

By: Representatives Fredericks, Dickson,
Miller, Peranich, Simmons, Thomas

To: Judiciary B

HOUSE BILL NO. 1085

1 AN ACT TO AMEND SECTION 99-5-37, MISSISSIPPI CODE OF 1972, TO
2 REVISE ARREST FOR DOMESTIC VIOLENCE; AND FOR RELATED PURPOSES.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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5 SECTION 1. Section 99-5-37, Mississippi Code of 1972, is
6 amended as follows:

7 99-5-37. In any arrest for a misdemeanor which is an act of
8 domestic violence, as defined in Section 99-3-7, no bail shall be
9 granted until the person arrested has appeared before a judge of
10 the court of competent jurisdiction. The defendant shall be
11 brought before a judge at the first reasonable opportunity, not to
12 exceed twenty-four (24) hours from the time of the arrest. If a
13 judge is not available for an appearance within twenty-four (24)
14 hours following the arrest, the law enforcement agency holding the
15 defendant may contact a judge by telephone. Upon setting bail in
16 any case involving domestic violence, either after a personal
17 appearance or by telephone, the judge shall give particular
18 consideration to the exigencies of the case, including the
19 potential for further violence, and shall impose any specific
20 conditions as he or she may deem necessary.

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