

By: Representative Horan

To: Ways and Means

HOUSE BILL NO. 832

1 AN ACT TO AMEND SECTION 83-39-31, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE IMPOSITION OF A FEE, WHICH IS EQUAL TO TWO PERCENT
3 OF THE FACE VALUE OF EACH BOND OR \$20.00, WHICHEVER IS GREATER,
4 FOR EACH DEFENDANT CONVICTED OF A CRIMINAL OFFENSE AND WHO APPEALS
5 THE CONVICTION AND POSTS A BOND CONDITIONED FOR HIS OR HER
6 APPEARANCE; AND FOR RELATED PURPOSES.

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

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

10 83-39-31. (1) Upon every defendant charged with a criminal
11 offense who posts a cash bail bond, a surety bail bond, a property
12 bail bond or a guaranteed arrest bond certificate conditioned for
13 his appearance at trial, there is imposed a fee equal to two
14 percent (2%) of the face value of each bond or Twenty Dollars
15 (\$20.00), whichever is greater, to be collected by the clerk of
16 the court when the defendant appears in court for final
17 adjudication or at the time the defendant posts cash bond unless
18 subsection (* * *3) applies.

19 (2) Upon each defendant charged with a criminal offense who
20 is released on his own recognizance, who deposits his driver's



21 license in lieu of bail, or who is released after arrest on
22 written promise to appear, there is imposed a fee of Twenty
23 Dollars (\$20.00) to be collected by the clerk of the court when
24 the defendant appears in court for final adjudication unless
25 subsection (* * *3) applies.

26 * * *

27 (* * *3) If a defendant is found to be not guilty or if the
28 charges against a defendant are dismissed, or if the prosecutor
29 enters a nolle prosequi in the defendant's case or retires the
30 defendant's case to the file, or if the defendant's conviction is
31 reversed on appeal, the fees imposed pursuant to subsections (1),
32 (2), * * * and (* * *6) shall not be imposed.

33 (* * *4) The State Auditor shall establish by regulation
34 procedures providing for the timely collection, deposit,
35 accounting and, where applicable, refund of the fees imposed by
36 this section. The Auditor shall provide in the regulations for
37 certification of eligibility for refunds and may require the
38 defendant seeking a refund to submit a verified copy of a court
39 order or abstract by which the defendant is entitled to a refund.

40 (* * *5) It shall be the duty of the clerk or any officer
41 of the court authorized to take bonds or recognizances to promptly
42 collect, at the time such bonds or recognizances are received or
43 taken, all fees imposed pursuant to this section. In all cases,
44 the clerk or officer of the court shall deposit all fees so
45 collected with the State Treasurer, pursuant to appropriate



46 procedures established by the State Auditor, for deposit into the
47 State General Fund.

48 (* * *6) In addition to the fees imposed by this section,
49 there shall be an assessment of Ten Dollars (\$10.00) imposed upon
50 every criminal defendant charged with a criminal offense who posts
51 a cash bail bond, a surety bail bond, a property bail bond or a
52 guaranteed arrest bond to be collected by the clerk of the court
53 and deposited in the Victims of Domestic Violence Fund created by
54 Section 93-21-117, unless subsection (* * *3) applies.

55 **SECTION 2.** This act shall take effect and be in force from
56 and after July 1, 2018.

