

By: Representative Chism

To: Judiciary B

HOUSE BILL NO. 398

1 AN ACT TO AMEND SECTION 99-35-115, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT PERSONS CONVICTED OF SEXUAL BATTERY OF A MINOR
3 SHALL NOT BE ENTITLED TO BAIL PENDING APPEAL; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 99-35-115, Mississippi Code of 1972, is
7 amended as follows:

8 99-35-115. (1) A person convicted of felony child abuse,
9 sexual battery of a minor or any offense in which a sentence of
10 death or life imprisonment is imposed shall not be entitled to be
11 released from imprisonment pending an appeal 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.

