

By: Senator(s) White

To: Judiciary, Division B

SENATE BILL NO. 2756

1 AN ACT TO AMEND SECTION 99-5-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE FORM REQUIREMENTS FOR BAIL; TO AMEND SECTION 99-5-9,  
3 MISSISSIPPI CODE OF 1972, TO REVISE CASH BAIL BOND; TO CREATE  
4 SECTION 99-5-39, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN  
5 APPEARANCE BOND AS A CONDITION OF ANY PROBATION, COMMUNITY  
6 CONTROL, PAYMENT PLAN FOR ANY FINE IMPOSED OR ANY OTHER COURT  
7 ORDERED SUPERVISION; TO PROVIDE FOR NOTICE TO THE BAIL AGENT; TO  
8 PROVIDE FOR THE CONDITIONS OF FORFEITURE OF THE BOND; AND FOR  
9 RELATED PURPOSES.

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

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

13 99-5-1. Bail may be taken in the following form, viz.:

14 "State of Mississippi,  
15 \_\_\_\_\_ County.

16 We \_\_\_\_\_, principal, and \_\_\_\_\_ and  
17 \_\_\_\_\_, sureties, agree to pay the State of Mississippi  
18 \_\_\_\_\_ Dollars, unless the said \_\_\_\_\_ shall  
19 appear at the next term of the Circuit Court of \_\_\_\_\_  
20 County, and there remain from day to day and term to term until  
21 discharged by law, to answer a charge of \_\_\_\_\_.

22 Signed \_\_\_\_\_  
23 \_\_\_\_\_

24 Approved \_\_\_\_\_.  
25 \_\_\_\_\_."

26 When the bail is for appearance before any committing court  
27 or a judge, the form may be varied to suit the condition.

28 When a bond is taken from a professional bail agent, the  
29 following must be preprinted or stamped clearly and legibly on the  
30 bond form: full name of the professional bail agent, Department

31 of Insurance license number, full and correct legal address of the  
32 professional bail agent and complete phone number of the  
33 professional bail agent. In addition, if the bond is posted by a  
34 limited surety professional bail agent, the name of the insurer,  
35 the legal address of the insurer on file with the department and  
36 phone number of the insurer must be preprinted or stamped, and a  
37 true and correct copy of an individual's power of attorney  
38 authorizing the agent to post such bond shall be attached.

39 If the bond is taken from a soliciting bail agent, the full  
40 name of the soliciting bail agent and the license number of such  
41 agent must be preprinted or stamped clearly and legibly along with  
42 all information required for a professional bail agent and a true  
43 and correct copy of an individual's power of attorney authorizing  
44 such soliciting bail agent to sign the name of the professional  
45 bail agent.

46 Any professional bail agent and/or soliciting bail agents who  
47 issue a bail bond that does not contain this required information  
48 may have their license suspended up to six (6) months and/or be  
49 fined not more than One Thousand Dollars (\$1,000.00) for the first  
50 offense, may have their license suspended up to one (1) year  
51 and/or be fined not more than Five Thousand Dollars (\$5,000.00)  
52 for the second offense and shall have their license permanently  
53 revoked if they commit a third offense.

54 **SECTION 2.** Section 99-5-9, Mississippi Code of 1972, is  
55 amended as follows:

56 99-5-9. (1) In addition to any type of bail allowed by  
57 statute, any committing court, in its discretion, may allow any  
58 defendant, to whom bail is allowable, to deposit cash as bail bond  
59 in lieu of a surety or property bail bond, by depositing such cash  
60 sum as the court may direct with the sheriff or officer having  
61 custody of defendant, who shall receipt therefor and who shall  
62 forthwith deliver the said monies to the county treasurer, who  
63 shall receipt therefor in duplicate. The sheriff, or other

64 officer, upon receipt of the county treasurer, shall forthwith  
65 deliver one (1) copy of such receipt to the committing court who  
66 shall then order the release of such defendant.

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

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

74 (4) If the committing court authorizes bail by a cash  
75 deposit under subsection (1) of this section, but anyone  
76 authorized to release a criminal defendant allows the deposit of  
77 an amount less than the full amount of the bail ordered by the  
78 court, the defendant may post bail by a professional bail agent in  
79 an amount equal to one-fourth (1/4) of the full amount fixed under  
80 subsection (1) or the amount of the actual deposit whichever is  
81 greater.

82 **SECTION 3.** The following shall be codified as Section  
83 99-5-39, Mississippi Code of 1972:

84 99-5-39. (1) As a condition of any probation, community  
85 control, payment plan for any fine imposed or any other court  
86 ordered supervision, the court may order the posting of a bond to  
87 secure the appearance of the defendant at any subsequent court  
88 proceeding or to otherwise enforce the orders of the court. The  
89 appearance bond shall be filed by a duly licensed professional  
90 bail agent with the court or with the sheriff who shall provide a  
91 copy to the clerk of court.

92 (2) The court may issue an order sua sponte or upon notice  
93 by the clerk or the probation officer that the person has violated  
94 the terms of probation, community control, court ordered  
95 supervision or other applicable court order to produce the  
96 defendant. Upon seventy-two (72) hours' notice by the court or

97 the clerk of court, the bail agent shall surrender the defendant  
98 in open court or to the sheriff. If the bail agent fails to  
99 produce the defendant in court or to the sheriff at the time  
100 noticed by the court or the clerk of court, the bond shall be  
101 forfeited according to the procedures set forth in Section  
102 99-5-25. The defendant's failure to appear shall be the sole  
103 grounds for forfeiture of the appearance bond.

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

107 **SECTION 4.** This act shall take effect and be in force from  
108 and after July 1, 2007.