

By: Representative Rogers (61st)

To: Judiciary B

HOUSE BILL NO. 718

1 AN ACT TO CREATE SECTION 99-5-39, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE AN APPEARANCE BOND AS A CONDITION OF ANY PROBATION,
3 COMMUNITY CONTROL, PAYMENT PLAN FOR ANY FINE IMPOSED OR ANY OTHER
4 COURT ORDERED SUPERVISION; TO PROVIDE FOR NOTICE TO THE BAIL
5 AGENT; TO PROVIDE FOR THE CONDITIONS OF FORFEITURE OF THE BOND;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section
9 99-5-39, Mississippi Code of 1972:

10 99-5-39. (1) As a condition of any probation, community
11 control, payment plan for any fine imposed or any other court
12 ordered supervision, the court may order the posting of a bond to
13 secure the appearance of the defendant at any subsequent court
14 proceeding or to otherwise enforce the orders of the court. The
15 appearance bond shall be filed by a duly licensed professional
16 bail agent with the court or with the sheriff who shall provide a
17 copy to the clerk of court.

18 (2) The court may issue an order sua sponte or upon notice
19 by the clerk or the probation officer that the person has violated
20 the terms of probation, community control, court ordered
21 supervision or other applicable court order to produce the
22 defendant. Upon seventy-two (72) hours' notice by the court or
23 the clerk of court, the bail agent shall surrender the defendant
24 in open court or to the sheriff. If the bail agent fails to
25 produce the defendant in court or to the sheriff at the time
26 noticed by the court or the clerk of court, the bond shall be
27 forfeited according to the procedures set forth in Section
28 99-5-25. The defendant's failure to appear shall be the sole
29 grounds for forfeiture of the appearance bond.

30 (3) The provisions of Sections 83-39-1 et seq. and 99-5-1 et
31 seq. shall govern the relationship between the parties except
32 where they are inconsistent with this section.

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