

By: Representatives Robinson (63rd), Banks, To: Judiciary B
Bozeman, Clarke, Coleman (65th), Wallace

HOUSE BILL NO. 1073
(As Passed the House)

1 AN ACT TO AMEND SECTION 83-39-31, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE FEE IMPOSED ON CASH BAIL BONDS SHALL BE
3 COLLECTED BY THE CLERK OF COURT WHEN THE DEFENDANT POSTS A CASH
4 BAIL BOND; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 83-39-31, Mississippi Code of 1972, is
7 amended as follows:

8 83-39-31. (1) Upon every defendant charged with a criminal
9 offense who posts a cash bail bond, a surety bail bond, a property
10 bail bond or a guaranteed arrest bond certificate conditioned for
11 his appearance at trial, there is imposed a fee equal to two
12 percent (2%) of the face value of each bond or Twenty Dollars
13 (\$20.00), whichever is greater, to be collected by the clerk of
14 the court when the defendant appears in court for final
15 adjudication or at the time the defendant posts cash bond unless
16 subsection (4) applies.

17 (2) Upon each defendant charged with a criminal offense who
18 is released on his own recognizance, who deposits his driver's
19 license in lieu of bail, or who is released after arrest on
20 written promise to appear, there is imposed a fee of Twenty
21 Dollars (\$20.00) to be collected by the clerk of the court when
22 the defendant appears in court for final adjudication unless
23 subsection (4) applies.

24 (3) Upon each defendant convicted of a criminal offense who
25 appeals his conviction and posts a bond conditioned for his
26 appearance, there is imposed a fee equal to two percent (2%) of
27 the face value of each bond or Twenty Dollars (\$20.00), whichever

28 is greater. If such defendant is released on his own recognizance
29 pending his appeal, there is imposed a fee of Twenty Dollars
30 (\$20.00). The fee imposed by this subsection shall be
31 imposed * * * and shall be collected by the clerk of the court
32 when the defendant posts a bond unless subsection (4) applies.

33 (4) If a defendant is found to be not guilty or if the
34 charges against a defendant are dismissed, or if the prosecutor
35 enters a nolle prosequi in the defendant's case or retires the
36 defendant's case to the file, or if the defendant's conviction is
37 reversed on appeal, the fees imposed pursuant to subsections (1),
38 (2) and (3) * * * shall not be imposed.

39 (5) The State Auditor shall establish by regulation
40 procedures providing for the timely collection, deposit,
41 accounting and, where applicable, refund of the fees imposed by
42 this section. The Auditor shall provide in the regulations for
43 certification of eligibility for refunds and may require the
44 defendant seeking a refund to submit a verified copy of a court
45 order or abstract by which the defendant is entitled to a refund.

46 (6) It shall be the duty of the clerk or any officer of the
47 court authorized to take bonds or recognizances to promptly
48 collect, at the time such bonds or recognizances are received or
49 taken, all fees imposed pursuant to this section. In all cases,
50 the clerk or officer of the court shall deposit all fees so
51 collected with the State Treasurer, pursuant to appropriate
52 procedures established by the State Auditor, for deposit into the
53 State General Fund.

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