

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

HOUSE BILL NO. 1073  
(As Sent to Governor)

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.