 10.** Section 89-7-5, Mississippi Code of 1972, is  
430 amended as follows:

431 89-7-5. (1) Where there is no contract, or where the  
432 agreement is not in writing, a landlord may maintain an action to  
433 recover a reasonable satisfaction for the use and occupation of  
434 the lands held and enjoyed by another. If on the trial of such  
435 action there appear in evidence any demise or agreement the  
436 plaintiff shall not on that account be nonsuited, but may make use  
437 thereof as evidence of the amount to be recovered.



438       (2) The provisions of this chapter shall not be construed to  
439 give rights to any person who trespasses or otherwise enters  
440 and/or remains on the property of another for any length of time  
441 without the owner's knowledge, permission, agreement or contract  
442 with the owner.

443       **SECTION 11.** Section 97-21-7, Mississippi Code of 1972, is  
444 amended as follows:

445       97-21-7. If any officer authorized to take the proof or  
446 acknowledgment of any conveyance of real or personal estate, or of  
447 any other instrument which by law may be recorded, shall willfully  
448 and falsely certify that any such conveyance or instrument was  
449 acknowledged by any party thereto, when in truth such  
450 acknowledgment was not made, or that any such instrument or  
451 conveyance was proved, when in truth such proof was not made, he  
452 shall, upon conviction, be guilty of forgery and punished as  
453 provided in Section 97-21-33. The penalties provided in Section  
454 97-21-33 may be supplemental to any other penalties provided by  
455 law.

456       **SECTION 12.** Section 15-3-5, Mississippi Code of 1972, which  
457 provides exceptions to fraudulent conveyances, is repealed.

458       **SECTION 13.** Section 97-21-33, Mississippi Code of 1972, is  
459 brought forward as follows:

460       97-21-33. (1) Except as provided in subsection (2) of this  
461 section for offenses under Sections 97-21-13, 97-21-15, 97-21-17



462 and 97-21-23, a person convicted of forgery shall be punished as  
463 follows:

464 (a) When the amount of value involved is under One  
465 Thousand Dollars (\$1,000.00), by imprisonment in the county jail  
466 for a term of not more than six (6) months, or by a fine of not  
467 more than One Thousand Dollars (\$1,000.00), or both, if the court  
468 finds substantial and compelling reasons why the offender cannot  
469 be safely and effectively supervised in the community, is not  
470 amenable to community-based treatment, or poses a significant risk  
471 to public safety. If such a finding is not made, the court shall  
472 suspend the sentence of imprisonment and impose a period of  
473 probation not exceeding one (1) year or a fine of not more than  
474 One Thousand Dollars (\$1,000.00), or both. A person convicted of  
475 a third or subsequent offense under this paragraph (a), where the  
476 value of the property is not less than Five Hundred Dollars  
477 (\$500.00), shall be punished by imprisonment in the Penitentiary  
478 for a term not exceeding three (3) years or by a fine not  
479 exceeding One Thousand Dollars (\$1,000.00), or both.

480 (b) When the amount of value involved is One Thousand  
481 Dollars (\$1,000.00) or more but less than Five Thousand Dollars  
482 (\$5,000.00), by imprisonment in the Penitentiary for a term not  
483 more than five (5) years, or a fine of not more than Ten Thousand  
484 Dollars (\$10,000.00), or both.

485 (c) When the amount of value involved is Five Thousand  
486 Dollars (\$5,000.00) or more, but less than Twenty-five Thousand



487 Dollars (\$25,000.00), by imprisonment in the Penitentiary for a  
488 term not exceeding ten (10) years, or a fine of not more than Ten  
489 Thousand Dollars (\$10,000.00), or both.

490 (d) When the amount of value involved is Twenty-five  
491 Thousand Dollars (\$25,000.00) or more, by imprisonment in the  
492 Penitentiary for a term not exceeding twenty (20) years, or be  
493 fined not more than Ten Thousand Dollars (\$10,000.00), or both.

494 (2) A person convicted of forgery under any of the  
495 following: Section 97-21-13, relating to counterfeiting of  
496 currency or treasury notes of the United States; Section 97-21-15,  
497 relating to the counterfeiting of currency of a foreign  
498 government; Section 97-21-17, relating to possession of  
499 counterfeited currency; or Section 97-21-23, relating to engraving  
500 or possessing a plate to counterfeit certain notes, bills, drafts,  
501 checks and other evidence of debt, shall be guilty of a felony and  
502 shall be punished as follows:

503 (a) When the amount of value involved is less than Five  
504 Thousand Dollars (\$5,000.00), by imprisonment in the custody of  
505 the Department of Corrections for a term of not more than five (5)  
506 years, or a fine of not more than Ten Thousand Dollars  
507 (\$10,000.00), or both;

508 (b) When the amount of value involved is Five Thousand  
509 Dollars (\$5,000.00) or more, but less than Twenty-five Thousand  
510 Dollars (\$25,000.00), by imprisonment in the custody of the  
511 Department of Corrections for a term not exceeding ten (10) years,



512 or a fine of not more than Ten Thousand Dollars (\$10,000.00), or  
513 both;

514 (c) When the amount of value involved is Twenty-five  
515 Thousand Dollars (\$25,000.00) or more, by imprisonment for a term  
516 not exceeding twenty (20) years, or a fine of not more than Ten  
517 Thousand Dollars (\$10,000.00), or both.

518 (3) The total value of the forgery by the person from a  
519 single victim shall be aggregated in determining the gravity of  
520 the offense.

521 **SECTION 14.** Section 97-21-63, Mississippi Code of 1972, is  
522 amended as follows:

523 97-21-63. Every person who shall be convicted of having  
524 forged, counterfeited, or falsely altered any will of real or  
525 personal property, or any deed or other instrument, being or  
526 purporting to be the act of another by which any right or interest  
527 in real or personal property shall be or purport to be  
528 transferred, conveyed, or in any way changed or affected; or any  
529 certificate or indorsement of the acknowledgment of any person of  
530 any deed or other instrument which by law may be recorded, made or  
531 purporting to have been made by any officer duly authorized to  
532 make such certificate or indorsement; or any certificate of the  
533 proof of any deed or other instrument which by law may be  
534 recorded, made or purporting to have been made by any officer duly  
535 authorized to make such certificate, with intent to defraud, shall  
536 be guilty of forgery and punished as provided in Section 97-21-33.



537 The penalties provided in Section 97-21-33 may be supplemental to  
538 any other penalties provided by law.

539 **SECTION 15.** Section 97-19-51, Mississippi Code of 1972, is  
540 amended as follows:

541 97-19-51. If any person shall sell, barter, or exchange or  
542 mortgage, or give deed of trust on, any property, real or  
543 personal, which he had before sold, bartered, or exchanged, or  
544 obligated himself to sell, barter, or exchange, or which he had  
545 mortgaged, or in any manner encumbered, or on which he knows there  
546 is a lien of any kind by contract or by law, without informing the  
547 person to whom he so sells, barter, exchanges, or bargains, or  
548 mortgages or gives deed of trust on it, of the exact state of the  
549 property as affected by said acts or of the lien or incumbrance  
550 thereon, he shall be guilty of obtaining under false pretenses  
551 whatever he received from the person dealing with him, and shall,  
552 on conviction, be punished therefor, as for obtaining goods under  
553 false pretenses shall be guilty of a felony, and upon conviction  
554 imprisoned in the custody of the Department of Corrections for no  
555 less than two (2) years, and fined an amount equal to all monies  
556 paid to the offender for any rental, mortgage or lease fees  
557 charged during the entire time that the offender unlawfully  
558 received monies for the property.

559 **SECTION 16.** Section 15-1-7, Mississippi Code of 1972, is  
560 amended as follows:



561 15-1-7. A person may not make an entry or commence an action  
562 to recover land against any owner after any amount of time. \* \* \*

563 **SECTION 17.** Section 15-1-13, Mississippi Code of 1972, is  
564 amended as follows:

565 15-1-13. \* \* \* Ten (10) years' actual adverse possession by  
566 any person claiming to be the owner for that time of any land,  
567 uninterruptedly continued for ten (10) years by occupancy, \* \* \*  
568 conveyance, or otherwise, in whatever way such occupancy may have  
569 commenced or continued, shall never vest in \* \* \* any person full  
570 and complete title \* \* \*.

571 \* \* \*

572 **SECTION 18.** Section 15-3-1, Mississippi Code of 1972, is  
573 amended as follows:

574 15-3-1. An action shall not be brought whereby to charge a  
575 defendant or other party:

576 (a) Upon any special promise to answer for the debt or  
577 default or miscarriage of another person;

578 (b) Upon any agreement made upon consideration of  
579 marriage, mutual promises to marry excepted;

580 (c) Upon any contract for the sale of lands, tenements,  
581 or hereditaments, or the making of any lease thereof for a longer  
582 term than one (1) year;

583 (d) Upon any agreement which is not to be performed  
584 within the space of fifteen (15) months from the making thereof;

585 or



586 (e) Upon any special promise by an executor or  
587 administrator to answer any debt or damage out of his or her own  
588 estate; unless, in each of said cases, the promise or agreement  
589 upon which such action may be brought, or some memorandum or note  
590 thereof, shall be in writing, and signed by the party to be  
591 charged therewith or signed by some person by him or her thereunto  
592 lawfully authorized in writing.

593 **SECTION 19.** Section 89-5-13, Mississippi Code of 1972, is  
594 brought forward as follows:

595 89-5-13. (1) Concerning an interest in land, whenever an  
596 instrument of conveyance (including but not limited to a deed of  
597 trust or assignment), release, termination or cancellation which  
598 contains a defective acknowledgement has been of record seven (7)  
599 years or more in the land records of the county in which the said  
600 land is located, the acknowledgment shall be good without regard  
601 to the form of the certificate of acknowledgment.

602 (2) Any such instrument which has been of record for ten  
603 (10) years and which bears no acknowledgement shall likewise be  
604 treated as if properly acknowledged.

605 **SECTION 20.** Section 95-5-29, Mississippi Code of 1972, is  
606 amended as follows:

607 95-5-29. An action for the remedies and penalties provided  
608 by Section 95-5-10 may be prosecuted in any court of competent  
609 jurisdiction within twenty-four (24) months from the time the  
610 injury was committed \* \* \*. All other actions for any specific





611 penalty given by this chapter may be prosecuted in any court of  
612 competent jurisdiction within twelve (12) months from the time the  
613 injury was committed \* \* \*; and a recovery of any penalty herein  
614 given shall not be a bar to any action for further damages, or to  
615 any criminal prosecution for any such offense as herein  
616 enumerated. A party, if he so elect, may, under any of the  
617 provisions of this chapter, claim less than the penalty given.

618 **SECTION 21.** Section 95-5-25, Mississippi Code of 1972, is  
619 amended as follows:

620 95-5-25. If any person shall set on fire any lands of  
621 another, or shall wantonly, negligently, or carelessly allow any  
622 fire to get into the lands of another, he shall be liable to the  
623 person injured thereby, not only for the injury to or destruction  
624 of buildings, fences, and the like, but for the burning and injury  
625 of trees, timber, and grass, and damage to the range as well; and  
626 shall moreover be \* \* \* fined in favor of the owner in an amount  
627 equal to the value of property burned or injured. The person  
628 shall also be guilty of a misdemeanor if the value of the property  
629 burned or injured is One Thousand Dollars (\$1,000.00) or less.  
630 The person shall be guilty of a felony if the value of the  
631 property burned or injured is more than One Thousand Dollars  
632 (\$1,000.00).

633 **SECTION 22.** Section 97-17-85, Mississippi Code of 1972, is  
634 amended as follows:



635 97-17-85. Except as otherwise provided in Sections 73-13-103  
636 and 49-7-79, if any person shall go upon the enclosed land of  
637 another without his consent, after having been notified by such  
638 person or his agent not to do so, either personally or by  
639 published or posted notice, or \* \* \*, he shall, upon conviction,  
640 be fined not more than \* \* \* no less than One Thousand Dollars  
641 (\$1,000.00) for such offense. The provisions of this section  
642 shall apply to land not enclosed where the stock law is in force.  
643 The penalties in this section are not exclusive for this crime.

644 **SECTION 23.** (1) Notwithstanding any other provision of law  
645 to the contrary, any person who commits trespass or otherwise  
646 enters or remains on another person's property for a short period  
647 of time or an indefinite period of time without the authority or  
648 consent of the owner or without the authority or consent of a  
649 person designated by the owner, shall not accrue any property  
650 rights based on the trespass or unauthorized entrance.

651 (2) The right to manage, control or receive payments for any  
652 use of real property shall only belong to the owner of the  
653 property or a person designated by the owner for such purposes.

654 **SECTION 24.** (1) Any person who, with the intent to detain  
655 or remain upon real property, knowingly and willfully presents to  
656 another person a false document purporting to be a valid lease  
657 agreement, deed, or other instrument conveying, granting or  
658 authorizing use, control or management of real property shall be  
659 guilty of a felony, and upon conviction, imprisoned in the custody



660 of the Department of Corrections for no less than two (2) years,  
661 nor more than five (5) years, and fined as follows:

662 (a) An amount equal to the value lost to the owner for  
663 any rental, mortgage or lease fees the owner could have charged  
664 during the entire time that the offender unlawfully received  
665 monies for the property; or

666 (b) An amount equal to the value of all monies received  
667 by the person who violated the provisions of this act.

668 (2) Any person who unlawfully detains or occupies or  
669 trespasses upon a residential dwelling and who intentionally  
670 damages the dwelling causing damages, shall be guilty of a felony,  
671 and upon conviction, imprisoned in the custody of the Department  
672 of Corrections for no less than two (2) years, nor more than five  
673 (5) years, and fined as follows:

674 (a) An amount equal to the value lost to the owner for  
675 any rental, mortgage or lease fees the owner could have charged  
676 during the entire time that the offender unlawfully received  
677 monies for the property; and

678 (b) An amount equal to the cost of all repairs made as  
679 a result of the damages caused.

680 (3) Any person who lists or otherwise advertises real  
681 property for sale knowing that the purported seller has no legal  
682 title or authority to sell the property, or rents or leases the  
683 property to another person knowing that he or she has no lawful  
684 ownership in the property or leasehold interest in the property,



685 shall be guilty of a felony, and upon conviction, imprisoned in  
686 the custody of the Department of Corrections for no less than two  
687 (2) years, nor more than five (5) years, and fined as follows:

688 (a) An amount equal to the value lost to the owner for  
689 any rental, mortgage or lease fees the owner could have charged  
690 during the entire time that the offender unlawfully received  
691 monies for the property; or

692 (b) An amount equal to the value of all monies received  
693 by the person who violated the provisions of this act.

694 **SECTION 25.** Section 97-17-103, Mississippi Code of 1972, is  
695 amended as follows:

696 97-17-103. (1) As used in this section:

697 (a) "Perpetrator" means a person who has engaged in  
698 criminal trespass and includes a person convicted of trespass  
699 under applicable state law;

700 (b) "Victim" means a person who was the object of  
701 another's criminal trespass and includes a person at the scene of  
702 an emergency who gives reasonable assistance to another person who  
703 is exposed to or has suffered grave physical harm;

704 (c) "Course of criminal conduct" includes the acts or  
705 omissions of a victim in resisting criminal conduct;

706 (d) "Convicted" includes a finding of guilt, whether or  
707 not the adjudication of guilt is stayed or executed, an  
708 unwithdrawn judicial admission of guilt or guilty plea, a no  
709 contest plea, a judgment of conviction, an adjudication as a



710 delinquent child, an admission to a juvenile delinquency petition,  
711 or a disposition as an extended jurisdiction juvenile; and

712 (e) "Trespass" means an offense named in Sections  
713 97-17-1 through 97-17-97, Mississippi Code of 1972, or any attempt  
714 to commit any of these offenses. Trespass includes crimes in  
715 other states or jurisdictions which would have been within the  
716 definition set forth in this subdivision if they had been  
717 committed in this state.

718 (2) A perpetrator assumes the risk of loss, injury or death  
719 resulting from or arising out of a course of criminal trespass or  
720 squatting, as defined in this section, engaged in by the  
721 perpetrator or an accomplice, and the crime victim is immune from  
722 and not liable for any civil damages as a result of acts or  
723 omissions of the victim.

724 (3) Notwithstanding other evidence which the victim may  
725 adduce relating to the perpetrator's conviction of the crime  
726 involving the parties to the civil action, a certified copy of a  
727 guilty plea, a court judgment of guilt, a court record of  
728 conviction, a writ of removal for squatter, or determination that  
729 the perpetrator was a squatter, court order adjudging the person a  
730 squatter or an adjudication as a delinquent child is conclusive  
731 proof of the perpetrator's assumption of the risk.

732 (4) In a civil action that is subject to this section, the  
733 court shall award reasonable expenses, including attorney's fees  
734 and disbursements, to the prevailing party.



735 (5) Except to the extent needed to preserve evidence, any  
736 civil action in which the defense set forth in subsection (2) is  
737 raised shall be stayed by the court on the motion of the defendant  
738 during the pendency of any criminal action against the plaintiff  
739 based on the alleged trespass.

740 **SECTION 26.** Section 97-17-93, Mississippi Code of 1972, is  
741 amended as follows:

742 97-17-93. (1) Any person who knowingly enters the lands of  
743 another without the permission of or without being accompanied by  
744 the landowner or the lessee of the land, or the agent of such  
745 landowner or lessee, shall be guilty of a misdemeanor and, upon  
746 conviction, shall be punished for the first offense by a fine  
747 of \* \* \* Five Hundred Dollars (\$500.00). Upon conviction of any  
748 person for a second or subsequent offense, the offenses being  
749 committed within five (5) years of the last offense, such person  
750 shall be punished by a fine of \* \* \* One Thousand Dollars  
751 (\$1,000), and may be imprisoned in the county jail for a period of  
752 not less than \* \* \* six (6) months, nor more than one (1) year, or  
753 by both such fine and imprisonment. This section shall not apply  
754 to the landowner's or lessee's family, guests, or agents, to a  
755 surveyor as provided in Section 73-13-103, or to persons entering  
756 upon such lands for lawful business purposes.

757 (2) (a) It shall be the duty of sheriffs, deputy sheriffs,  
758 constables and conservation officers to enforce this section.



759 (b) Such officers shall enforce this section by issuing  
760 a citation to those charged with trespassing under this section.

761 (3) The provisions of this section are supplementary to the  
762 provisions of any other statute of this state.

763 (4) A prosecution under the provisions of this section shall  
764 be dismissed upon the request of the landowner, lessee of the land  
765 or agent of such landowner or lessee, as the case may be.

766 **SECTION 27.** Section 97-17-97, Mississippi Code of 1972, is  
767 amended as follows:

768 97-17-97. (1) Except as otherwise provided in Section  
769 73-13-103, if any person or persons shall without authority of law  
770 go into or upon or remain in or upon any building, premises or  
771 land of another, including the premises of any public housing  
772 authority after having been banned from returning to the premises  
773 of the housing authority, whether an individual, a corporation,  
774 partnership, or association, or any part, portion or area thereof,  
775 after having been forbidden to do so, either orally or in writing  
776 including any sign hereinafter mentioned, by any owner, or lessee,  
777 or custodian, or other authorized person, or by the administrators  
778 of a public housing authority regardless of whether or not having  
779 been invited onto the premises of the housing authority by a  
780 tenant, or after having been forbidden to do so by such sign or  
781 signs posted on, or in such building, premises or land, or part,  
782 or portion, or area thereof, at a place or places where such sign  
783 or signs may be reasonably seen, such person or persons shall be



784 guilty of a misdemeanor, and, upon conviction thereof, shall be  
785 punished by a fine of not more than \* \* \* One Thousand Dollars  
786 (\$1,000) or by confinement in the county jail not exceeding six  
787 (6) months, or by both such fine and imprisonment.

788 (2) The provisions of this section are supplementary to the  
789 provisions of any other statute of this state.

790 **SECTION 28.** This act shall take effect and be in force from  
791 and after July 1, 2025.

