

By: Representative McBride

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 17

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 29,
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROHIBIT BAIL FOR TRAFFICKING
3 IN CONTROLLED SUBSTANCES.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
5 MISSISSIPPI, That the following amendment to the Mississippi
6 Constitution of 1890 is proposed to the qualified electors of the
7 state:

8 Amend Section 29, Mississippi Constitution of 1890, to read
9 as follows:

10 "Section 29. (1) Excessive bail shall not be required, and
11 all persons shall, before conviction, be bailable by sufficient
12 sureties, except for capital offenses (a) when the proof is
13 evident or presumption great; or (b) when the person previously
14 has been convicted of a capital offense or any other offense
15 punishable by imprisonment for a maximum of twenty (20) years or
16 more.

17 (2) If a person charged with committing any offense that is
18 punishable by death, life imprisonment or imprisonment for one (1)
19 year or more in the penitentiary or any other state correctional
20 facility is granted bail and (a) if that person is indicted for a
21 felony committed while on bail; or (b) if the court, upon hearing,
22 finds probable cause that the person has committed a felony while
23 on bail, then the court shall revoke bail and shall order that the
24 person be detained, without further bail, pending trial of the
25 charge for which bail was revoked. For the purposes of this
26 subsection (2) only, the term "felony" means any offense
27 punishable by death, life imprisonment or imprisonment for more

28 than five (5) years under the laws of the jurisdiction in which
29 the crime is committed. In addition, grand larceny shall be
30 considered a felony for the purposes of this subsection.

31 (3) In the case of offenses punishable by imprisonment for a
32 maximum of twenty (20) years or more or by life imprisonment, a
33 county or circuit court judge may deny bail for such offenses when
34 the proof is evident or the presumption great upon making a
35 determination that the release of the person or persons arrested
36 for such offenses would constitute a special danger to any other
37 person or to the community or that no condition or combination of
38 conditions will reasonably assure the appearance of the person as
39 required. In the case of trafficking in controlled substances, a
40 county court or circuit court judge shall deny bail for such
41 offense.

42 (4) In any case where bail is denied before conviction, the
43 judge shall place in the record his reasons for denying bail. Any
44 person who is charged with an offense punishable by imprisonment
45 for a maximum of twenty (20) years or more or by life imprisonment
46 and who is denied bail prior to conviction shall be entitled to an
47 emergency hearing before a justice of the Mississippi Supreme
48 Court. The provisions of this subsection (4) do not apply to bail
49 revocation orders."

50 BE IT FURTHER RESOLVED, That this proposed amendment shall be
51 submitted by the Secretary of State to the qualified electors at
52 an election to be held on the first Tuesday after the first Monday
53 of November 2002, as provided by Section 273 of the Constitution
54 and by general law.

55 BE IT FURTHER RESOLVED, That the explanation of this proposed
56 amendment for the ballot shall read as follows: "This proposed
57 constitutional amendment which prohibits bail for the offense of
58 trafficking in controlled substances."