

By: Representative Wallace

To: Constitution

## HOUSE CONCURRENT RESOLUTION NO. 16

1       A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE  
2 MISSISSIPPI CONSTITUTION OF 1890 TO PROVIDE SECURED BOND  
3 REQUIREMENTS FOR BAIL RESTRICTED OFFENSES; AND FOR RELATED  
4 PURPOSES.

5       BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
6 MISSISSIPPI, That the following amendment to the Mississippi  
7 Constitution of 1890 is proposed to the qualified electors of the  
8 state:

9       Amend the Mississippi Constitution of 1890 by creating a new  
10 section to read as follows:

11       "Section \_\_\_\_\_. (1) As used in this section, the following  
12 words and phrases shall have the meanings as defined in this  
13 section unless the context clearly indicates otherwise:

14           (a) "Bail restricted offense" means any offense for  
15 which the punishment may include imprisonment in excess of one (1)  
16 year.

17           (b) "Unsecured judicial release" means any release that  
18 does not require the posting of a monetary bond, property, or  
19 other security, including, but not limited to:

20 (i) Release on a person's own recognizance;  
21 (ii) Release on an unsecured appearance bond; or  
22 (iii) Release conditioned upon entering a pretrial  
23 release program, pretrial diversion program, or similar  
24 intervention program, where no monetary bond, property, or other  
25 security is required.

26 (2) No person charged with a bail restricted offense shall  
27 be eligible for release by any judge on an unsecured judicial  
28 release. Such persons charged with a bail restricted offense  
29 shall only be eligible for release through the use a of secured  
30 monetary bond, property bond, or surety bond.

38 (4) The Mississippi Legislature shall have power to enact  
39 legislation consistent with this amendment. This amendment shall  
40 take effect on January 1 of the year following ratification.

41                   BE IT FURTHER RESOLVED, That this proposed amendment shall be  
42 submitted by the Secretary of State to the qualified electors at  
43 an election to be held on the first Tuesday after the first Monday

44 of November 2026, as provided by Section 273 of the Constitution  
45 and by general law.

46 BE IT FURTHER RESOLVED, That the explanation of this proposed  
47 amendment for the ballot shall read as follows: "This proposed  
48 constitutional amendment provides secured bond requirements for  
49 bail restricted offenses."

