

By: Representatives Whittington, Brown,
Watson, McBride, Barnett (116th), Fredericks

To: Judiciary B

HOUSE BILL NO. 985

1 AN ACT TO AMEND SECTION 99-5-37, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT THE TWENTY-FOUR-HOUR WAITING PERIOD FOR COURT
3 APPEARANCES FOR ACTS OF MISDEMEANOR DOMESTIC VIOLENCE INCLUDES
4 WEEKENDS AND HOLIDAYS; TO LIMIT BAIL SETTINGS TO MISDEMEANOR
5 DOMESTIC VIOLENCE; AND FOR RELATED PURPOSES.

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

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

9 99-5-37. In any arrest for a misdemeanor which is an act of
10 domestic violence, as defined in Section 97-3-7, no bail shall be
11 granted until the person arrested has appeared before a judge of
12 the court of competent jurisdiction. The defendant shall be
13 brought before a judge at the first reasonable opportunity, not to
14 exceed twenty-four (24) hours from the time of the arrest. In
15 calculating the twenty-four (24) hours, weekends and holidays
16 shall be included. The appearance may be by telephone. Upon
17 setting bail in any case involving a misdemeanor which is an act
18 of domestic violence, the judge shall give particular
19 consideration to the exigencies of the case, including the
20 potential for further violence, and shall impose any specific
21 conditions as he or she may deem necessary.

22 **SECTION 2.** This act shall take effect and be in force from
23 and after July 1, 2003.

