

## 2024 LEGISLATIVE UPDATE

### Outline:

- Surviving the Judiciary A and Judiciary B Committees: How a bill really becomes law
  - What a bill looks like
  - Number of bills introduced
  - Intro to committees and committee work, lawyer v. non-lawyer committee members, and final passage
  - Number of bills signed by Governor
- Select Judiciary A and Judiciary B bills for discussion
  - Will have summaries and copies of legislation as passed
- Digitization and other online bills
  - Bills addressing use of AI and digital images online
  - Walker Montgomery Protecting Children Online Act – HB1126 and SB2531
    - *Netchoice, LLC v. Fitch*, Case No. 24-170-HSO-BWR – Injunction Ordered July 1, 2024

By: Senator(s) Wiggins, Thompson

To: Judiciary, Division A

SENATE BILL NO. 2262

1 AN ACT TO AMEND SECTION 43-19-34, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A MODIFICATION TO AN ORDER OF SUPPORT FOR MINOR  
3 CHILDREN MAY BE RETROACTIVE ONLY BACK TO THE DATE OF FILING THE  
4 PETITION TO MODIFY IN ORDER TO MIRROR CURRENT AGENCY POLICY AND  
5 FEDERAL LAW; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-19-34, Mississippi Code of 1972, is  
8 amended as follows:

9 43-19-34. (1) In lieu of legal proceedings instituted to  
10 obtain a modification for an order for support, a written  
11 stipulated agreement for modification executed by the responsible  
12 parent when acknowledged before a clerk of the court having  
13 jurisdiction over those matters or a notary public and filed with  
14 and approved by the judge of that court shall have the same force  
15 and effect, retroactively and prospectively, in accordance with  
16 the terms of the agreement as an order for modification of support  
17 entered by the court, and shall be enforceable and subject to  
18 later modification in the same manner as is provided by law for  
19 orders of the court in those cases.



20           (2) With respect to a child support order in cases initiated  
21 or enforced by the Department of Human Services under Title IV-D  
22 of the Social Security Act, in which the department has determined  
23 that a modification is appropriate, the department shall send a  
24 motion and notice of intent to modify the order, together with the  
25 proposed modification of the order under this section to the last  
26 known mailing address of the defendant. The notice shall specify  
27 the date and time certain of the hearing and shall be sent by  
28 certified mail, restricted delivery, return receipt requested;  
29 notice shall be deemed complete as of the date of delivery as  
30 evidenced by the return receipt. The required notice may also be  
31 delivered by personal service in accordance with Rule 4 of the  
32 Mississippi Rules of Civil Procedure insofar as it may be applied  
33 to service of an administrative order or notice. The defendant  
34 may accept the proposed modification by signing and returning it  
35 to the department before the date of hearing for presentation to  
36 the court for approval. If the defendant does not sign and return  
37 the proposed modification, the court shall on the date and time  
38 previously set for hearing review the proposal and make a  
39 determination as to whether it should be approved, in whole or in  
40 part.

41           (3) Every three (3) years, the Department of Human Services  
42 shall notify both parents of their right to request a review, and  
43 upon the request of either parent, or if there is an assignment  
44 under Section 43-19-35, the department, after a review and



45 determination of appropriateness, or either parent may seek an  
46 adjustment to a support order being enforced under Section  
47 43-19-31 in accordance with the guidelines established under  
48 Section 43-19-101, if the amount of the child support award under  
49 the order differs from the amount that would be awarded in  
50 accordance with the guidelines, taking into account the best  
51 interests of the child involved. If a recipient of Title IV-D  
52 services receives TANF, the Department of Human Services shall  
53 conduct a review every three (3) years and, after a determination  
54 of appropriateness, shall seek an adjustment to a support order  
55 according to the guidelines under Section 43-19-101. No proof of  
56 a material change in circumstances is necessary in the three-year  
57 review for adjustment under this subsection (3). A preexisting  
58 arrearage in support payments shall not serve as a bar to the  
59 department's review and adjustment procedure. Proof of a material  
60 change in circumstances is necessary for modification outside the  
61 three-year cycle.

62 (4) Any order for the support of minor children, whether  
63 entered through the judicial system or through an expedited  
64 process, shall not be subject to a downward retroactive  
65 modification. \* \* \* ~~An upward retroactive~~ A modification may  
66 be \* \* \* ~~ordered~~ retroactive only back to the date of \* \* \* ~~the~~  
67 ~~event justifying the upward modification~~ filing the petition to  
68 modify.



69           (5) If a downward modification is determined to be warranted  
70 under the guidelines contained in subsection (3), the noncustodial  
71 parent's arrearage, if any, shall not be a basis for contesting  
72 the downward modification in any later legal proceedings.

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



By: Senator(s) Wiggins, Thompson

To: Judiciary, Division A

SENATE BILL NO. 2262

1 AN ACT TO AMEND SECTION 43-19-34, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A MODIFICATION TO AN ORDER OF SUPPORT FOR MINOR  
3 CHILDREN MAY BE RETROACTIVE ONLY BACK TO THE DATE OF FILING THE  
4 PETITION TO MODIFY IN ORDER TO MIRROR CURRENT AGENCY POLICY AND  
5 FEDERAL LAW; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-19-34, Mississippi Code of 1972, is  
8 amended as follows:

9 43-19-34. (1) In lieu of legal proceedings instituted to  
10 obtain a modification for an order for support, a written  
11 stipulated agreement for modification executed by the responsible  
12 parent when acknowledged before a clerk of the court having  
13 jurisdiction over those matters or a notary public and filed with  
14 and approved by the judge of that court shall have the same force  
15 and effect, retroactively and prospectively, in accordance with  
16 the terms of the agreement as an order for modification of support  
17 entered by the court, and shall be enforceable and subject to  
18 later modification in the same manner as is provided by law for  
19 orders of the court in those cases.



20           (2) With respect to a child support order in cases initiated  
21 or enforced by the Department of Human Services under Title IV-D  
22 of the Social Security Act, in which the department has determined  
23 that a modification is appropriate, the department shall send a  
24 motion and notice of intent to modify the order, together with the  
25 proposed modification of the order under this section to the last  
26 known mailing address of the defendant. The notice shall specify  
27 the date and time certain of the hearing and shall be sent by  
28 certified mail, restricted delivery, return receipt requested;  
29 notice shall be deemed complete as of the date of delivery as  
30 evidenced by the return receipt. The required notice may also be  
31 delivered by personal service in accordance with Rule 4 of the  
32 Mississippi Rules of Civil Procedure insofar as it may be applied  
33 to service of an administrative order or notice. The defendant  
34 may accept the proposed modification by signing and returning it  
35 to the department before the date of hearing for presentation to  
36 the court for approval. If the defendant does not sign and return  
37 the proposed modification, the court shall on the date and time  
38 previously set for hearing review the proposal and make a  
39 determination as to whether it should be approved, in whole or in  
40 part.

41           (3) Every three (3) years, the Department of Human Services  
42 shall notify both parents of their right to request a review, and  
43 upon the request of either parent, or if there is an assignment  
44 under Section 43-19-35, the department, after a review and



45 determination of appropriateness, or either parent may seek an  
46 adjustment to a support order being enforced under Section  
47 43-19-31 in accordance with the guidelines established under  
48 Section 43-19-101, if the amount of the child support award under  
49 the order differs from the amount that would be awarded in  
50 accordance with the guidelines, taking into account the best  
51 interests of the child involved. If a recipient of Title IV-D  
52 services receives TANF, the Department of Human Services shall  
53 conduct a review every three (3) years and, after a determination  
54 of appropriateness, shall seek an adjustment to a support order  
55 according to the guidelines under Section 43-19-101. No proof of  
56 a material change in circumstances is necessary in the three-year  
57 review for adjustment under this subsection (3). A preexisting  
58 arrearage in support payments shall not serve as a bar to the  
59 department's review and adjustment procedure. Proof of a material  
60 change in circumstances is necessary for modification outside the  
61 three-year cycle.

62 (4) Any order for the support of minor children, whether  
63 entered through the judicial system or through an expedited  
64 process, shall not be subject to a downward retroactive  
65 modification. \* \* \* A modification may be \* \* \* retroactive only  
66 back to the date of \* \* \* filing the petition to modify.

67 (5) If a downward modification is determined to be warranted  
68 under the guidelines contained in subsection (3), the noncustodial





69 parent's arrearage, if any, shall not be a basis for contesting  
70 the downward modification in any later legal proceedings.

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



By: Senator(s) Wiggins, Thompson

To: Judiciary, Division A

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2262

1 AN ACT TO AMEND SECTION 43-19-34, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A MODIFICATION TO AN ORDER OF SUPPORT FOR MINOR  
3 CHILDREN SHALL NOT BE RETROACTIVE EXCEPT FROM THE DATE THAT NOTICE  
4 OF SUCH PETITION TO MODIFY HAS BEEN GIVEN, EITHER DIRECTLY OR  
5 THROUGH THE APPROPRIATE AGENT, TO THE OBLIGEE OR TO THE OBLIGOR  
6 WHERE THE OBLIGEE IS THE PETITIONER TO MIRROR CURRENT AGENCY  
7 POLICY AND FEDERAL LAW; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 43-19-34, Mississippi Code of 1972, is  
10 amended as follows:

11 43-19-34. (1) In lieu of legal proceedings instituted to  
12 obtain a modification for an order for support, a written  
13 stipulated agreement for modification executed by the responsible  
14 parent when acknowledged before a clerk of the court having  
15 jurisdiction over those matters or a notary public and filed with  
16 and approved by the judge of that court shall have the same force  
17 and effect, retroactively and prospectively, in accordance with  
18 the terms of the agreement as an order for modification of support  
19 entered by the court, and shall be enforceable and subject to



20 later modification in the same manner as is provided by law for  
21 orders of the court in those cases.

22 (2) With respect to a child support order in cases initiated  
23 or enforced by the Department of Human Services under Title IV-D  
24 of the Social Security Act, in which the department has determined  
25 that a modification is appropriate, the department shall send a  
26 motion and notice of intent to modify the order, together with the  
27 proposed modification of the order under this section to the last  
28 known mailing address of the defendant. The notice shall specify  
29 the date and time certain of the hearing and shall be sent by  
30 certified mail, restricted delivery, return receipt requested;  
31 notice shall be deemed complete as of the date of delivery as  
32 evidenced by the return receipt. The required notice may also be  
33 delivered by personal service in accordance with Rule 4 of the  
34 Mississippi Rules of Civil Procedure insofar as it may be applied  
35 to service of an administrative order or notice. The defendant  
36 may accept the proposed modification by signing and returning it  
37 to the department before the date of hearing for presentation to  
38 the court for approval. If the defendant does not sign and return  
39 the proposed modification, the court shall on the date and time  
40 previously set for hearing review the proposal and make a  
41 determination as to whether it should be approved, in whole or in  
42 part.

43 (3) Every three (3) years, the Department of Human Services  
44 shall notify both parents of their right to request a review, and



45 upon the request of either parent, or if there is an assignment  
46 under Section 43-19-35, the department, after a review and  
47 determination of appropriateness, or either parent may seek an  
48 adjustment to a support order being enforced under Section  
49 43-19-31 in accordance with the guidelines established under  
50 Section 43-19-101, if the amount of the child support award under  
51 the order differs from the amount that would be awarded in  
52 accordance with the guidelines, taking into account the best  
53 interests of the child involved. If a recipient of Title IV-D  
54 services receives TANF, the Department of Human Services shall  
55 conduct a review every three (3) years and, after a determination  
56 of appropriateness, shall seek an adjustment to a support order  
57 according to the guidelines under Section 43-19-101. No proof of  
58 a material change in circumstances is necessary in the three-year  
59 review for adjustment under this subsection (3). A preexisting  
60 arrearage in support payments shall not serve as a bar to the  
61 department's review and adjustment procedure. Proof of a material  
62 change in circumstances is necessary for modification outside the  
63 three-year cycle.

64 (4) Any order for the support of minor children, whether  
65 entered through the judicial system or through an expedited  
66 process, shall not be subject to a \* \* \*~~downward~~ retroactive  
67 modification except from the date that notice of such petition to  
68 modify has been given, either directly or through the appropriate  
69 agent, to the obligee or to the obligor where the obligee is the



70 petitioner. \* \* \* ~~An upward retroactive modification may be~~  
71 ~~ordered back to the date of the event justifying the upward~~  
72 ~~modification.~~

73 (5) If a downward modification is determined to be warranted  
74 under the guidelines contained in subsection (3), the noncustodial  
75 parent's arrearage, if any, shall not be a basis for contesting  
76 the downward modification in any later legal proceedings.

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



By: Senator(s) Johnson

To: Judiciary, Division A

SENATE BILL NO. 2130  
(As Sent to Governor)

1 AN ACT TO PROVIDE THAT IF AN INSURER HAS ISSUED TO AN INSURED  
2 A POLICY THAT PROVIDES COVERAGE OR A BINDER THAT BINDS COVERAGE OF  
3 A RESIDENTIAL STRUCTURE, THE INSURER SHALL NOT CANCEL THE POLICY,  
4 CANCEL THE BINDER, OR DENY COVERAGE SOLELY BECAUSE OF THE AGE OF  
5 THE ROOF OF THE RESIDENTIAL STRUCTURE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) If an insurer has issued to an insured a  
8 policy that provides coverage or a binder that binds coverage of a  
9 residential structure, the insurer shall not cancel the policy,  
10 cancel the binder, or deny coverage solely because of the age of  
11 the roof of the residential structure.

12 (2) This act shall apply to homeowners' insurance policies  
13 issued or renewed on or after July 1, 2024.

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



By: Senator(s) Harkins, England, Barrett,  
Berry, Blackwell, Fillingane, Hill, McCaughn,  
McLendon, Parker, Parks, Rhodes, Robinson,  
Seymour, Sparks, Suber, Tate, Whaley,  
Younger, McMahan, Williams

To: Judiciary, Division A

SENATE BILL NO. 2753  
(As Sent to Governor)

1 AN ACT TO CREATE NEW SECTION 29-18-1, MISSISSIPPI CODE OF  
2 1972, TO CREATE THE "SAFER ACT" TO REGULATE GOVERNMENTAL  
3 BUILDINGS; TO CREATE NEW SECTION 29-18-3, MISSISSIPPI CODE OF  
4 1972, TO PROVIDE LEGISLATIVE FINDINGS FOR THE ACT; TO CREATE NEW  
5 SECTION 29-18-5, MISSISSIPPI CODE OF 1972, TO PROVIDE DEFINITIONS  
6 FOR THE ACT; TO CREATE NEW SECTION 29-18-7, MISSISSIPPI CODE OF  
7 1972, TO REQUIRE CERTAIN PUBLIC EDUCATION BUILDINGS TO HAVE  
8 EXCLUSIVE MALE AND/OR FEMALE RESTROOMS OR SINGLE-SEX OR FAMILY USE  
9 RESTROOMS AT A MINIMUM; TO CREATE NEW SECTION 29-18-9, MISSISSIPPI  
10 CODE OF 1972, TO REQUIRE CHANGING FACILITIES TO BE EXCLUSIVE MALE  
11 AND/OR FEMALE OR SINGLE-SEX OR FAMILY-USE AT A MINIMUM; TO CREATE  
12 NEW SECTION 29-18-11, MISSISSIPPI CODE OF 1972, TO REGULATE PUBLIC  
13 STUDENT HOUSING FOR SINGLE-SEX EDUCATIONAL HOUSING; TO CREATE NEW  
14 SECTION 29-18-13, MISSISSIPPI CODE OF 1972, TO REQUIRE SINGLE-SEX  
15 SOCIAL SORORITIES AND FRATERNITIES TO COMPLY WITH THE DEFINITIONS  
16 OF THIS ACT TO DESIGNATE HOUSING; TO CREATE NEW SECTION 29-18-15,  
17 MISSISSIPPI CODE OF 1972, TO REGULATE HOW PERSONS ENTER A  
18 SINGLE-SEX RESTROOM, CHANGING FACILITY OR EDUCATIONAL HOUSING  
19 SPACE; TO CREATE NEW SECTION 29-18-17, MISSISSIPPI CODE OF 1972,  
20 TO AUTHORIZE ASSERTION OF A VIOLATION OF THIS ACT; TO CREATE NEW  
21 SECTION 29-18-19, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
22 ATTORNEY GENERAL TO BRING ACTION REGARDING THE PROVISIONS OF THIS  
23 ACT; TO CREATE NEW SECTION 1-3-83, MISSISSIPPI CODE OF 1972, TO  
24 DEFINE THE TERMS "FEMALE," "MALE" AND "SEX"; AND FOR RELATED  
25 PURPOSES.

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

27 **SECTION 1.** The following shall be codified as Section  
28 29-18-1, Mississippi Code of 1972:



29        29-18-1. This act shall be known and may be cited as  
30 "Securing Areas for Females Effectively and Responsibly Act" or  
31 the "SAFER Act."

32        **SECTION 2.** The following shall be codified as Section  
33 29-18-3, Mississippi Code of 1972:

34        29-18-3. **Legislative findings; intermediate scrutiny.** The  
35 Legislature finds that:

36                (a) Females and males should be provided areas,  
37 including restrooms, changing facilities and single-sex  
38 educational housing spaces, for their exclusive use, respective to  
39 their sex, in order to maintain privacy and safety.

40                (b) There are important governmental reasons to  
41 distinguish between the sexes with respect to spaces where  
42 biology, safety, and/or privacy are implicated. As such, policies  
43 and laws that distinguish between the sexes are subject to  
44 intermediate constitutional scrutiny, which forbids unfair  
45 discrimination against similarly situated males and females but  
46 allows the law to distinguish between the sexes where such  
47 distinctions are substantially related to important governmental  
48 objectives.

49                (c) These findings reflect the intent of the  
50 Legislature to fulfill important governmental interests of  
51 protecting students' dignity, health, safety, welfare, and privacy  
52 rights by enacting this neutral policy which simply treats equally  
53 those of the same and opposite biological sex "determined solely





54 by a birth," without regard to the fluidity of how someone acts or  
55 feels.

56 **SECTION 3.** The following shall be codified as Section  
57 29-18-5, Mississippi Code of 1972:

58 29-18-5. **Chapter definitions.** For purposes of this act, the  
59 following terms shall have the meanings ascribed herein:

60 (a) "Changing facility" means a space designated for  
61 multiple individuals to dress or undress within the same space,  
62 including, but not limited to, a dressing room, locker room,  
63 changing room, or shower room. This term does not include a  
64 single-sex or family-use changing facility.

65 (b) "Single-sex educational housing space" means a  
66 multi-person dwelling unit, such as a room, suite, or apartment,  
67 located within a public education building functioning as housing  
68 for student residents at an educational institution and designated  
69 for use or occupancy only for members of one (1) sex, but excludes  
70 common areas designated for use by members of both sexes.

71 (c) "Public education building" means any building,  
72 facility or space owned, operated, rented or leased by, or rented  
73 or leased to any public school, public university, public  
74 community or junior college and the institutions of higher  
75 learning.

76 (d) "Restroom" means a space designated for multiple  
77 individuals that includes toilets and/or urinals. This term does  
78 not include a single-sex or family-use restroom.



79 (e) "Single-sex or family use changing facility" means  
80 a room intended for a single occupant or a family in which one or  
81 more persons may be in a state of undress, including, but not  
82 limited to, a dressing room, locker room, changing room, or shower  
83 room that is enclosed by floor-to-ceiling walls and accessed by a  
84 full door with a secure lock that prevents another individual from  
85 entering while the changing facility is in use.

86 (f) "Single-sex or family-use restroom" means a room  
87 that includes a toilet or urinal and that is intended for a single  
88 occupant or a family, is enclosed by floor-to-ceiling walls, and  
89 is accessed by a full door with a secure lock that prevents  
90 another individual from entering while the room is in use.

91 **SECTION 4.** The following shall be codified as Section  
92 29-18-7, Mississippi Code of 1972:

93 29-18-7. **Protection of restroom privacy.** Any public  
94 education building that maintains a restroom shall, at a minimum,  
95 have:

96 (a) A restroom designated for exclusive use by females  
97 and a restroom designated for exclusive use by males; or

98 (b) A single-sex or family-use restroom.

99 **SECTION 5.** The following shall be codified as Section  
100 29-18-9, Mississippi Code of 1972:

101 29-18-9. **Protection of changing room privacy.** Any public  
102 education building that maintains a changing facility must, at a  
103 minimum, have:



104 (a) A changing facility designated for exclusive use by  
105 females and a changing facility designated for exclusive use by  
106 males; or

107 (b) A single-sex or family-use changing facility.

108 **SECTION 6.** The following shall be codified as Section  
109 29-18-11, Mississippi Code of 1972:

110 29-18-11. **Protection of single-sex educational housing space**  
111 **privacy.** Any student required to reside in housing at an  
112 educational institution shall have the right to be housed in a  
113 single-sex educational housing space with persons of the same sex.

114 **SECTION 7.** The following shall be codified as Section  
115 29-18-13, Mississippi Code of 1972:

116 29-18-13. **Social fraternity and sorority single-sex housing**  
117 **facilities on public lands shall comply with state law.** Social  
118 fraternities and sororities at educational institutions that have  
119 and operate single-sex housing facilities located on public land  
120 shall comply with the definitions contained within this act for  
121 purposes of maintaining such facilities as single sex only.

122 **SECTION 8.** The following shall be codified as Section  
123 29-18-15, Mississippi Code of 1972:

124 29-18-15. **Permissible purposes to enter sex-designated**  
125 **restrooms, changing facilities or single-sex educational housing**  
126 **spaces.** For purposes of this act, a person may not enter a  
127 restroom, changing facility, or single-sex educational housing



128 space, designated for the opposite sex, except under the following  
129 circumstances:

130 (a) To assist or chaperon a child under the age of  
131 twelve (12), a vulnerable person as defined in Section 43-47-5, or  
132 a person with a disability as defined in Section 43-6-203(b), with  
133 such child, vulnerable person, or person with a disability also  
134 allowed to enter, with a parent, guardian, or caregiver, the  
135 restroom or changing room designated for the sex of their parent,  
136 guardian, or caregiver;

137 (b) For law enforcement, fire protection or response,  
138 or other public safety purposes;

139 (c) For governmental purposes, including employees or  
140 contractors of governmental entities acting within the scope of  
141 their employment or contract;

142 (d) For the purpose of rendering emergency medical  
143 assistance or to intervene in any other emergency situation where  
144 the health or safety of another person is at risk;

145 (e) For custodial, maintenance, or inspection purposes,  
146 provided that the restroom or changing facility is not in use;

147 (f) If the appropriate designated restroom or changing  
148 facility is out of order or under repair and the restroom or  
149 changing facility designated for the opposite sex contains no  
150 person of the opposite sex; or



151 (g) In single-sex educational housing spaces as  
152 authorized by educational institutions for moving, visiting,  
153 administrative, health, or other authorized purposes.

154 **SECTION 9.** The following shall be codified as Section  
155 29-18-17, Mississippi Code of 1972:

156 29-18-17. **Private enforcement.** (1) A person may assert a  
157 violation of this act as a claim or defense in a judicial or  
158 administrative proceeding.

159 (2) Any person under eighteen (18) years of age may bring an  
160 action at any time to assert a violation of this act through a  
161 parent or next friend and may bring an action in their own name  
162 upon reaching the age of eighteen (18) years of age.

163 (3) Any attorney's fees may be awarded by the court as it  
164 deems appropriate.

165 (4) No private cause of action against a public school,  
166 state agency, public university, public community college or  
167 junior college, or the institutions of higher learning is  
168 authorized by this act.

169 **SECTION 10.** The following shall be codified as Section  
170 29-18-19, Mississippi Code of 1972:

171 29-18-19. **Attorney General enforcement.** (1) The Attorney  
172 General shall bring an action to enforce compliance with this act.

173 (2) This act shall not be construed to deny, impair, or  
174 otherwise affect any right or authority of the Attorney General,  
175 the State of Mississippi, or any agency, officer, or employee of



176 the state, acting under any law other than this act, to institute  
177 or intervene in any proceeding.

178 **SECTION 11.** The following shall be codified as Section  
179 1-3-83, Mississippi Code of 1972:

180 1-3-83. **Female, male, sex of natural persons.** (1) "Female"  
181 means an individual who naturally has, had, will have, or would  
182 have, but for a developmental or genetic anomaly or historical  
183 accident, the reproductive system that at some point produces  
184 eggs.

185 (2) "Male" means an individual who naturally has, had, will  
186 have, or would have, but for a developmental or genetic anomaly or  
187 historical accident, the reproductive system that at some point  
188 produces sperm.

189 (3) "Sex," when used to classify a natural person, means the  
190 biological indication of male and female as observed or clinically  
191 verified at birth, without regard to a person's psychological,  
192 chosen, or subjective experience, feelings, actions, or sense of  
193 self.

194 (4) The following additional provisions apply to the use of  
195 "sex" and related terms:

196 (a) There are only two (2) sexes, and every individual  
197 is either male or female.

198 (b) "Sex" is objective and fixed.

199 (c) Persons with "DSD conditions" (sometimes referred  
200 to as "differences in sex development", "disorders of sex



201 development", or "intersex conditions") are not members of a third  
202 sex.

203 (d) The foregoing definition of "sex," for purposes of  
204 state law, neither requires nor precludes the accommodation of  
205 persons with a congenital and physically verifiable diagnosis of  
206 "DSD condition" (sometimes referred to as "differences in sex  
207 development", "disorders of sex development", or "intersex  
208 conditions"); however, such accommodation may be required by  
209 federal law.

210 **SECTION 12. Severability.** Any provision of this act is held  
211 to be invalid or unenforceable by its terms, or as applied to any  
212 person or circumstance, shall be construed so as to give it the  
213 maximum effect permitted by law, unless such holding shall be one  
214 of utter invalidity or unenforceability, in which event such  
215 provision shall be deemed severable herefrom and shall not affect  
216 the remainder hereof or the application of such provision to other  
217 persons not similarly situated or to other, dissimilar  
218 circumstances.

219 **SECTION 13.** This act shall take effect and be in force from  
220 and after its passage.



By: Representative Sanford

To: Judiciary A

HOUSE BILL NO. 325

1 AN ACT TO PROVIDE THAT A RIGHT OF FIRST REFUSAL IN REAL  
2 PROPERTY IS EXTINGUISHED UPON THE DEATH OF THE GRANTEE UNLESS THE  
3 INSTRUMENT GRANTING THE RIGHT OR A MEMORANDUM OF THE CONTRACTUAL  
4 AGREEMENT OR INSTRUMENT CLEARLY STATES THAT UPON THE GRANTEE'S  
5 DEATH, IT SHALL INURE TO THE BENEFIT OF THE GRANTEE'S HEIRS AND  
6 ASSIGNS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** A right of first refusal in real property granted  
9 through a contractual agreement or any other written instrument of  
10 conveyance is extinguished upon the death of the grantee  
11 right-holder unless the contractual agreement or instrument of  
12 conveyance, or a memorandum of the contractual agreement or  
13 instrument of conveyance, is filed for recording in the land  
14 records of the county in which the real property lies and  
15 unambiguously states that upon the death of the grantee  
16 right-holder, the right of first refusal shall be binding upon and  
17 inure to the benefit of the heirs and assigns of the grantee  
18 right-holder.

19 **SECTION 2.** Section 1 of this act shall be codified as a new  
20 section in Chapter 1, Title 89, Mississippi Code of 1972.





21           **SECTION 3.** This act shall take effect and be in force from  
22 and after July 1, 2024.



By: Representatives Horan, Owen

To: Judiciary B

HOUSE BILL NO. 1088  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-21-63, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A CIRCUIT COURT TO RETAIN JURISDICTION AND PROCEED  
3 WITH CIVIL COMMITMENT IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION  
4 99-13-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CIRCUIT COURT  
5 TO PROCEED WITH COMMITMENT PROCEDURES FOR ANY PERSONS WITH AN  
6 INTELLECTUAL DISABILITY AND HAVE UNRESOLVED FELONY CHARGES; TO  
7 AMEND SECTIONS 41-21-65, 41-21-67, 41-21-71, 41-21-73 AND  
8 41-21-83, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CIRCUIT COURT  
9 TO PROCEED WITH COMMITMENT PROCEDURES; TO AMEND SECTION 47-7-47,  
10 MISSISSIPPI CODE OF 1972, TO REVISE THE JURISDICTIONAL TIME PERIOD  
11 FOR A COURT'S AUTHORITY TO REVISE A DEFENDANT'S SENTENCE; AND FOR  
12 RELATED PURPOSES.

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

14 **SECTION 1.** Section 41-21-63, Mississippi Code of 1972, is  
15 amended as follows:

16 41-21-63. (1) No person, other than persons charged with  
17 crime, shall be committed to a public treatment facility except  
18 under the provisions of Sections 41-21-61 through 41-21-107 or  
19 43-21-611 or 43-21-315. However, nothing herein shall be  
20 construed to repeal, alter or otherwise affect the provisions of  
21 Section 35-5-31 or to affect or prevent the commitment of persons  
22 to the Veterans Administration or other agency of the United



23 States under the provisions of and in the manner specified in  
24 those sections.

25 (2) (a) The chancery court, or the chancellor in vacation,  
26 shall have jurisdiction under Sections 41-21-61 through 41-21-107  
27 except over persons with unresolved felony charges unless  
28 paragraph (b) of this subsection applies.

29 (b) If a circuit court with jurisdiction over  
30 unresolved felony charges enters an order concluding that \* \* \* a  
31 person is incompetent to stand trial and is not restorable to  
32 competency in the foreseeable future, the \* \* \* circuit court  
33 shall retain jurisdiction and shall proceed with civil commitment  
34 procedures in the same manner as described in Sections 41-21-61  
35 through 41-21-107. The order of the circuit court finding that  
36 the person is incompetent to stand trial and is not restorable to  
37 competency in the foreseeable future shall be in lieu of the  
38 affidavit for commitment provided for in Section 41-21-65. \* \* \*  
39 Additionally, if the finding of the circuit court is based on the  
40 report and/or testimony of a physician or psychologist that has  
41 examined the person, the provisions of Section 41-21-67 for  
42 psychiatric examinations shall not apply.

43 (3) The circuit court shall also have jurisdiction under  
44 Sections 99-13-7, 99-13-9 and 99-13-11.

45 (4) Before the release of a person referred for civil  
46 commitment under this section and committed under Sections  
47 41-21-61 through 41-21-107, the Department of Mental Health must



48 notify the district attorney of the county where the offense was  
49 committed. The district attorney must notify the crime victim or  
50 a family member who has requested notification under Section  
51 99-43-35 and the sheriffs of both the county where the offense was  
52 committed and the county of the committed person's destination.

53 **SECTION 2.** Section 99-13-9, Mississippi Code of 1972, is  
54 amended as follows:

55 99-13-9. When any person is indicted for an offense and  
56 acquitted on the ground of having an intellectual disability, the  
57 jury rendering the verdict shall state in the verdict that ground  
58 and whether the accused constitutes a danger to life or property  
59 and to the peace and safety of the community. If the jury  
60 certifies that the person with an intellectual disability is  
61 dangerous to the peace and safety of the community or to himself  
62 or herself, the circuit court shall \* \* \* proceed with the person  
63 according to the law provided in the case of persons with an  
64 intellectual disability, the person with an intellectual  
65 disability himself being remanded to custody to await the further  
66 action of the \* \* \* circuit court.

67 **SECTION 3.** Section 41-21-65, Mississippi Code of 1972, is  
68 amended as follows:

69 41-21-65. (1) It is the intention of the Legislature that  
70 the filing of an affidavit under this section be a simple,  
71 inexpensive, uniform, and streamlined process for the purpose of



72 facilitating and expediting the care of individuals in need of  
73 treatment.

74 (2) The Uniform Civil Commitment Affidavit developed by the  
75 Department of Mental Health under this section must be provided by  
76 the clerk of the chancery court to any party or affiant seeking a  
77 civil commitment under this section, and must be utilized in all  
78 counties to commence civil commitment proceedings under this  
79 section. The affidavit must be made available to the public on  
80 the website of the Mississippi Department of Mental Health.

81 (3) The Department of Mental Health, in consultation with  
82 the Mississippi Chancery Clerks Association, the Mississippi  
83 Conference of Chancery Court Judges and the Mississippi  
84 Association of Community Mental Health Centers, must develop a  
85 written guide setting out the steps in the commitment process no  
86 later than January 1, 2020. The guide shall be designated as the  
87 "Uniform Civil Commitment Guide" and must include, but not be  
88 limited to, the following:

89 (a) Steps in the civil commitment process from  
90 affidavit to commitment, written in easily understandable layman's  
91 terms;

92 (b) A schedule of fees and assessments that will be  
93 charged to commence a commitment proceeding under this section;

94 (c) Eligibility requirements and instructions for  
95 filing a pauper's affidavit; and



96 (d) A statement on the front cover of the guide  
97 advising that persons wishing to pursue a civil commitment under  
98 this section are not required to retain an attorney for any  
99 portion of the commitment process.

100 (4) Immediately upon availability, but no later than January  
101 1, 2020, the Uniform Civil Commitment Guide must be provided by  
102 the clerk of the chancery court to any party or affiant seeking a  
103 civil commitment under this section and also must be made  
104 available to the public on the website of the Mississippi  
105 Department of Mental Health.

106 (5) If any person is alleged to be in need of treatment, any  
107 relative of the person, or any interested person, may make  
108 affidavit of that fact and shall file the Uniform Civil Commitment  
109 Affidavit with the clerk of the chancery court of the county in  
110 which the person alleged to be in need of treatment resides, but  
111 the chancellor or duly appointed special master may, in his or her  
112 discretion, hear the matter in the county in which the person may  
113 be found or the circuit judge may hear such matter as provided in  
114 Section 41-21-63. The affidavit shall set forth the name and  
115 address of the proposed patient's nearest relatives and whether  
116 the proposed patient resides or has visitation rights with any  
117 minor children, if known, and the reasons for the affidavit. The  
118 affidavit must contain factual descriptions of the proposed  
119 patient's recent behavior, including a description of the  
120 behavior, where it occurred, and over what period of time it



121 occurred, if known. Each factual allegation may be supported by  
122 observations of witnesses named in the affidavit. The Department  
123 of Mental Health, in consultation with the Mississippi Chancery  
124 Clerks' Association, shall develop a simple, one-page affidavit  
125 form for the use of affiants as provided in this section. The  
126 affidavit also must state whether the affiant has consulted with a  
127 Community Mental Health Center or a physician to determine whether  
128 the alleged acts by the proposed respondent warrant civil  
129 commitment in lieu of other less-restrictive treatment options.  
130 No chancery clerk shall require an affiant to retain an attorney  
131 for the filing of an affidavit under this section.

132 (6) The chancery clerk may charge a total filing fee for all  
133 services equal to the amount set out in Section 25-7-9(o), and the  
134 appropriate state and county assessments as required by law which  
135 include, but are not limited to, assessments for the Judicial  
136 Operation Fund (Section 25-7-9(3)(b)); the Electronic Court System  
137 Fund (Section 25-7-9(3)(a)); the Civil Legal Assistance Fund  
138 (Section 25-7-9(1)(k)); the Court Education and Training Fund  
139 (Section 37-26-3); State Court Constituent's Fund (Section  
140 37-26-9(4)); and reasonable court reporter's fee. Costs  
141 incidental to the court proceedings as set forth in Section  
142 41-21-79 may not be included in the assessments permitted by this  
143 subsection. The total of the fees and assessments permitted by  
144 this subsection may not exceed One Hundred Fifty Dollars  
145 (\$150.00).



146 (7) The prohibition against charging the affiant other fees,  
147 expenses, or costs shall not preclude the imposition of monetary  
148 criminal penalties under Section 41-21-107 or any other criminal  
149 statute, or the imposition by the chancellor of monetary penalties  
150 for contempt if the affiant is found to have filed an  
151 intentionally false affidavit or filed the affidavit in bad faith  
152 for a malicious purpose.

153 (8) Nothing in this section shall be construed so as to  
154 conflict with Section 41-21-63.

155 (9) The Department of Mental Health shall provide annual  
156 training to chancery and circuit court clerks to inform them about  
157 statutory procedures for civil commitments.

158 **SECTION 4.** Section 41-21-67, Mississippi Code of 1972, is  
159 amended as follows:

160 41-21-67. (1) Whenever the affidavit provided for in  
161 Section 41-21-65 is filed with the chancery clerk, the clerk, upon  
162 direction of the chancellor of the court, shall issue a writ  
163 directed to the sheriff of the proper county to take into custody  
164 the person alleged to be in need of treatment and to take the  
165 person for pre-evaluation screening and treatment by the  
166 appropriate community mental health center established under  
167 Section 41-19-31. Except as otherwise provided in Section  
168 41-21-63, the community mental health center will be designated as  
169 the first point of entry for pre-evaluation screening and  
170 treatment. If the community mental health center is unavailable,





171 any reputable licensed physician, psychologist, nurse practitioner  
172 or physician assistant, as allowed in the discretion of the court,  
173 may conduct the pre-evaluation screening and examination as set  
174 forth in Section 41-21-69. The order may provide where the person  
175 shall be held before being taken for pre-evaluation screening and  
176 treatment. However, when the affidavit fails to set forth factual  
177 allegations and witnesses sufficient to support the need for  
178 treatment, the chancellor shall refuse to direct issuance of the  
179 writ. Reapplication may be made to the chancellor. If a pauper's  
180 affidavit is filed by an affiant who is a guardian or conservator  
181 of a person in need of treatment, the court shall determine if  
182 either the affiant or the person in need of treatment is a pauper  
183 and if \* \* \* the affiant or the person in need of treatment is  
184 determined to be a pauper, the county of the residence of the  
185 respondent shall bear the costs of commitment, unless funds for  
186 those purposes are made available by the state.

187 In any county in which a Crisis Intervention Team has been  
188 established under the provisions of Sections 41-21-131 through  
189 41-21-143, the clerk, upon the direction of the chancellor, may  
190 require that the person be referred to the Crisis Intervention  
191 Team for appropriate psychiatric or other medical services before  
192 the issuance of the writ.

193 (2) Upon issuance of the writ, the chancellor shall  
194 immediately appoint and summon two (2) reputable, licensed  
195 physicians or one (1) reputable, licensed physician and either one



196 (1) psychologist, nurse practitioner or physician assistant to  
197 conduct a physical and mental examination of the person at a place  
198 to be designated by the clerk or chancellor and to report their  
199 findings to the clerk or chancellor. However, any nurse  
200 practitioner or physician assistant conducting the examination  
201 shall be independent from, and not under the supervision of, the  
202 other physician conducting the examination. A nurse practitioner  
203 or psychiatric nurse practitioner conducting an examination under  
204 this chapter must be functioning within a collaborative or  
205 consultative relationship with a physician as required under  
206 Section 73-15-20(3). In all counties in which there is a county  
207 health officer, the county health officer, if available, may be  
208 one (1) of the physicians so appointed. If a licensed physician  
209 is not available to conduct the physical and mental examination  
210 within forty-eight (48) hours of the issuance of the writ, the  
211 court, in its discretion and upon good cause shown, may permit the  
212 examination to be conducted by the following: (a) two (2) nurse  
213 practitioners, one (1) of whom must be a psychiatric nurse  
214 practitioner; or (b) one (1) psychiatric nurse practitioner and  
215 one (1) psychologist or physician assistant. Neither of the  
216 physicians nor the psychologist, nurse practitioner or physician  
217 assistant selected shall be related to that person in any way, nor  
218 have any direct or indirect interest in the estate of that person  
219 nor shall any full-time staff of residential treatment facilities



220 operated directly by the State Department of Mental Health serve  
221 as examiner.

222 (3) The clerk shall ascertain whether the respondent is  
223 represented by an attorney, and if it is determined that the  
224 respondent does not have an attorney, the clerk shall immediately  
225 notify the chancellor of that fact. If the chancellor determines  
226 that the respondent for any reason does not have the services of  
227 an attorney, the chancellor shall immediately appoint an attorney  
228 for the respondent at the time the examiners are appointed.

229 (4) If the chancellor determines that there is probable  
230 cause to believe that the respondent is mentally ill and that  
231 there is no reasonable alternative to detention, the chancellor  
232 may order that the respondent be retained as an emergency patient  
233 at any licensed medical facility for evaluation by a physician,  
234 nurse practitioner or physician assistant and that a peace officer  
235 transport the respondent to the specified facility. If the  
236 community mental health center serving the county has partnered  
237 with Crisis Intervention Teams under the provisions of Sections  
238 41-21-131 through 41-21-143, the order may specify that the  
239 licensed medical facility be a designated single point of entry  
240 within the county or within an adjacent county served by the  
241 community mental health center. If the person evaluating the  
242 respondent finds that the respondent is mentally ill and in need  
243 of treatment, the chancellor may order that the respondent be  
244 retained at the licensed medical facility or any other available



245 suitable location as the court may so designate pending an  
246 admission hearing. If necessary, the chancellor may order a peace  
247 officer or other person to transport the respondent to that  
248 facility or suitable location. Any respondent so retained may be  
249 given such treatment as is indicated by standard medical practice.  
250 However, the respondent shall not be held in a hospital operated  
251 directly by the State Department of Mental Health, and shall not  
252 be held in jail unless the court finds that there is no reasonable  
253 alternative.

254 (5) (a) Whenever a licensed psychologist, nurse  
255 practitioner or physician assistant who is certified to complete  
256 examinations for the purpose of commitment or a licensed physician  
257 has reason to believe that a person poses an immediate substantial  
258 likelihood of physical harm to himself or others or is gravely  
259 disabled and unable to care for himself by virtue of mental  
260 illness, as defined in Section 41-21-61(e), then the physician,  
261 psychologist, nurse practitioner or physician assistant may hold  
262 the person or may admit the person to and treat the person in a  
263 licensed medical facility, without a civil order or warrant for a  
264 period not to exceed seventy-two (72) hours. However, if the  
265 seventy-two-hour period begins or ends when the chancery clerk's  
266 office is closed, or within three (3) hours of closing, and the  
267 chancery clerk's office will be continuously closed for a time  
268 that exceeds seventy-two (72) hours, then the seventy-two-hour  
269 period is extended until the end of the next business day that the



270 chancery clerk's office is open. The person may be held and  
271 treated as an emergency patient at any licensed medical facility,  
272 available regional mental health facility, or crisis intervention  
273 center. The physician or psychologist, nurse practitioner or  
274 physician assistant who holds the person shall certify in writing  
275 the reasons for the need for holding.

276 If a person is being held and treated in a licensed medical  
277 facility, and that person decides to continue treatment by  
278 voluntarily signing consent for admission and treatment, the  
279 seventy-two-hour hold may be discontinued without filing an  
280 affidavit for commitment. Any respondent so held may be given  
281 such treatment as indicated by standard medical practice. Persons  
282 acting in good faith in connection with the detention and  
283 reporting of a person believed to be mentally ill shall incur no  
284 liability, civil or criminal, for those acts.

285 (b) Whenever an individual is held for purposes of  
286 receiving treatment as prescribed under paragraph (a) of this  
287 subsection, and it is communicated to the mental health  
288 professional holding the individual that the individual resides or  
289 has visitation rights with a minor child, and if the individual is  
290 considered to be a danger to the minor child, the mental health  
291 professional shall notify the Department of Child Protection  
292 Services prior to discharge if the threat of harm continues to  
293 exist, as is required under Section 43-21-353.



294 This paragraph (b) shall be known and may be cited as the  
295 "Andrew Lloyd Law."

296 **SECTION 5.** Section 41-21-71, Mississippi Code of 1972, is  
297 amended as follows:

298 41-21-71. If, as a result of the examination, the appointed  
299 examiners certify that the person is not in need of treatment, the  
300 chancellor \* \* \*, clerk or circuit judge as applicable shall  
301 dismiss the affidavit without the need for a further hearing.

302 \* \* \* Except as otherwise provided in Section 41-21-63, the  
303 chancellor or chancery clerk finds, based upon the appointed  
304 examiners' certificates and any other relevant evidence, that the  
305 respondent is in need of treatment and the certificates are filed  
306 with the chancery clerk within forty-eight (48) hours after the  
307 order for examination, or extension of that time as provided in  
308 Section 41-21-69, the clerk shall immediately set the matter for a  
309 hearing. The hearing shall be set within seven (7) days of the  
310 filing of the certificates unless an extension is requested by the  
311 respondent's attorney. In no event shall the hearing be more than  
312 ten (10) days after the filing of the certificates.

313 **SECTION 6.** Section 41-21-73, Mississippi Code of 1972, is  
314 amended as follows:

315 41-21-73. (1) Except as otherwise provided in Section  
316 41-21-63, the hearing shall be conducted before the chancellor.  
317 However, the hearing may be held at the location where the  
318 respondent is being held. Within a reasonable period of time



319 before the hearing, notice of same shall be provided the  
320 respondent and his attorney, which shall include: (a) notice of  
321 the date, time and place of the hearing; (b) a clear statement of  
322 the purpose of the hearing; (c) the possible consequences or  
323 outcome of the hearing; (d) the facts that have been alleged in  
324 support of the need for commitment; (e) the names, addresses and  
325 telephone numbers of the examiner(s); and (f) other witnesses  
326 expected to testify.

327 (2) The respondent must be present at the hearing unless the  
328 chancellor determines that the respondent is unable to attend and  
329 makes that determination and the reasons therefor part of the  
330 record. At the time of the hearing, the respondent shall not be  
331 so under the influence or suffering from the effects of drugs,  
332 medication or other treatment so as to be hampered in  
333 participating in the proceedings. The court, at the time of the  
334 hearing, shall be presented a record of all drugs, medication or  
335 other treatment that the respondent has received pending the  
336 hearing, unless the court determines that such a record would be  
337 impractical and documents the reasons for that determination.

338 (3) The respondent shall have the right to offer evidence,  
339 to be confronted with the witnesses against him and to  
340 cross-examine them and shall have the privilege against  
341 self-incrimination. The rules of evidence applicable in other  
342 judicial proceedings in this state shall be followed.



343 (4) If the court finds by clear and convincing evidence that  
344 the proposed patient is a person with mental illness or a person  
345 with an intellectual disability and, if after careful  
346 consideration of reasonable alternative dispositions, including,  
347 but not limited to, dismissal of the proceedings, the court finds  
348 that there is no suitable alternative to judicial commitment, the  
349 court shall commit the patient for treatment in the least  
350 restrictive treatment facility that can meet the patient's  
351 treatment needs. Treatment before admission to a state-operated  
352 facility shall be located as closely as possible to the patient's  
353 county of residence and the county of residence shall be  
354 responsible for that cost. Admissions to state-operated  
355 facilities shall be in compliance with the catchment areas  
356 established by the State Department of Mental Health. A  
357 nonresident of the state may be committed for treatment or  
358 confinement in the county where the person was found.

359 Alternatives to commitment to inpatient care may include, but  
360 shall not be limited to: voluntary or court-ordered outpatient  
361 commitment for treatment with specific reference to a treatment  
362 regimen, day treatment in a hospital, night treatment in a  
363 hospital, placement in the custody of a friend or relative, or the  
364 provision of home health services.

365 For persons committed as having mental illness or having an  
366 intellectual disability, the initial commitment shall not exceed  
367 three (3) months.





368 (5) No person shall be committed to a treatment facility  
369 whose primary problems are the physical disabilities associated  
370 with old age or birth defects of infancy.

371 (6) The court shall state the findings of fact and  
372 conclusions of law that constitute the basis for the order of  
373 commitment. The findings shall include a listing of less  
374 restrictive alternatives considered by the court and the reasons  
375 that each was found not suitable.

376 (7) A stenographic transcription shall be recorded by a  
377 stenographer or electronic recording device and retained by the  
378 court.

379 (8) Notwithstanding any other provision of law to the  
380 contrary, neither the State Board of Mental Health or its members,  
381 nor the State Department of Mental Health or its related  
382 facilities, nor any employee of the State Department of Mental  
383 Health or its related facilities, unless related to the respondent  
384 by blood or marriage, shall be assigned or adjudicated custody,  
385 guardianship, or conservatorship of the respondent.

386 (9) The county where a person in need of treatment is found  
387 is authorized to charge the county of the person's residence for  
388 the costs incurred while the person is confined in the county  
389 where such person was found.

390 **SECTION 7.** Section 41-21-83, Mississippi Code of 1972, is  
391 amended as follows:



392 41-21-83. Except as otherwise provided in Section 41-21-63,  
393 if a hearing is requested as provided in Section 41-21-74,  
394 41-21-81 or 41-21-99, the court shall not make a determination of  
395 the need for continued commitment unless a hearing is held and the  
396 court finds by clear and convincing evidence that (a) the person  
397 continues to have mental illness or have an intellectual  
398 disability; and (b) involuntary commitment is necessary for the  
399 protection of the patient or others; and (c) there is no  
400 alternative to involuntary commitment. Hearings held under this  
401 section shall be held in the chancery court of the county where  
402 the facility is located; however, if the patient is confined at  
403 the Mississippi State Hospital at Whitfield, Mississippi, the  
404 hearing shall be conducted by the Chancery Court of the First  
405 Judicial District of Hinds County, Mississippi.

406 The hearing shall be held within fourteen (14) days after  
407 receipt by the court of the request for a hearing. The court may  
408 continue the hearing for good cause shown. The clerk shall  
409 ascertain whether the patient is represented by counsel, and, if  
410 the patient is not represented, shall notify the chancellor who  
411 shall appoint counsel for him if the chancellor determines that  
412 the patient for any reason does not have the services of an  
413 attorney; however, the patient may waive the appointment of  
414 counsel subject to the approval of the court. Notice of the time  
415 and place of the hearing shall be served at least seventy-two (72)  
416 hours before the time of the hearing upon the patient, his



417 attorney, the director, and the person requesting the hearing, if  
418 other than the patient, and any witnesses requested by the patient  
419 or his attorney, or any witnesses the court may deem necessary or  
420 desirable.

421 The patient must be present at the hearing unless the  
422 chancellor determines that the patient is unable to attend and  
423 makes that determination and the reasons therefor part of the  
424 record.

425 The court shall put its findings and the reasons supporting  
426 its findings in writing and shall have copies delivered to the  
427 patient, his attorney, and the director of the treatment facility.  
428 An appeal from the final commitment order by either party may be  
429 had on the terms prescribed for appeals in civil cases; however,  
430 such appeal shall be without supersedeas. The record on appeal  
431 shall include the transcript of the commitment hearing.

432 **SECTION 8.** Section 47-7-47, Mississippi Code of 1972, is  
433 amended as follows:

434 47-7-47. (1) The judge of any circuit court may place an  
435 offender on a program of earned probation, in an intensive  
436 supervision program or any intervention court authorized by law  
437 after a period of confinement as set out herein and the judge may  
438 seek the advice of the commissioner and shall direct that the  
439 defendant be under the supervision of the department.

440 (2) (a) Any circuit court or county court may, upon its own  
441 motion, acting upon the advice and consent of the commissioner not



442 earlier than thirty (30) days nor later than \* \* \* three (3) years  
443 after the defendant has been delivered to the custody of the  
444 department, \* \* \* incarcerated by order of the court or otherwise  
445 sentenced, modify, alter or suspend the further execution of the  
446 sentence and place the defendant on earned probation, in an  
447 intensive supervision program or any intervention court authorized  
448 by law except when a death sentence or life imprisonment is the  
449 maximum penalty which may be imposed or if the defendant has been  
450 confined two (2) or more times for the conviction of a felony on a  
451 previous occasion in any court or courts of the United States and  
452 of any state or territories thereof or has been convicted of a  
453 felony involving the use of a deadly weapon.

454 (b) The authority granted in this subsection shall be  
455 exercised by the judge who imposed sentence on the defendant, or  
456 his successor.

457 (c) The time limit imposed by paragraph (a) of this  
458 subsection is not applicable to those defendants sentenced to the  
459 custody of the department prior to April 14, 1977. Persons who  
460 are convicted of crimes that carry mandatory sentences shall not  
461 be eligible for earned probation.

462 (3) When any circuit or county court places an offender on  
463 earned probation, the court shall give notice to the Mississippi  
464 Department of Corrections within fifteen (15) days of the court's  
465 decision to place the offender on earned probation. Notice shall  
466 be delivered to the central office of the Mississippi Department



467 of Corrections and to the regional office of the department which  
468 will be providing supervision to the offender on earned probation.

469 (4) If the court places any person on probation or earned  
470 probation, the court may order the person, as a condition of  
471 probation, to a period of confinement and treatment at a private  
472 or public agency or institution, either within or without the  
473 state, which treats emotional, mental or drug-related problems.  
474 Any person who, as a condition of probation, is confined for  
475 treatment at an out-of-state facility shall be supervised pursuant  
476 to Section 47-7-71, and any person confined at a private agency  
477 shall not be confined at public expense. Time served in any such  
478 agency or institution may be counted as time required to meet the  
479 criteria of subsection (2) (a).

480 (5) If the court places any person on probation or earned  
481 probation, the court may order the person to make appropriate  
482 restitution to any victim of his crime or to society through the  
483 performance of reasonable work for the benefit of the community.

484 (6) If the court places any person on probation or earned  
485 probation, the court may order the person, as a condition of  
486 probation, to submit, as provided in Section 47-5-601, to any type  
487 of breath, saliva or urine chemical analysis test, the purpose of  
488 which is to detect the possible presence of alcohol or a substance  
489 prohibited or controlled by any law of the State of Mississippi or  
490 the United States.



491           **SECTION 9.** This act shall take effect and be in force from  
492 and after July 1, 2024.



By: Representative Owen

To: Judiciary A

HOUSE BILL NO. 1343

1 AN ACT TO AMEND SECTION 89-5-8, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ATTORNEYS WHO HAVE RETIRED FROM THE PRACTICE OF LAW TO  
3 CORRECT A SCRIVENER'S ERROR MADE BY THE ATTORNEY WHILE STILL  
4 PRACTICING LAW; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 89-5-8, Mississippi Code of 1972, is  
7 amended as follows:

8 89-5-8. (1) Any affidavit containing a statement relating  
9 to the identification, the marital status, the heirship, the  
10 relation, the death or the time of death of any person who is a  
11 party to a document affecting the title to real property, or any  
12 affidavit relating to the identification of any corporation or  
13 other legal entity which is a party to a document affecting the  
14 title to real property, signed by the affiant and verified upon  
15 oath or affirmation before a notarial officer, shall be recordable  
16 in the land records in the office of the chancery clerk in the  
17 county where the real property is situated.

18 (2) (a) Notice of a typographical or other minor error in a  
19 document affecting the title to real property may be given by



20 recording an affidavit containing a statement of scrivener's  
21 error. If an affidavit is conspicuously identified as an  
22 affidavit of scrivener's error, the chancery clerk shall index the  
23 affidavit in the general index under the names of the original  
24 parties to the document if they are identified in the affidavit,  
25 and in the sectional index as provided in the indexing  
26 instructions of the affidavit. Notice of the corrective  
27 information provided by the affiant is effective upon recordation.  
28 An affidavit under this paragraph (a) may be prepared only by an  
29 attorney licensed to practice law in this state.

30 (b) The affidavit of scrivener's error shall be  
31 executed and acknowledged by the affiant and verified upon oath or  
32 affirmation before a notarial officer, and shall be recordable in  
33 the land records in the office of the chancery clerk in the county  
34 where the real estate is situated. The affidavit shall recite:

35 (i) the name and Mississippi bar number of the affiant attorney,  
36 (ii) the instrument containing clerical error, and (iii) a  
37 statement that the affiant is in good standing with The  
38 Mississippi Bar, is licensed to practice law in the State of  
39 Mississippi, and that his or her license is active at the time of  
40 verification or affirmation; or the affiant was in good standing  
41 with The Mississippi Bar when the document was recorded, was  
42 licensed to practice law in the State of Mississippi when the  
43 document was recorded and is retired from the practice of law at  
44 the time of verification or affirmation. Any affidavit of





45 scrivener's error recorded that is not executed by an attorney  
46 licensed to practice law in the State of Mississippi, and who  
47 prepared any document in the chain of title to the subject real  
48 property, regardless of the date of recording shall be void.

49 (c) The chancery clerk shall make a marginal notation  
50 on the document to which the affidavit refers.

51 (3) Where title to homestead property is in the titled  
52 spouse, the nontitled spouse, in lieu of joining the titled spouse  
53 in executing a conveyance, mortgage, deed of trust or other  
54 encumbrance upon a homestead, may file an affidavit of  
55 nonhomestead verified upon oath or affirmation that either: (a)  
56 the nontitled spouse, together with the titled spouse, freely and  
57 voluntarily abandoned the old homestead and secured and currently  
58 together occupy a new homestead residence; or (b) the nontitled  
59 spouse freely and voluntarily separated from the titled spouse  
60 with no intent to return to the titled spouse or to reside with  
61 the titled spouse, either temporarily or permanently, on the  
62 titled spouse's homestead, and the nontitled spouse currently  
63 maintains and occupies a separate residence.

64 (4) A person who knowingly makes or causes to be made a  
65 false statement in an affidavit is guilty of perjury and liable  
66 for the actual damages suffered or incurred by any person as a  
67 result or consequence of the making of or reliance upon the false  
68 affidavit. The court may award punitive damages, costs and  
69 attorney's fees.



70           (5) From and after July 1, 2021, an affidavit recorded under  
71 this section must include a description of the real property  
72 covered by the affidavit.

73           (6) Any affidavit so recorded, or a certified copy thereof,  
74 shall be admissible as evidence in any action involving the  
75 document to which it relates or the title to the real property  
76 affected by the document and shall be prima facie evidence of the  
77 facts stated therein and the marketability of the title to real  
78 property.

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



By: Representative McLean

To: Judiciary A

HOUSE BILL NO. 1542  
(As Sent to Governor)

1 AN ACT TO ENACT THE CHRIS MCDILL LAW; TO PROVIDE THAT FOR THE  
2 PURPOSES OF INTESTATE SUCCESSION, IF THE DECEDENT DIES BEFORE THE  
3 START OF A PREGNANCY BY ASSISTED REPRODUCTION RESULTING IN THE  
4 BIRTH OF AN INDIVIDUAL WHO LIVES AT LEAST 120 HOURS AFTER BIRTH,  
5 THAT INDIVIDUAL IS DEEMED TO BE LIVING AT THE TIME OF THE  
6 DECEDENT'S DEATH UNDER CERTAIN CONDITIONS; TO PROVIDE A PROCEDURE  
7 FOR THE DESCENT AND DISTRIBUTION OF THE DECEDENT'S ESTATE; TO  
8 AMEND SECTIONS 91-1-11 AND 91-1-7, MISSISSIPPI CODE OF 1972, TO  
9 CONFORM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) This section shall be known and may be cited  
12 as the "Chris McDill Law."

13 (2) For purposes of this section, the following words shall  
14 have the meaning herein ascribed unless the context clearly  
15 requires otherwise:

16 (a) "Assisted reproductive technology" means a method  
17 of preserving fertility or attempting pregnancy through means  
18 other than by sexual intercourse, including, but not limited to,  
19 the following:

20 (i) Intrauterine, intracervical, or vaginal  
21 insemination;



- 22 (ii) Donation of gametes;
- 23 (iii) Donation of embryos;
- 24 (iv) Receiving of gametes;
- 25 (v) Receiving of embryos;
- 26 (vi) In vitro fertilization;
- 27 (vii) Embryo transfer; and
- 28 (viii) Intracytoplasmic sperm injection.

29 (b) "Personal property" means goods and chattels or  
30 personal estate.

31 (3) When any person shall die possessed of personal property  
32 not bequeathed before the start of a pregnancy by assisted  
33 reproductive technology resulting in the birth of an individual  
34 who lives at least one hundred twenty (120) hours after birth,  
35 that individual is deemed to be living at the time of the  
36 decedent's death and shall be entitled to a child's part of the  
37 decedent's personal property as provided in this section if the  
38 decedent's personal representative and the court, not later than  
39 six (6) months after the decedent's death, received notice or had  
40 actual knowledge of an intent to use the decedent's genetic  
41 material in the assisted reproduction; and

42 (a) The embryo was in utero not later than thirty-six  
43 (36) months after the decedent's death; or

44 (b) The individual was born not later than forty-five  
45 (45) months after the decedent's death.



46           (4)   (a)   This section shall only be applicable if there is a  
47 record signed by the decedent and the person who intends to use  
48 the decedent's genetic material in the assisted reproductive  
49 technology that the decedent consented to the use of the  
50 decedent's genetic material in assisted reproductive technology  
51 after the death of the decedent.

52                   (b)   There shall be a rebuttable presumption that the  
53 decedent did not consent to the use of the decedent's genetic  
54 material in the assisted reproductive technology if the decedent  
55 was divorced or legally separated at the time of the decedent's  
56 death from the person who wishes to use the decedent's genetic  
57 material in the assisted reproductive technology.

58           (5)   An individual deemed to be living at the time of the  
59 decedent's death under subsection (3) of this section shall be  
60 entitled to a child's part of the decedent's personal property, or  
61 the equivalent value thereof. If more than one (1) individual is  
62 deemed to be living at the time of the decedent's death under  
63 subsection (3) of this section, each individual shall be entitled  
64 to an equal share of a child's part of the decedent's personal  
65 property, or the equivalent value thereof.

66           (6)   (a)   Upon receipt of notice or the actual knowledge  
67 required under subsection (3) of this section, the court shall:

68                           (i)   Set aside a child's part of the decedent's  
69 personal property, or the equivalent value thereof, for



70 distribution to an individual deemed to be living at the time of  
71 the decedent's death under subsection (3) of this section;

72 (ii) Distribute the remainder of the decedent's  
73 estate, except for the set-aside child's part of the decedent's  
74 personal property, or the equivalent value thereof, according to  
75 the statutes of descent and distribution; and

76 (iii) Enter an order closing the estate for all  
77 purposes except the distribution of the set-aside part of the  
78 decedent's personal property or the equivalent value thereof.

79 (b) If an individual is deemed to be living at the time  
80 of the decedent's death under subsection (3) of this section, the  
81 court shall distribute the set-aside portion of the decedent's  
82 personal estate according to subsection (5) of this section. If  
83 no individual is deemed living at the time of the decedent's death  
84 under subsection (3) of this section, the court shall distribute  
85 the set aside portion of the decedent's personal estate as is  
86 otherwise provided according to the statutes of descent and  
87 distribution.

88 (7) It is the intent of the Legislature that an individual  
89 deemed to be living at the time of the decedent's death under  
90 subsection (3) of this section shall be eligible for federal  
91 benefits under subchapter II of Chapter 7 of Title 41 of the  
92 United States Code.

93 **SECTION 2.** Section 91-1-11, Mississippi Code of 1972, is  
94 amended as follows:



95           91-1-11. (1) Except as provided in subsection (2) of this  
96 section, when any person shall die possessed of goods and chattels  
97 or personal estate not bequeathed, the same shall descend to and  
98 be distributed among his or her heirs in the same manner that real  
99 estate not devised descends.

100           (2) When any person shall die possessed of goods and  
101 chattels or personal estate not bequeathed, the provisions of  
102 Section 1 of this act are applicable in determining whether a  
103 child of a decedent is living at the time of the decedent's death.

104           **SECTION 3.** Section 91-1-7, Mississippi Code of 1972, is  
105 amended as follows:

106           91-1-7. (1) If a husband dies intestate and \* \* \* does not  
107 leave children or descendants of children, his widow shall be  
108 entitled to his entire estate, real and personal, in fee simple,  
109 after payment of his debts; but where the deceased husband \* \* \*  
110 leaves a child or children by that or a former marriage, or  
111 descendants of such child or children, his widow shall have a  
112 child's part of his estate, in either case in fee simple. If a  
113 married woman dies owning any real or personal estate not disposed  
114 of, it shall descend to her husband and her children or their  
115 descendants if she \* \* \* has any surviving her, either by a former  
116 husband or by the surviving husband, in equal parts, according to  
117 the rules of descent. If she \* \* \* has children and there  
118 also \* \* \* are descendants of other children who have died before  
119 the mother, the descendants shall inherit the share to which the



120 parent would have been entitled if living, as coheirs with the  
121 surviving children. If she \* \* \* has no children or descendants  
122 of them, then the husband shall inherit all of her property.

123 (2) The provisions of Section 1 of this act are applicable  
124 in determining whether a child of a decedent is living at the time  
125 of the decedent's death.

126 **SECTION 4.** This act shall take effect and be in force from  
127 and after its passage.





By: Senator(s) Fillingane

To: Judiciary, Division B

SENATE BILL NO. 2022  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 97-3-21 AND 99-19-101, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE ALTERNATIVE SENTENCING OPTIONS FOR  
3 JUVENILE OFFENDERS IN COMPLIANCE WITH UNITED STATES SUPREME COURT  
4 HOLDINGS IN THE CASES OF *MILLER V. ALABAMA* AND *ROPER V. SIMMONS*;  
5 TO AMEND SECTION 25-31-21, MISSISSIPPI CODE OF 1972, TO PROVIDE  
6 PROCEDURES FOR RECUSAL BY ATTORNEYS FOR PURPOSES OF IMPANELING A  
7 GRAND JURY; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 97-3-21, Mississippi Code of 1972, is  
10 amended as follows:

11 97-3-21. (1) Except as otherwise provided for a juvenile  
12 offender in subsection (2) of this section, every person who \* \* \*  
13 is:

14 (a) Convicted of first-degree murder shall be sentenced  
15 by the court to imprisonment for life in the custody of the  
16 Department of Corrections.

17 ( \* \* \* b ) \* \* \* Convicted of second-degree murder shall  
18 be imprisoned for life in the custody of the Department of  
19 Corrections if the punishment is so fixed by the jury in its  
20 verdict after a separate sentencing proceeding. If the jury fails



21 to agree on fixing the penalty at imprisonment for life, the court  
22 shall fix the penalty at not less than twenty (20) nor more than  
23 forty (40) years in the custody of the Department of Corrections.

24 ( \* \* \*c) \* \* \* Convicted of capital murder shall be  
25 sentenced ( \* \* \*i) to death;( \* \* \*ii) to imprisonment for life  
26 in the State Penitentiary without parole; or ( \* \* \*iii) to  
27 imprisonment for life in the State Penitentiary with eligibility  
28 for parole as provided in Section 47-7-3(1) ( \* \* \*c) (iii).

29 (2) (a) For the purposes of this section, "juvenile  
30 offender" means a person who had not reached the age of eighteen  
31 (18) years at the time of the commission of the offense.

32 (b) A juvenile offender who is convicted of  
33 first-degree murder after July 1, 2024, may be sentenced to life  
34 imprisonment in the custody of the Department of Corrections if  
35 the punishment is so fixed by the jury. If the jury fails to fix  
36 the penalty at life imprisonment, the court shall fix the penalty  
37 at not less than twenty (20) nor more than forty (40) years in the  
38 custody of the Department of Corrections.

39 (c) A juvenile offender who is convicted of capital  
40 murder after July 1, 2024, may be sentenced to life imprisonment  
41 in the custody of the Department of Corrections or life  
42 imprisonment without eligibility for parole in the custody of the  
43 Department of Corrections if the punishment is so fixed by the  
44 jury. If the jury fails to fix the penalty at life imprisonment  
45 or life imprisonment without parole, the court shall fix the



46 penalty at not less than twenty-five (25) nor more than fifty (50)  
47 years in the custody of the Department of Corrections.

48 (d) For a juvenile offender who was convicted of  
49 first-degree murder or capital murder prior to July 1, 2024, and  
50 who is entitled to a hearing under this subsection, the judge who  
51 presided over the trial, or a judge appointed by the senior  
52 circuit judge, if the presiding judge is unavailable, shall fix  
53 the penalty.

54 **SECTION 2.** Section 99-19-101, Mississippi Code of 1972, is  
55 amended as follows:

56 99-19-101. (1) Upon conviction or adjudication of guilt of  
57 a defendant of capital murder or other capital offense, the court  
58 shall conduct a separate sentencing proceeding to determine  
59 whether the defendant should be sentenced to death, life  
60 imprisonment without eligibility for parole, or life imprisonment;  
61 however, a sentence of death cannot be imposed if the defendant  
62 was not at least eighteen (18) years of age at the time of the  
63 commission of the offense. The proceeding shall be conducted by  
64 the trial judge before the trial jury as soon as practicable. If,  
65 through impossibility or inability, the trial jury is unable to  
66 reconvene for a hearing on the issue of penalty, having determined  
67 the guilt of the accused, the trial judge may summon a jury to  
68 determine the issue of the imposition of the penalty. If the  
69 trial jury has been waived, or if the defendant pleaded guilty,  
70 the sentencing proceeding shall be conducted before a jury



71 impaneled for that purpose or may be conducted before the trial  
72 judge sitting without a jury if both the State of Mississippi and  
73 the defendant agree thereto in writing. In the proceeding,  
74 evidence may be presented as to any matter that the court deems  
75 relevant to sentence, and shall include matters relating to any of  
76 the aggravating or mitigating circumstances. However, this  
77 subsection shall not be construed to authorize the introduction of  
78 any evidence secured in violation of the Constitution of the  
79 United States or of the State of Mississippi. The state and the  
80 defendant and the defendant's counsel shall be permitted to  
81 present arguments for or against the sentence of death.

82 (2) After hearing all the evidence, the jury shall  
83 deliberate on the following matters:

84 (a) Whether sufficient factors exist as enumerated in  
85 subsection (7) of this section;

86 (b) Whether sufficient aggravating circumstances exist  
87 as enumerated in subsection (5) of this section;

88 (c) Whether sufficient mitigating circumstances exist  
89 as enumerated in subsection (6) of this section, which outweigh  
90 the aggravating circumstances found to exist; and

91 (d) Based on these considerations, whether the  
92 defendant should be sentenced to life imprisonment, life  
93 imprisonment without eligibility for parole, or death.

94 (3) For the jury to impose a sentence of death, it must  
95 unanimously find in writing the following:



96 (a) That sufficient factors exist as enumerated in  
97 subsection (7) of this section;

98 (b) That sufficient aggravating circumstances exist as  
99 enumerated in subsection (5) of this section; \* \* \*

100 (c) That there are insufficient mitigating  
101 circumstances, as enumerated in subsection (6), to outweigh the  
102 aggravating circumstances \* \* \*; and

103 (d) That the defendant was eighteen (18) years of age  
104 or older at the time of the commission of the offense.

105 In each case in which the jury imposes the death sentence,  
106 the determination of the jury shall be supported by specific  
107 written findings of fact based upon the circumstances in  
108 subsections (5) and (6) of this section and upon the records of  
109 the trial and the sentencing proceedings. If, after the trial of  
110 the penalty phase, the jury does not make the findings requiring  
111 the death sentence or life imprisonment without eligibility for  
112 parole, or is unable to reach a decision, the court shall impose a  
113 sentence of life imprisonment.

114 (4) The judgment of conviction and sentence of death shall  
115 be subject to automatic review by the Supreme Court of Mississippi  
116 within sixty (60) days after certification by the sentencing court  
117 of the entire record, unless the time is extended for an  
118 additional period by the Supreme Court for good cause shown. The  
119 review by the Supreme Court shall have priority over all other



120 cases and shall be heard in accordance with rules promulgated by  
121 the Supreme Court.

122 (5) Aggravating circumstances shall be limited to the  
123 following:

124 (a) The capital offense was committed by a person under  
125 sentence of imprisonment.

126 (b) The defendant was previously convicted of another  
127 capital offense or of a felony involving the use or threat of  
128 violence to the person.

129 (c) The defendant knowingly created a great risk of  
130 death to many persons.

131 (d) The capital offense was committed while the  
132 defendant was engaged, or was an accomplice, in the commission of,  
133 or an attempt to commit, or flight after committing or attempting  
134 to commit, any robbery, rape, arson, burglary, kidnapping,  
135 aircraft piracy, sexual battery, unnatural intercourse with any  
136 child under the age of twelve (12), or nonconsensual unnatural  
137 intercourse with mankind, or felonious abuse or battery of a child  
138 in violation of subsection (2) of Section 97-5-39, or the unlawful  
139 use or detonation of a bomb or explosive device.

140 (e) The capital offense was committed for the purpose  
141 of avoiding or preventing a lawful arrest or effecting an escape  
142 from custody.

143 (f) The capital offense was committed for pecuniary  
144 gain.



145 (g) The capital offense was committed to disrupt or  
146 hinder the lawful exercise of any governmental function or the  
147 enforcement of laws.

148 (h) The capital offense was committed to influence the  
149 policy of a governmental entity by intimidation or coercion, or to  
150 affect the conduct of a governmental entity by mass destruction or  
151 assassination.

152 (i) The capital offense was especially heinous,  
153 atrocious or cruel.

154 (j) The capital offense was committed to intimidate or  
155 coerce a civilian population.

156 (6) Mitigating circumstances shall be the following:

157 (a) The defendant has no significant history of prior  
158 criminal activity.

159 (b) The offense was committed while the defendant was  
160 under the influence of extreme mental or emotional disturbance.

161 (c) The victim was a participant in the defendant's  
162 conduct or consented to the act.

163 (d) The defendant was an accomplice in the capital  
164 offense committed by another person and his participation was  
165 relatively minor.

166 (e) The defendant acted under extreme duress or under  
167 the substantial domination of another person.



168 (f) The capacity of the defendant to appreciate the  
169 criminality of his conduct or to conform his conduct to the  
170 requirements of law was substantially impaired.

171 (g) The age of the defendant at the time of the crime.

172 (7) In order to return and impose a sentence of death the  
173 jury must make a written finding of one or more of the following:

174 (a) The defendant actually killed;

175 (b) The defendant attempted to kill;

176 (c) The defendant intended that a killing take place;

177 (d) The defendant contemplated that lethal force would  
178 be employed.

179 (8) For the purposes of this section, to "intimidate" or  
180 "coerce" do not include peaceful picketing, boycotts or other  
181 nonviolent action.

182 (9) This section shall not apply to a juvenile offender who  
183 was not at least eighteen (18) years of age at the time of the  
184 commission of the offense. A juvenile offender convicted of  
185 capital murder shall be sentenced pursuant to Section 97-3-21(2).

186 **SECTION 3.** The amendments made to Section 97-3-21 by this  
187 act shall operate prospectively from July 1, 2024.

188 **SECTION 4.** Section 25-31-21, Mississippi Code of 1972, is  
189 amended as follows:

190 25-31-21. (1) If, at the time of impaneling the grand jury  
191 in any circuit court, the district attorney be absent or unable to  
192 perform his duties or, if after impaneling of the grand jury, the





193 district attorney be absent or unable to perform his duties or be  
194 disqualified, the court shall forthwith appoint some attorney at  
195 law to act for the state in the place of the district attorney  
196 during his absence or inability or disqualification, and the  
197 person appointed shall have the power to discharge all the duties  
198 of the office during the absence or inability or disqualification  
199 of the district attorney, and shall receive a reasonable  
200 compensation for his services, to be allowed by the court and  
201 certified to the auditor, who shall issue his warrant therefor.  
202 Such allowance shall be deducted from the salary of the district  
203 attorney, and shall not exceed the amount of the salary of the  
204 district attorney for the number of days allotted by law for the  
205 term of the court at which such appointees shall act.

206 (2) The provisions of this section shall not be construed to  
207 include and shall not be applicable if a district attorney recuses  
208 himself from a case or has a conflict of interest with a case,  
209 without regard to whether the case has been presented to the grand  
210 jury before such recusal or whether the case had not yet been  
211 presented to the grand jury.

212 (3) When the appointed attorney is required to travel beyond  
213 the limits of the judicial district in which he or she is normally  
214 employed, all reasonable expenses incurred in prosecuting the case  
215 shall be borne by the judicial district of the district attorney  
216 being assisted in the discharge of his or her duties, if not  
217 already compensated by the state.



218           **SECTION 5.** This act shall take effect and be in force from  
219 and after July 1, 2024.



By: Representative Anderson (122nd)

To: Judiciary B

HOUSE BILL NO. 295  
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE USE OF ELECTRONIC WARRANT  
2 APPLICATIONS, ELECTRONIC SIGNATURES FOR THE APPLICATIONS AND  
3 ELECTRONIC VERSIONS OF WRITTEN RECORDS OF THE WARRANTS; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** (1) An application for a felony warrant or  
7 signature utilized by the judicial branch of state government  
8 other than an application for a no-knock warrant shall not be  
9 denied legal effect or enforceability solely because it is in  
10 electronic form. An application, signature or record in  
11 electronic form shall have the full effect of law.

12 (2) If a provision of law requires the application for a  
13 felony warrant to be in writing, an electronic version of the  
14 written record shall satisfy such provision of law.

15 (3) If a provision of law requires a signature, an  
16 electronic signature satisfies such provision of law.

17 (4) An application used to attach a digital signature to a  
18 felony warrant or affidavit must have security procedures in place  
19 that ensure the authenticity of the digital signature. The



20 application must also be able to keep an electronic record of the  
21 warrant or affidavit, including the time and date of when the  
22 signature was attached. The application must also include  
23 encryption measures to ensure secure access of the application.

24 (5) Unless otherwise agreed to by a sender of a warrant  
25 application and the judge, an electronic record is received when:

26 (a) The record enters an information-processing system  
27 that the local court rules have designated and approved for the  
28 purpose of receiving electronic applications for warrants and from  
29 which the recipient is able to retrieve the electronic record; and

30 (b) It is in a form capable of being processed by the  
31 system, and in a form that satisfies the provisions of the  
32 Mississippi Public Records Act of 1983.

33 (6) In an instance where an affidavit is submitted to a  
34 judge electronically, the electronic signature of the affiant  
35 shall satisfy the constitutional requirement that the testimony of  
36 the affiant be made under oath, provided that such signature is  
37 made under penalty of perjury and in compliance with subsection  
38 (4) of this section. If the requirements of subsection (4) of  
39 this section are met, it shall not be necessary for the oath to be  
40 made orally for the affidavit to have legal effect.

41 (7) An application for a felony warrant or signature made  
42 pursuant to this section shall contain a statement that the  
43 application is being made for a felony criminal investigation.



44 (8) Before an electronic felony warrant shall be issued  
45 pursuant to this section, the applicant shall be required to meet  
46 with a judge. The meeting required by this subsection may be  
47 through the use of video or teleconference devices.

48 (9) This section shall not authorize the issuance of  
49 no-knock warrants by the use of electronic warrant applications or  
50 electronic signatures for the applications.

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



By: Representatives Felsher, Boyd (19th),  
Denton

To: Judiciary B

HOUSE BILL NO. 903  
(As Sent to Governor)

1 AN ACT TO CREATE NEW SECTION 97-37-39, MISSISSIPPI CODE OF  
2 1972, TO CRIMINALIZE THE MANUFACTURE, POSSESSION AND USE OF  
3 MACHINE GUN CONVERSION DEVICES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following section shall be codified as  
6 Section 97-37-39, Mississippi Code of 1972:

7 97-37-39. (1) (a) Any person who manufactures, possesses,  
8 or uses a machine gun conversion device and who is not otherwise  
9 authorized by federal law to manufacture, possess or use a machine  
10 gun conversion device shall be guilty of a felony.

11 (b) For purposes of this section, the following terms  
12 shall have the meanings described herein:

13 (i) "Machine gun conversion" means a device that  
14 is designed, made and intended to convert a semi-automatic firearm  
15 into a machine gun. The term "machine gun conversion" does not  
16 include any semi-automatic firearm or any device designed only to  
17 aid the operator of a semi-automatic firearm to discharge the  
18 firearm more accurately or to pull the trigger more quickly as



19 long as the operator must still function the trigger of the  
20 firearm for each shot fired.

21 (ii) Machine gun means any weapon which shoots, is  
22 designed to shoot, or can be readily restored to shoot,  
23 automatically more than one (1) shot without manual reloading, by  
24 a single function of the trigger.

25 (2) Any person convicted of a first offense in violation of  
26 this act shall be guilty of a felony, and shall be sentenced to  
27 imprisonment for a term of not more than ten (10) years, fined not  
28 more than Ten Thousand Dollars (\$10,000.00), or both.

29 (3) A person convicted of a second or subsequent offense  
30 shall be charged with a felony under this act and shall be  
31 sentenced to imprisonment for a term of not more than fifteen (15)  
32 years, fined not more than Twenty Thousand Dollars (\$20,000.00),  
33 or both.

34 (4) This section shall be known as the "Jeremy Todd Malone  
35 Law."

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



By: Representatives Ford (73rd), Nelson,  
Byrd

To: Technology; Judiciary B

HOUSE BILL NO. 1126  
(As Sent to Governor)

1 AN ACT TO CREATE THE "WALKER MONTGOMERY PROTECTING CHILDREN  
2 ONLINE ACT" FOR THE PURPOSE OF PROTECTING MINOR CHILDREN FROM  
3 ONLINE HARMFUL MATERIAL AND ACCESS TO SUCH MATERIAL; TO REQUIRE  
4 DIGITAL SERVICE USERS TO REGISTER THEIR AGE; TO LIMIT THE  
5 COLLECTION AND USE OF MINOR USERS' PERSONAL IDENTIFYING  
6 INFORMATION; TO REQUIRE DIGITAL SERVICES PROVIDERS TO DEVELOP AND  
7 IMPLEMENT A STRATEGY TO PREVENT OR MITIGATE CERTAIN HARMS TO  
8 MINORS; TO AMEND SECTION 75-24-5, MISSISSIPPI CODE OF 1972, TO  
9 PROVIDE THAT A VIOLATION OF THIS ACT IS AN UNFAIR AND DECEPTIVE  
10 TRADE PRACTICE THAT IS ENFORCEABLE BY THE OFFICE OF THE ATTORNEY  
11 GENERAL; TO AMEND SECTION 97-5-31, MISSISSIPPI CODE OF 1972, TO  
12 INCLUDE MORPHED IMAGES OF DEPICTING MINOR CHILDREN IN EXPLICIT  
13 NATURE IN THE CRIME OF CHILD EXPLOITATION; AND FOR RELATED  
14 PURPOSES.

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

16 **SECTION 1.** This act shall be known and may be cited as the  
17 "Walker Montgomery Protecting Children Online Act."

18 **SECTION 2.** For purposes of this act, the following words  
19 shall have the meanings ascribed herein unless the context clearly  
20 requires otherwise:

21 (a) "Digital service" means a website, an application,  
22 a program, or software that collects or processes personal  
23 identifying information with Internet connectivity.

24 (b) "Digital service provider" means a person who:





25 (i) Owns or operates a digital service;  
26 (ii) Determines the purpose of collecting and  
27 processing the personal identifying information of users of the  
28 digital service; and

29 (iii) Determines the means used to collect and  
30 process the personal identifying information of users of the  
31 digital service.

32 (c) "Harmful material" means material that is harmful  
33 to minors as defined by Section 11-77-3(d).

34 (d) "Known minor" means a child who is younger than  
35 eighteen (18) years of age who has not had the disabilities of  
36 minority removed for general purposes, and who the digital service  
37 provider knows to be a minor.

38 (e) "Personal identifying information" means any  
39 information, including sensitive information, that is linked or  
40 reasonably linkable to an identified or identifiable individual.  
41 The term includes pseudonymous information when the information is  
42 used by a controller or processor in conjunction with additional  
43 information that reasonably links the information to an identified  
44 or identifiable individual. The term does not include  
45 deidentified information or publicly available information.

46 **SECTION 3.** (1) This act applies only to a digital service  
47 provider who provides a digital service that:

48 (a) Connects users in a manner that allows users to  
49 socially interact with other users on the digital service;



50 (b) Allows a user to create a public, semi-public or  
51 private profile for purposes of signing into and using the digital  
52 service; and

53 (c) Allows a user to create or post content that can be  
54 viewed by other users of the digital service, including sharing  
55 content on:

56 (i) A message board;

57 (ii) A chat room; or

58 (iii) A landing page, video channel or main feed  
59 that presents to a user content created and posted by other users.

60 (2) This act does not apply to:

61 (a) A digital service provider who processes or  
62 maintains user data in connection with the employment, promotion,  
63 reassignment or retention of the user as an employee or  
64 independent contractor, to the extent that the user's data is  
65 processed or maintained for that purpose;

66 (b) A digital service provider's provision of a digital  
67 service that facilitates e-mail or direct messaging services, if  
68 the digital service facilitates only those services;

69 (c) A digital service provider's provision of a digital  
70 service that:

71 (i) Primarily functions to provide a user with  
72 access to news, sports, commerce, online video games or content  
73 primarily generated or selected by the digital service provider;

74 and



75 (ii) Allows chat, comment or other interactive  
76 functionality that is incidental to the digital service; or

77 (d) A digital service provider's provision of a digital  
78 service that primarily functions to provide a user with access to  
79 career development opportunities, including:

80 (i) Professional networking;

81 (ii) Job skills;

82 (iii) Learning certifications;

83 (iv) Job posting; and

84 (v) Application services.

85 (3) The Internet service provider, Internet service  
86 provider's affiliate or subsidiary, search engine or cloud service  
87 provider is not considered to be a digital service provider or to  
88 offer a digital service if the Internet service provider or  
89 provider's affiliate or subsidiary, search engine or cloud service  
90 provider solely provides access or connection, including through  
91 transmission, download, intermediate storage, access software or  
92 other service, to an Internet website or to other information or  
93 content:

94 (a) On the Internet; or

95 (b) On a facility, system or network not under the  
96 control of the Internet service provider, provider's affiliate or  
97 subsidiary, search engine or cloud service provider.

98 **SECTION 4.** (1) A digital service provider may not enter  
99 into an agreement with a person to create an account with a



100 digital service unless the person has registered the person's age  
101 with the digital service provider. A digital service provider  
102 shall make commercially reasonable efforts to verify the age of  
103 the person creating an account with a level of certainty  
104 appropriate to the risks that arise from the information  
105 management practices of the digital service provider.

106 (2) A digital service provider shall not permit an account  
107 holder who is a known minor to be an account holder unless the  
108 known minor has the express consent from a parent or guardian.  
109 Acceptable methods of obtaining express consent of a parent or  
110 guardian include any of the following:

111 (a) Providing a form for the minor's parent or guardian  
112 to sign and return to the digital service provider by common  
113 carrier, facsimile, or electronic scan;

114 (b) Providing a toll-free telephone number for the  
115 known minor's parent or guardian to call to consent;

116 (c) Coordinating a call with a known minor's parent or  
117 guardian over video conferencing technology;

118 (d) Collecting information related to the  
119 government-issued identification of the known minor's parent or  
120 guardian and deleting that information after confirming the  
121 identity of the known minor's parent or guardian;

122 (e) Allowing the known minor's parent or guardian to  
123 provide consent by responding to an email and taking additional



124 steps to verify the identity of the known minor's parent or  
125 guardian; or

126 (f) Any other commercially reasonable method of  
127 obtaining consent in light of available technology.

128 **SECTION 5.** (1) A digital service provider that enters into  
129 an agreement with a known minor for access to a digital service  
130 shall:

131 (a) Limit collection of the known minor's personal  
132 identifying information to information reasonably necessary to  
133 provide the digital service; and

134 (b) Limit use of the known minor's personal identifying  
135 information to the purpose for which the information was  
136 collected.

137 (2) A digital service provider that enters into an agreement  
138 with a known minor for access to a digital service may not:

139 (a) Use the digital service to collect the known  
140 minor's precise geolocation data;

141 (b) Use the digital service to display targeted  
142 advertising involving harmful material to the known minor; or

143 (c) Share, disclose or sell the known minor's personal  
144 identifying information unless required to:

145 (i) Comply with a civil, criminal or regulatory  
146 inquiry, investigation, subpoena or summons by a governmental  
147 entity;

148 (ii) Comply with a law enforcement investigation;



- 149 (iii) Detect, block or prevent the distribution of  
150 unlawful, obscene or other harmful material to a known minor;  
151 (iv) Block or filter spam;  
152 (v) Prevent criminal activity; or  
153 (vi) Protect the security of a digital service.

154 **SECTION 6.** (1) In relation to a known minor's use of a  
155 digital service, a digital service provider shall make  
156 commercially reasonable efforts to develop and implement a  
157 strategy to prevent or mitigate the known minor's exposure to  
158 harmful material and other content that promotes or facilitates  
159 the following harms to minors:

160 (a) Consistent with evidence-informed medical  
161 information, the following: self-harm, eating disorders,  
162 substance use disorders, and suicidal behaviors;

163 (b) Patterns of use that indicate or encourage  
164 substance abuse or use of illegal drugs;

165 (c) Stalking, physical violence, online bullying, or  
166 harassment;

167 (d) Grooming, trafficking, child pornography, or other  
168 sexual exploitation or abuse;

169 (e) Incitement of violence; or

170 (f) Any other illegal activity.

171 (2) Nothing in subsection (1) shall be construed to require  
172 a digital service provider to prevent or preclude:



173 (a) Any minor from deliberately and independently  
174 searching for, or specifically requesting, content; or

175 (b) The digital service provider or individuals on the  
176 digital service from providing resources for the prevention or  
177 mitigation of the harms described in subsection (1), including  
178 evidence-informed information and clinical resources.

179 **SECTION 7.** (1) Except as provided by subsection (2) of this  
180 section, this act may not be construed as providing a basis for,  
181 or being subject to, a private right of action for a violation of  
182 this act.

183 (2) If a digital service provider violates this act, the  
184 parent or guardian of a known minor affected by that violation may  
185 bring a cause of action seeking:

186 (a) A declaratory judgment under Rule 57 of Mississippi  
187 Rules of Civil Procedure; or

188 (b) An injunction against the digital service provider.

189 (3) A court may not certify an action brought under this  
190 section as a class action.

191 **SECTION 8.** Section 75-24-5, Mississippi Code of 1972, is  
192 amended as follows:

193 75-24-5. (1) Unfair methods of competition affecting  
194 commerce and unfair or deceptive trade practices in or affecting  
195 commerce are prohibited. Action may be brought under Section  
196 75-24-5(1) only under the provisions of Section 75-24-9.



197           (2) Without limiting the scope of subsection (1) of this  
198 section, the following unfair methods of competition and unfair or  
199 deceptive trade practices or acts in the conduct of any trade or  
200 commerce are hereby prohibited:

201           (a) Passing off goods or services as those of another;

202           (b) Misrepresentation of the source, sponsorship,  
203 approval, or certification of goods or services;

204           (c) Misrepresentation of affiliation, connection, or  
205 association with, or certification by another;

206           (d) Misrepresentation of designations of geographic  
207 origin in connection with goods or services;

208           (e) Representing that goods or services have  
209 sponsorship, approval, characteristics, ingredients, uses,  
210 benefits, or quantities that they do not have or that a person has  
211 a sponsorship, approval, status, affiliation, or connection that  
212 he does not have;

213           (f) Representing that goods are original or new if they  
214 are reconditioned, reclaimed, used, or secondhand;

215           (g) Representing that goods or services are of a  
216 particular standard, quality, or grade, or that goods are of a  
217 particular style or model, if they are of another;

218           (h) Disparaging the goods, services, or business of  
219 another by false or misleading representation of fact;

220           (i) Advertising goods or services with intent not to  
221 sell them as advertised;





222           (j) Advertising goods or services with intent not to  
223 supply reasonably expectable public demand, unless the  
224 advertisement discloses a limitation of quantity;

225           (k) Misrepresentations of fact concerning the reasons  
226 for, existence of, or amounts of price reductions;

227           (l) Advertising by or on behalf of any licensed or  
228 regulated health care professional which does not specifically  
229 describe the license or qualifications of the licensed or  
230 regulated health care professional;

231           (m) Charging an increased premium for reinstating a  
232 motor vehicle insurance policy that was cancelled or suspended by  
233 the insured solely for the reason that he was transferred out of  
234 this state while serving in the United States Armed Forces or on  
235 active duty in the National Guard or United States Armed Forces  
236 Reserve. It is also an unfair practice for an insurer to charge  
237 an increased premium for a new motor vehicle insurance policy if  
238 the applicant for coverage or his covered dependents were  
239 previously insured with a different insurer and canceled that  
240 policy solely for the reason that he was transferred out of this  
241 state while serving in the United States Armed Forces or on active  
242 duty in the National Guard or United States Armed Forces Reserve.  
243 For purposes of determining premiums, an insurer shall consider  
244 such persons as having maintained continuous coverage. The  
245 provisions of this paragraph (m) shall apply only to such



246 instances when the insured does not drive the vehicle during the  
247 period of cancellation or suspension of his policy;

248 (n) Violating the provisions of Section 75-24-8; \* \* \*

249 (o) Violating the provisions of Section 73-3-38 \* \* \*;

250 (p) Violating any of the provisions of Sections 1  
251 through 6 of House Bill No. 728, 2024 Regular Session, as approved  
252 by the Governor; and

253 (q) Violating any of the provisions of Sections 1  
254 through 7 of this act.

255 **SECTION 9.** Section 97-5-31, Mississippi Code of 1972, is  
256 amended as follows:

257 97-5-31. As used in Sections 97-5-33 through 97-5-37, the  
258 following words and phrases shall have the meanings given to them  
259 in this section:

260 (a) "Child" means any individual who has not attained  
261 the age of eighteen (18) years and is an identifiable child.

262 (b) "Sexually explicit conduct" means actual, morphed  
263 or simulated:

264 (i) Oral genital contact, oral anal contact, or  
265 sexual intercourse as defined in Section 97-3-65, whether between  
266 persons of the same or opposite sex;

267 (ii) Bestiality;

268 (iii) Masturbation;

269 (iv) Sadistic or masochistic abuse;



270 (v) Lascivious exhibition of the genitals or pubic  
271 area of any person; or

272 (vi) Fondling or other erotic touching of the  
273 genitals, pubic area, buttocks, anus or breast.

274 (c) "Producing" means producing, directing,  
275 manufacturing, issuing, publishing, morphing or advertising.

276 (d) "Visual depiction" includes, without limitation,  
277 developed or undeveloped film and video tape or other visual  
278 unaltered, altered or morphed reproductions by computer and  
279 technology.

280 (e) "Computer" has the meaning given in Title 18,  
281 United States Code, Section 1030.

282 (f) "Morphed image" means any visual depiction or  
283 representation, including any photograph, film, video, picture, or  
284 computer or computer-generated image or picture, whether made or  
285 produced by electronic, mechanical, simulated or other means, of  
286 sexually explicit conduct, where such visual depiction or  
287 representation has been created, adapted, or modified to appear an  
288 identifiable minor is engaging in sexual conduct or sexually  
289 explicit activity to appearing in a state of sexually explicit  
290 nudity.

291 ( \* \* \*g) "Simulated" means any depicting of the  
292 genitals or rectal areas that gives the appearance of sexual  
293 conduct or incipient sexual conduct.



294           (h) "Identifiable child" means a child who was a minor  
295 at the time the image was created, adapted, or modified or whose  
296 image as a child was used in the creating, adapting or modifying  
297 of the image; and is recognizable as an actual child by the  
298 child's face, likeness, or other distinguishing characteristic,  
299 such as a unique birthmark or other recognizable feature. The  
300 provisions of this paragraph (h) shall not be construed to require  
301 proof of the actual identity of the identifiable child.

302           **SECTION 10.** This act shall take effect and be in force from  
303 and after July 1, 2024.



By: Representatives Roberson, Boyd (37th),  
Ford (73rd), McLean

To: Judiciary B

HOUSE BILL NO. 1196  
(As Sent to Governor)

1 AN ACT TO ENACT WALKER'S LAW TO CREATE THE OFFENSE OF SEXUAL  
2 EXTORTION; TO DEFINE TERMS; TO CREATE THE OFFENSE OF SEXUAL  
3 EXTORTION AND AGGRAVATED SEXUAL EXTORTION; TO CREATE THE OFFENSE  
4 OF MISDEMEANOR SEXUAL EXTORTION WHEN THE OFFENDER IS A MINOR; TO  
5 PROVIDE CRIMINAL PENALTIES FOR THE OFFENSES; TO DEFINE PROPER  
6 CRIMINAL VENUE FOR THE PROSECUTION OF OFFENSES CREATED UNDER THIS  
7 ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** This act shall be known and may be cited as  
10 "Walker's Law."

11 **SECTION 2.** As used in this section, the following words have  
12 the meaning ascribed herein unless the context clearly requires  
13 otherwise:

14 (a) "Adult" means a person eighteen (18) years or  
15 older.

16 (b) "Minor" means any person under eighteen (18) years  
17 of age at the time of the alleged offense.

18 (c) "Great bodily injury" means bodily injury which  
19 causes a substantial risk of death, serious permanent



20 disfigurement, or protracted loss or impairment of the function of  
21 a bodily member or organ.

22 (d) "Private image" means an image depicting sexually  
23 explicit nudity, sexual activity, sexual conduct as defined in  
24 Section 97-29-64, sexually explicit conduct as defined in Section  
25 97-5-31, or sexual intercourse as defined in Section 97-3-65.

26 (e) "Image" means a photograph, film, videotape,  
27 recording, live transmission, digital or computer-generated visual  
28 depiction, or any other reproduction made by electronic,  
29 mechanical or other means.

30 (f) "Electronic mail" means the transmission of  
31 information or communication by the use of the Internet, a  
32 computer, a facsimile machine, a pager, a cellular telephone, a  
33 video recorder or other electronic means sent to a person  
34 identified by a unique address or address number and received by  
35 that person.

36 (g) "Electronic communication" means any transfer of  
37 signs, signals, writing, images, sounds, data or intelligence of  
38 any nature, transmitted in whole or in part by a wire, radio,  
39 computer, electromagnetic, photoelectric or photo-optical system.

40 (h) "Disclose" means exhibit, transfer, publicize,  
41 distribute or reproduce.

42 (i) "Vulnerable person" has the same meaning as in  
43 Section 43-47-5.



44           **SECTION 3.** A person commits the offense of sexual extortion  
45 if the person intentionally threatens, including through the use  
46 of electronic mail or electronic communication, to release,  
47 exhibit or distribute a private image of another in order to  
48 compel or attempt to compel the victim to do any act or refrain  
49 from doing any act against his or her will, with the intent to  
50 obtain an additional private image or anything else of value.  
51 Notwithstanding provisions of this act to the contrary, a person  
52 convicted of sexual extortion shall be imprisoned:

53                   (a) Not more than five (5) years for a first offense;

54                   (b) Not more than ten (10) years for a second offense;

55 or

56                   (c) Not more than fifteen (15) years for a third or  
57 subsequent offense.

58           **SECTION 4.** (1) A person commits the offense of aggravated  
59 sexual extortion if the person intentionally threatens, including  
60 through the use of electronic mail or electronic communication, to  
61 release, exhibit or distribute a private image of another in order  
62 to compel or attempt to compel the victim to do any act or refrain  
63 from doing any act against his or her will, with the intent to  
64 obtain an additional private image or anything else of value, and  
65 either:

66                   (a) The victim is a minor or vulnerable person, and the  
67 person convicted of sexual extortion is an adult; or



68 (b) The victim suffers great bodily injury or death,  
69 and the appropriate court finds beyond a reasonable doubt that the  
70 sexual extortion of the victim was the proximate cause of the  
71 great bodily injury or death.

72 (2) A person convicted of aggravated sexual extortion shall  
73 be imprisoned not more than fifteen (15) years.

74 **SECTION 5.** The youth court may order as a condition of  
75 sentencing behavioral health counseling from an appropriate agency  
76 or provider for any juvenile adjudicated under this act.

77 **SECTION 6.** For the purposes of venue under the provisions of  
78 this section, any violation of this section may be prosecuted in  
79 the county in which the communication originated, the county in  
80 which the communication was made, the county in which the  
81 communication was received or the county in which any act in  
82 execution or furtherance of the scheme occurred.

83 **SECTION 7.** This act shall take effect and be in force from  
84 and after July 1, 2024.





By: Representative McKnight

To: Judiciary B

HOUSE BILL NO. 1323  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 99-1-5, MISSISSIPPI CODE OF 1972, TO  
2 REMOVE THE STATUTE OF LIMITATIONS FOR PROSECUTION OF THE CRIME OF  
3 SEXUAL BATTERY OF A VULNERABLE PERSON; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 99-1-5, Mississippi Code of 1972, is  
6 amended as follows:

7 99-1-5. (1) (a) The passage of time shall never bar  
8 prosecution against any person for the offenses of murder,  
9 manslaughter, aggravated assault, aggravated domestic violence,  
10 kidnapping, arson, burglary, forgery, counterfeiting, robbery,  
11 larceny, rape, embezzlement, obtaining money or property under  
12 false pretenses or by fraud, felonious abuse or battery of a child  
13 as described in Section 97-5-39, touching or handling a child for  
14 lustful purposes as described in Section 97-5-23, sexual battery  
15 of a child as described in Section 97-3-95(1)(c), (d) or (2),  
16 exploitation of children as described in Section 97-5-33,  
17 promoting prostitution under Section 97-29-51(2) when the person  
18 involved is a minor, felonious abuse of vulnerable persons, as



19 described in Section 43-47-18, sexual battery as described in  
20 Section 97-3-95(1) (a) or (b) when the identity of the accused is  
21 later discovered due to results of DNA testing of biological  
22 evidence, or any human trafficking offense as described in Section  
23 97-3-54.1(1) (a), (1) (b) or (1) (c), Section 97-3-54.2, or Section  
24 97-3-54.3.

25 (b) A person shall not be prosecuted for felonious  
26 assistance-program fraud, as described in Section 97-19-71, or for  
27 felonious abuse of vulnerable persons, as described in \* \* \*  
28 Section 43-47-19, unless the prosecution for the offense is  
29 commenced within five (5) years \* \* \* after the commission  
30 thereof.

31 (c) A person shall not be prosecuted for larceny of  
32 timber as described in Section 97-17-59, unless the prosecution  
33 for the offense is commenced within six (6) years \* \* \* after the  
34 commission thereof.

35 (d) The time limitation on prosecution for conspiracy,  
36 as described in Section 97-1-1, shall be the same as for the  
37 underlying offense for which the defendant is accused of  
38 conspiring to commit.

39 (e) A person shall not be prosecuted for bribery as  
40 defined in Section 97-11-11, unless the prosecution for the  
41 offense is commenced within five (5) years after the commission  
42 thereof.



43           (2) A person shall not be prosecuted for any other offense  
44 not listed in this section unless the prosecution for the offense  
45 is commenced within two (2) years \* \* \* after the commission  
46 thereof.

47           (3) Nothing contained in this section shall bar any  
48 prosecution against any person who shall abscond or flee from  
49 justice, or shall absent himself from this state or out of the  
50 jurisdiction of the court, or so conduct himself that he cannot be  
51 found by the officers of the law, or that process cannot be served  
52 upon him.

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

