

By: Representative Moore

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 30

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 29,  
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROHIBIT BAIL FOR A PERSON  
3 APPEALING A FELONY CONVICTION.

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

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

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27 charge for which bail was revoked.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

28 subsection (2) only, the term "felony" means any offense  
29 punishable by death, life imprisonment or imprisonment for more  
30 than five (5) years under the laws of the jurisdiction in which  
31 the crime is committed. In addition, grand larceny shall be  
32 considered a felony for the purposes of this subsection.

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

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 (5) Bail shall not be allowed for a person appealing a  
51 felony conviction."

52 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
53 submitted by the Secretary of State to the qualified electors at  
54 an election to be held on the first Tuesday after the first Monday  
55 of November 2006, as provided by Section 273 of the Constitution  
56 and by general law.

57 BE IT FURTHER RESOLVED, That the explanation of this proposed  
58 amendment for the ballot shall read as follows: "This proposed  
59 constitutional amendment will prohibit bail for a person appealing  
60 a felony conviction."