

By: Representative Formby

To: Judiciary B

HOUSE BILL NO. 20
(As Passed the House)

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, embezzlement, burglary of businesses,
11 burglary of churches, burning of churches or burglary of an
12 occupied dwelling shall not be entitled to be released from
13 imprisonment pending an appeal to the Supreme Court.

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

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

26 (c) For the purposes of this section, "judicial

27 officer" means the trial court or trial judge, a judge of the
28 district in which the conviction occurred, the Supreme Court or a
29 justice of the Supreme Court in vacation of the court.

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

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