

By: Representatives Currie, Hall, McLean

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 80

1 AN ACT TO AMEND SECTION 13-1-23, MISSISSIPPI CODE OF 1972, TO
2 CREATE AN EVIDENTIARY PRESUMPTION OF DEATH TO BE KNOWN AS THE "ZEB
3 HUGHES LAW" WHENEVER UNCONTRADICTED SWORN TESTIMONY AND EVIDENCE
4 SUPPORT A DETERMINATION OF THE DEATH OF A MISSING PERSON WHO HAS
5 UNDERGONE A CATASTROPHIC EVENT THAT EXPOSED THE PERSON TO IMMINENT
6 PERIL; TO CREATE NEW SECTION 41-57-8, MISSISSIPPI CODE OF 1972, TO
7 REQUIRE THE STATE REGISTRAR OF VITAL STATISTICS TO PREPARE A DEATH
8 CERTIFICATE FOR A MISSING PERSON LEGALLY PRESUMED TO BE DEAD UPON
9 RECEIPT OF A PROPER COURT ORDER; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 13-1-23, Mississippi Code of 1972, is
12 amended as follows:

13 13-1-23. (1) Except as otherwise provided in subsection (2)
14 of this section, a * * * person who shall remain beyond the sea,
15 or absent himself or herself from this state, or conceal himself
16 or herself in this state, for seven (7) years successively without
17 being heard of, shall be presumed to be dead in any case
18 where * * * the person's death shall come in question, unless
19 proof be made that * * * the person was alive within that time.
20 Any property or estate recovered in any such case shall be
21 restored to the person evicted or deprived thereof, if, in a



22 subsequent action, it shall be proved that the person so presumed
23 to be dead is living.

24 (2) (a) This subsection shall be known and may be cited as
25 the "Zeb Hughes Law."

26 A person who has undergone a catastrophic event that exposed
27 the person to imminent peril or danger reasonably expected to
28 result in loss of life and whose absence following the event is
29 not explained satisfactorily after diligent search or inquiry is
30 presumed to be dead if the sworn testimony of persons having
31 firsthand knowledge of the event, including law enforcement
32 officers, first responders, search and rescue personnel and
33 volunteers, eyewitnesses and any other persons, along with any
34 other evidence before the court, is uncontradicted and supports a
35 determination that the death of the missing person occurred in the
36 catastrophic event. The death is presumed to have occurred at the
37 time of the catastrophic event.

38 (b) The hearing to review evidence of the catastrophic
39 event shall be held no less than two (2) years after the
40 catastrophic event. Loss of life shall be proven by clear and
41 convincing evidence. A notice of the hearing shall be provided to
42 the coroner, the district attorney and the sheriff of the county
43 in which the catastrophic event occurred within thirty (30) days
44 of the date set for the hearing in accordance with the Mississippi
45 Rules of Civil Procedure.



46 **SECTION 2.** The following shall be codified as Section
47 41-57-8, Mississippi Code of 1972:

48 41-57-8. (1) When a death is presumed to have occurred
49 under Section 13-1-23, the State Registrar of Vital Statistics
50 shall prepare a death certificate upon receipt of an order of a
51 court of competent jurisdiction within the state. The court order
52 shall include the following:

53 (a) The decedent's full legal name;

54 (b) The date of death, as determined by the evidence
55 presented;

56 (c) The place of death, as determined by the evidence
57 presented;

58 (d) The decedent's address at the time of death;

59 (e) The decedent's marital status at the time of death;

60 (f) The given name of the decedent's surviving spouse,
61 if any;

62 (g) If known, information necessary to complete the
63 medical portion of the death certificate, including the cause and
64 manner of death. If the death occurred from a catastrophic event,
65 the court order must include information on how and when the event
66 occurred; and

67 (h) Such other information that may be required under
68 rules and regulations promulgated by the State Board of Health.



69 (2) A death certificate issued pursuant to this section must
70 identify the court that issued the order on which the death
71 certificate is based and include the date of the court order.

72 (3) The record of a death registered under this section must
73 be marked "presumptive."

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

