

By: Representative Reeves

To: Judiciary B

HOUSE BILL NO. 271

1 AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO DETERMINE IF
2 ARRESTED OFFENDERS ARE ON PROBATION, PAROLE OR RELEASED ON BAIL;
3 TO REQUIRE INCARCERATION IF THE ARRESTED OFFENDER IS ON PROBATION,
4 PAROLE OR RELEASED ON BAIL; TO AMEND SECTION 99-3-18, MISSISSIPPI
5 CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** When a law enforcement officer arrests a person
8 for a criminal violation, the officer shall check the National
9 Criminal Information Center and the information on file with the
10 Mississippi Justice Information Center to ascertain if the
11 arrested person is on probation, parole or released on bail. If
12 the person is on probation, parole or released on bail, the person
13 shall be incarcerated and shall remain incarcerated until a court
14 of competent jurisdiction, upon review, determines that the person
15 is entitled to bail.

16 **SECTION 2.** Section 99-3-18, Mississippi Code of 1972, is
17 amended as follows:

18 99-3-18. (1) In any case in which a person is arrested for
19 an offense declared to be a misdemeanor and does not demand to be
20 taken before a municipal judge, justice court judge or other
21 judge, such person may, instead of being taken before a judge, be
22 released according to the procedures set forth by this section and
23 Section 99-3-17 provided that the officer has complied with
24 Section 1 of this act. If the arresting officer or his superior
25 determines that the person should be released, such officer or
26 superior shall prepare in duplicate a written notice to appear in
27 court, containing the name and address of such person, the offense
28 charged, and the time when and place where such person shall

29 appear in court. If the person is not released prior to being
30 booked and the officer in charge of the booking or his superior
31 determines that the person should be released, such officer or
32 superior shall prepare such written notice to appear in court.
33 Unless waived by the arrested person, the time specified in the
34 notice to appear shall be at least five (5) days after arrest.
35 The place specified in the notice shall be the court of the
36 municipal judge, justice court judge or other judge before whom
37 the person would be taken if the requirement of taking an arrested
38 person before a judge were complied with, or shall be an officer
39 authorized by such court to receive a deposit of bail.

40 (2) The officer shall deliver one (1) copy of the notice to
41 appear to the arrested person, and the arrested person, in order
42 to secure release, shall give his written promise to appear in
43 court by signing the duplicate notice which shall be retained by
44 the officer. Thereupon the arresting officer shall forthwith
45 release the person arrested from custody. The officer shall, as
46 soon as practicable, file the duplicate notice with the municipal
47 judge, justice court judge or other judge specified therein. No
48 warrant shall issue on such charge for the arrest of a person who
49 has given such written promise to appear in court, unless and
50 until he has violated such promise or has failed to appear for
51 trial or judgment, or to comply with the terms and provisions of
52 the judgment, as required by law.

53 (3) If the arrested person is not released pursuant to the
54 provisions of this section and Section 99-3-17 prior to being
55 booked by the arresting agency, then at the time of booking, the
56 officer in charge of such booking or his superior officer, or any
57 other person designated by a city or county for this purpose may
58 make an immediate investigation into the background of the person
59 to determine whether he should be released pursuant to the
60 provisions of this section and Section 99-3-17. Such
61 investigation shall include, but need not be limited to, the

62 person's name, address, length of residence at that address,
63 length of residence within this state, marital and family status,
64 employment, length of that employment, prior arrest record and
65 such other facts relating to the person's arrest which would bear
66 on the question of his release pursuant to the provisions of this
67 section and Section 99-3-17.

68 **SECTION 3.** This act shall take effect and be in force from
69 and after July 1, 2006.