

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2461

1 AN ACT TO AMEND SECTION 99-5-37, MISSISSIPPI CODE OF 1972, TO  
2 REVISE ARREST FOR DOMESTIC VIOLENCE; AND FOR RELATED PURPOSES.

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

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5 SECTION 1. Section 99-5-37, Mississippi Code of 1972, is  
6 amended as follows:

7 99-5-37. In any arrest for a misdemeanor which is an act of  
8 domestic violence, as defined in Section 99-3-7, no bail shall be  
9 granted until the person arrested has appeared before a judge of  
10 the court of competent jurisdiction. The defendant shall be  
11 brought before a judge at the first reasonable opportunity, not to  
12 exceed twenty-four (24) hours from the time of the arrest. If a  
13 judge is not available for an appearance within twenty-four (24)  
14 hours following the arrest, the law enforcement agency holding the  
15 defendant may contact a judge by telephone. Upon setting bail in  
16 any case involving domestic violence, either after a personal  
17 appearance or by telephone, the judge shall give particular  
18 consideration to the exigencies of the case, including the  
19 potential for further violence, and shall impose any specific  
20 conditions as he or she may deem necessary.

21 SECTION 2. This act shall take effect and be in force from  
22 and after July 1, 1999.