

By: Representative Reeves

To: Judiciary B

HOUSE BILL NO. 1547

1 AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO DETERMINE IF
2 ARRESTED OFFENDERS ARE ON PROBATION, PAROLE OR RELEASED ON BAIL;
3 TO REQUIRE INCARCERATION IF THE ARRESTED OFFENDER IS ON PROBATION,
4 PAROLE OR RELEASED ON BAIL; TO AMEND SECTION 99-3-18, MISSISSIPPI
5 CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** When a law enforcement officer arrests a person
8 for a criminal violation, the officer shall check the National
9 Criminal Information Center and the information on file with the
10 Mississippi Justice Information Center to ascertain if the
11 arrested person is on probation, parole or released on bail. If
12 the person is on probation, parole or released on bail. If the
13 person is on probation, parole or released on bail, the person
14 shall be incarcerated and shall remain incarcerated until a court
15 of competent jurisdiction, upon review, determines that the person
16 is entitled to bail.

17 **SECTION 2.** Section 99-3-18, Mississippi Code of 1972, is
18 amended as follows:

19 99-3-18. (1) In any case in which a person is arrested for
20 an offense declared to be a misdemeanor and does not demand to be
21 taken before a municipal judge, justice court judge or other
22 judge, such person may, instead of being taken before a judge, be
23 released according to the procedures set forth by this section and
24 Section 99-3-17 provided that the officer has complied with
25 Section 1 of this act. If the arresting officer or his superior
26 determines that the person should be released, such officer or
27 superior shall prepare in duplicate a written notice to appear in
28 court, containing the name and address of such person, the offense

29 charged, and the time when and place where such person shall
30 appear in court. If the person is not released prior to being
31 booked and the officer in charge of the booking or his superior
32 determines that the person should be released, such officer or
33 superior shall prepare such written notice to appear in court.
34 Unless waived by the arrested person, the time specified in the
35 notice to appear shall be at least five (5) days after arrest.
36 The place specified in the notice shall be the court of the
37 municipal judge, justice court judge or other judge before whom
38 the person would be taken if the requirement of taking an arrested
39 person before a judge were complied with, or shall be an officer
40 authorized by such court to receive a deposit of bail.

41 (2) The officer shall deliver one (1) copy of the notice to
42 appear to the arrested person, and the arrested person, in order
43 to secure release, shall give his written promise to appear in
44 court by signing the duplicate notice which shall be retained by
45 the officer. Thereupon the arresting officer shall forthwith
46 release the person arrested from custody. The officer shall, as
47 soon as practicable, file the duplicate notice with the municipal
48 judge, justice court judge or other judge specified therein. No
49 warrant shall issue on such charge for the arrest of a person who
50 has given such written promise to appear in court, unless and
51 until he has violated such promise or has failed to appear for
52 trial or judgment, or to comply with the terms and provisions of
53 the judgment, as required by law.

54 (3) If the arrested person is not released pursuant to the
55 provisions of this section and Section 99-3-17 prior to being
56 booked by the arresting agency, then at the time of booking, the
57 officer in charge of such booking or his superior officer, or any
58 other person designated by a city or county for this purpose may
59 make an immediate investigation into the background of the person
60 to determine whether he should be released pursuant to the
61 provisions of this section and Section 99-3-17. Such

62 investigation shall include, but need not be limited to, the
63 person's name, address, length of residence at that address,
64 length of residence within this state, marital and family status,
65 employment, length of that employment, prior arrest record and
66 such other facts relating to the person's arrest which would bear
67 on the question of his release pursuant to the provisions of this
68 section and Section 99-3-17.

69 **SECTION 2.** This act shall take effect and be in force from
70 and after July 1, 2005.