

By: Representative Gibbs (72nd)

To: Judiciary B

HOUSE BILL NO. 891

1 AN ACT TO AMEND SECTION 99-5-5, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE BONDS TO BE ASSESSED BY THE COURT FOR RENEWAL 6 MONTHS
3 BEFORE THE DATE OF EXPIRATION FOR SUCH BONDS; TO RETURN INTO
4 CUSTODY OF THE COMMITTING COURT ANY PERSON WHO FAILS TO RENEW A
5 BOND WHEN SUCH RENEWAL IS NECESSARY AS DETERMINED BY THE COURT; TO
6 AMEND SECTION 99-5-15, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
7 SHERIFF TO RETURN TO THE CUSTODY OF THE COURT CERTAIN DEFENDANTS
8 WHO FAIL TO RENEW HIS OR HER BAIL BOND; AND FOR RELATED PURPOSES.

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

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

12 99-5-5. All bonds and recognizances taken for the appearance
13 of any party, either as defendant, prosecutor, or witness in any
14 criminal proceeding or matter, shall be made payable to the state,
15 and shall have the effect to bind the accused and his sureties on
16 the bond or recognizance until the principal shall be discharged
17 by due course of law, and shall be in full force, from term to
18 term, for a period of three (3) years, except that a bond
19 returnable to the Supreme Court shall be in full force for a
20 period of five (5) years. If it is necessary to renew a bond, it
21 shall be renewed without additional premium. Six (6) months

22 before the date on which a bond is due to expire, the court that
23 approved the bond shall determine whether factors exist to require
24 renewal of the bond. If a defendant fails to renew a bond that
25 the court determines to be necessary, the defendant shall be
26 placed back into custody with the court. For purpose of renewal,
27 the court shall be the court that approved the original bond. At
28 the end of the applicable period, a bond or recognizance that is
29 not renewed shall expire and shall be uncollectible unless the
30 collection process was started on or before the expiration date of
31 such bond or recognizance. Any bond or recognizance taken prior
32 to July 1, 1996, shall expire on July 1, 1999. If a defendant is
33 charged with multiple counts in one (1) warrant only one (1) bond
34 shall be taken.

35 **SECTION 2.** Section 99-5-15, Mississippi Code of 1972, is
36 amended as follows:

37 99-5-15. (1) It is the duty of the sheriff or other officer
38 having custody of such defendant, upon his compliance with the
39 order of the committing court or officer, to release him from
40 custody; and he shall approve the sureties on the bond, except
41 admitted and authorized fidelity and surety insurance companies
42 acting as surety, and for that purpose may examine them on oath,
43 or take their affidavit in writing, and may administer such oath.

44 (2) It is the duty of the sheriff or other officer having
45 authority to manage the custody of such defendant to return the
46 defendant to the committing court if he or she does not renew a



47 bond that is required to be renewed in accordance with Section
48 99-5-5.

49 **SECTION 3.** This act shall take effect and be in force from
50 and after July 1, 2025.

