

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:



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

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

(3) In addition to other laws regarding the release of an accused person, and except as provided in subsection (2) of this section, the judge of any court having jurisdiction over a person charged with committing an offense against the criminal laws of this state shall have authority, in his or her sound discretion and in appropriate cases, to authorize the release of the person on an unsecured judicial release.

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

BE IT FURTHER RESOLVED, That this proposed amendment shall be submitted by the Secretary of State to the qualified electors at 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."

