

By: Representative Formby

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 20

1 AN ACT TO AMEND SECTION 99-35-115, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT BAIL PENDING APPEAL FOR CERTAIN FELONY CONVICTIONS;
3 AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 99-35-115, Mississippi Code of 1972, is
6 amended as follows:

7 99-35-115. (1) A person convicted of physical or sexual
8 abuse of a child * * * or any offense in which a sentence of death
9 or life imprisonment is imposed or kidnapping, arson, aggravated
10 assault, manslaughter, rape or burglary of an occupied dwelling
11 shall not be entitled to be released from imprisonment pending an
12 appeal to the Supreme Court.

13 (2) (a) A person convicted of any felony, not enumerated in
14 subsection (1), shall be entitled to be released from imprisonment
15 on bail pending an appeal to the Supreme Court, within the
16 discretion of a judicial officer, if the convict shows by clear
17 and convincing evidence that release of the convict would not
18 constitute a special danger to any other person or to the
19 community, and that a condition or a combination of conditions may
20 be placed on release that will reasonably assure the appearance of
21 the convict as required, and only when the peculiar circumstances
22 of the case render it proper.

23 (b) If bail is denied, the judicial officer shall place
24 the reasons for such denial of record in the case.

25 (c) For the purposes of this section, "judicial
26 officer" means the trial court or trial judge, a judge of the

27 district in which the conviction occurred, the Supreme Court or a
28 justice of the Supreme Court in vacation of the court.

29 (d) The victim or family of a victim shall be entitled
30 to submit a written statement objecting to the granting of release
31 on bail pending appeal.

32 SECTION 2. This act shall take effect and be in force from
33 and after July 1, 1999.