

By: Nunnelee

To: Judiciary

SENATE BILL NO. 2033

1 AN ACT TO AMEND SECTION 99-35-115, MISSISSIPPI CODE OF 1972,  
2 TO ADD SEXUAL BATTERY AND FELONY CHILD ABUSE TO THOSE CRIMES FOR  
3 WHICH BAIL IS DENIED PENDING APPEAL; 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 sexual battery, any  
8 child abuse which would constitute a felony or any offense in  
9 which a sentence of death or life imprisonment is imposed shall  
10 not be entitled to be released from imprisonment pending an appeal  
11 to the Supreme Court.

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

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

24                   (c) For the purposes of this section, "judicial  
25 officer" means the trial court or trial judge, a judge of the  
26 district in which the conviction occurred, the Supreme Court or a  
27 justice of the Supreme Court in vacation of the court.

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

31                   SECTION 2. This act shall take effect and be in force from  
32 and after its passage.