

By: Representatives Jones, Flagg, Gardner

To: Judiciary B

HOUSE BILL NO. 989  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 83-39-31 AND 93-21-117, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE AN ASSESSMENT ON BAIL BONDS TO BE  
3 DEPOSITED INTO THE VICTIMS OF DOMESTIC VIOLENCE FUND; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 83-39-31, Mississippi Code of 1972, is  
7 amended as follows:

8 83-39-31. (1) Upon every defendant charged with a criminal  
9 offense who posts a cash bail bond, a surety bail bond, a property  
10 bail bond or a guaranteed arrest bond certificate conditioned for  
11 his appearance at trial, there is imposed a fee equal to two  
12 percent (2%) of the face value of each bond or Twenty Dollars  
13 (\$20.00), whichever is greater, to be collected by the clerk of  
14 the court when the defendant appears in court for final  
15 adjudication or at the time the defendant posts cash bond unless  
16 subsection (4) applies.

17 (2) Upon each defendant charged with a criminal offense who  
18 is released on his own recognizance, who deposits his driver's  
19 license in lieu of bail, or who is released after arrest on  
20 written promise to appear, there is imposed a fee of Twenty  
21 Dollars (\$20.00) to be collected by the clerk of the court when  
22 the defendant appears in court for final adjudication unless  
23 subsection (4) applies.

24 (3) Upon each defendant convicted of a criminal offense who  
25 appeals his conviction and posts a bond conditioned for his  
26 appearance, there is imposed a fee equal to two percent (2%) of  
27 the face value of each bond or Twenty Dollars (\$20.00), whichever  
28 is greater. If such defendant is released on his own recognizance



29 pending his appeal, there is imposed a fee of Twenty Dollars  
30 (\$20.00). The fee imposed by this subsection shall be imposed and  
31 shall be collected by the clerk of the court when the defendant  
32 posts a bond unless subsection (4) applies.

33 (4) If a defendant is found to be not guilty or if the  
34 charges against a defendant are dismissed, or if the prosecutor  
35 enters a nolle prosequi in the defendant's case or retires the  
36 defendant's case to the file, or if the defendant's conviction is  
37 reversed on appeal, the fees imposed pursuant to subsections (1),  
38 (2), (3) and (7) shall not be imposed.

39 (5) The State Auditor shall establish by regulation  
40 procedures providing for the timely collection, deposit,  
41 accounting and, where applicable, refund of the fees imposed by  
42 this section. The Auditor shall provide in the regulations for  
43 certification of eligibility for refunds and may require the  
44 defendant seeking a refund to submit a verified copy of a court  
45 order or abstract by which the defendant is entitled to a refund.

46 (6) It shall be the duty of the clerk or any officer of the  
47 court authorized to take bonds or recognizances to promptly  
48 collect, at the time such bonds or recognizances are received or  
49 taken, all fees imposed pursuant to this section. In all cases,  
50 the clerk or officer of the court shall deposit all fees so  
51 collected with the State Treasurer, pursuant to appropriate  
52 procedures established by the State Auditor, for deposit into the  
53 State General Fund.

54 (7) In addition to the fees imposed by this section, there  
55 shall be an assessment of Ten Dollars (\$10.00) imposed upon every  
56 criminal defendant charged with a criminal offense who posts a  
57 cash bail bond, a surety bail bond, a property bail bond or a  
58 guaranteed arrest bond to be collected by the clerk of the court  
59 and deposited in the Victims of Domestic Violence Fund created by  
60 Section 93-21-117.



61           **SECTION 2.** Section 93-21-117, Mississippi Code of 1972, is  
62 amended as follows:

63           93-21-117. (1) There is hereby created in the State  
64 Treasury a special fund to be known as the "Victims of Domestic  
65 Violence Fund." The fund shall be a continuing fund, not subject  
66 to fiscal-year limitations, and shall consist of:

67                   (a) Monies appropriated by the Legislature;

68                   (b) The interest accruing to the fund;

69                   (c) Monies received under the provisions of Section  
70 99-19-73;

71                   (d) Monies received from the federal government;

72                   (e) Donations; \* \* \*

73                   (f) Assessments collected pursuant to Section 83-39-31;

74 and

75                   (g) Monies received from such other sources as may be  
76 provided by law.

77           (2) The circuit clerks of the state shall deposit in the  
78 fund on a monthly basis the additional fee charged and collected  
79 for marriage licenses under the provisions of Section 25-7-13,  
80 Mississippi Code of 1972.

81           (3) All other monies received from every source for the  
82 support of the program for victims of domestic violence,  
83 established by Sections 93-21-101 through 93-21-113, shall be  
84 deposited in the "Victims of Domestic Violence Fund." The monies  
85 in the fund shall be used by the State Department of Health solely  
86 for funding and administering domestic violence shelters under the  
87 provisions of Sections 93-21-101 through 93-21-113, in such  
88 amounts as the Legislature may appropriate to the department for  
89 the program for victims of domestic violence established by  
90 Sections 93-21-101 through 93-21-113. Not more than ten percent  
91 (10%) of the monies in the "Victims of Domestic Violence Fund"  
92 shall be appropriated to the State Department of Health for the  
93 administration of domestic violence shelters.



94           **SECTION 3.** This act shall take effect and be in force from  
95 and after July 1, 2009.

