

By: Representative Rogers (61st)

To: Judiciary B

HOUSE BILL NO. 716

1 AN ACT TO AMEND SECTION 99-5-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE CASH BAIL BOND; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** Section 99-5-9, Mississippi Code of 1972, is
5 amended as follows:

6 99-5-9. (1) In addition to any type of bail allowed by
7 statute, any committing court, in its discretion, may allow any
8 defendant, to whom bail is allowable, to deposit cash as bail bond
9 in lieu of a surety or property bail bond, by depositing such cash
10 sum as the court may direct with the sheriff or officer having
11 custody of defendant, who shall receipt therefor and who shall
12 forthwith deliver the said monies to the county treasurer, who
13 shall receipt therefor in duplicate. The sheriff, or other
14 officer, upon receipt of the county treasurer, shall forthwith
15 deliver one (1) copy of such receipt to the committing court who
16 shall then order the release of such defendant.

17 (2) The order of the court shall set forth the conditions
18 upon which such cash bond is allowed and shall be determined to be
19 the agreement upon which the bailee has agreed.

20 (3) The sums received by the county treasurer shall be
21 deposited by him in a special fund to be known as "Cash Bail
22 Fund," and shall be received by him subject to the terms and
23 conditions of the order of the court.

24 (4) If the committing court authorizes bail by a cash
25 deposit under subsection (1) of this section, but anyone
26 authorized to release a criminal defendant allows the deposit of
27 an amount less than the full amount of the bail ordered by the

28 court, the defendant may post bail by a professional bail agent in
29 an amount equal to one-fourth (1/4) of the full amount fixed under
30 subsection (1) or the amount of the actual deposit whichever is
31 greater.

32 **SECTION 2.** This act shall take effect and be in force from
33 and after July 1, 2007.