

**IN THE SUPREME COURT OF MISSISSIPPI  
NO. 89-R-99025**

**IN RE: UNIFORM RULES OF CIRCUIT AND COUNTY COURTS**

**ORDER**

This matter has come before the Court, en banc, on its own motion, at the suggestion of the Conference of Circuit Court Judges for amendment of Rule 6.02 of the Uniform Rules of Circuit and County Court Practice for the purpose of deleting there from reference to Miss. Code Ann. § 99-1-19 and substituting in its place Miss. Code Ann. § 83-39-31, the current legislation addressing the subject matter of the former statute. Having considered the proposed amendment, the Court finds its adoption to be in the interest of the fair and efficient administration of justice, and that it should be adopted.

IT IS THEREFORE ORDERED that Rule 6.02 of the Uniform Rules of Circuit and County Court Practice be amended as set forth in Exhibit "A" to this Order.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this Order upon the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication in the *Southern Reporter, Second Series (Mississippi Edition)* and in the *Mississippi Rules of Court*.

SO ORDERED, this the day of August, 1999.

EDWIN LLOYD PITTMAN, PRESIDING JUSTICE FOR THE COURT

SULLIVAN, P.J., NOT PARTICIPATING

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**EXHIBIT "A" TO ORDER**

**PROPOSED AMENDMENT TO**

**UNIFORM RULES OF CIRCUIT AND COUNTY COURT PRACTICE**

[Added language indicated by underscoring; deletions by strikethrough.]

**Rule 6.02**

## BAIL

**A.** Pretrial bail shall be governed by § 29 of the Mississippi Constitution of 1890.

**B.** In all cases involving murder, manslaughter, rape, armed robbery, kidnapping, or other crime punishable by incarceration for a term of twenty (20) years or more, bond shall be 100% of the bail set, unless otherwise ordered by the court. Bail shall be taken in the following form:

State of Mississippi

County of \_\_\_\_\_

We, \_\_\_\_\_, principal, and \_\_\_\_\_, sureties, agree to pay the State of Mississippi \_\_\_\_\_ dollars, unless, \_\_\_\_\_ principal, shall appear at the next term of the Circuit Court of County, and there remain from day to day and term to term until discharged by the trial court or the Supreme Court of Mississippi, to answer a charge of \_\_\_\_\_.

Signed: \_\_\_\_\_  
\_\_\_\_\_

Approved \_\_\_\_\_.

**C.** All other persons permitted to make bail may, in lieu of a 100% bond, make a cash bail bond provided the following requirements are met:

1. The accused must never have been convicted in any court of this state, another state or a federal court, of a crime punishable by more than one year's imprisonment, been charged with escape, or had an order *nisi* entered on a previous bond;
2. The amount of the bond must be set by the proper authority;
3. A return date must be set by the proper authority;
4. The accused must tender to the clerk of the circuit court ten percent (10%) of the amount of the bond as set, in cash, or \$250.00 in cash, whichever is greater;
5. The accused must sign an appearance bond guaranteeing his/her appearance and binding himself/herself unto the State of Mississippi in the full amount of the bond as set to be used in the case of default;
6. The accused, by affidavit duly notarized, must swear in substantially the following form:

State of Mississippi

County of \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for said county and state, \_\_\_\_\_, who after being duly sworn states:

(a) I have never been convicted in any court of this state, another state, or a federal court of a crime punishable by more than one year's imprisonment. I have never been charged with escape. I have had no order nisi entered on a bail bond executed by me.

(b) The proper authority has set the sum of \$\_\_\_\_\_ as the amount of bail bond to be executed by me. This bond was set by \_\_\_\_\_.

(c) A return date has been set for this bond. Its return date is \_\_\_\_\_ and was set by \_\_\_\_\_.

(d) I have tendered to the clerk of the Circuit Court of \_\_\_\_\_ County, Mississippi, ten percent of the amount of said bond in cash, which sum is not less than \$250.00. Said cash is my property. I authorize the clerk of said court to dispose of the same as follows: If the bond is forfeited, the cash tendered will be paid by the clerk, less a fee of not more than \$10.00, to the county, and the amount so paid will be credited on the bond forfeited. If I appear on the return day and a final disposition is made of the case, the amount deposited with the clerk, less a fee of not more than \$10.00 to be retained by the clerk, will be disposed of as ordered by the court.

(e) I agree to report to the clerk of the court by telephone, or in person, and in writing on the first Monday of each month as to my current address and telephone number. If I fail to do so, I agree that the bond may be declared in default

7. The amount of money tendered under this rule shall not be disbursed to any person except on written order of the court. The money deposited with the clerk shall be disbursed in the following manner: first, to pay any court costs assessed against the defendant; second, to pay any restitution the defendant has been ordered to make; third, to pay any fines imposed against the defendant; fourth, to pay any assignment of the sum made by the defendant to defendant's attorney; and fifth, any refund to the defendant or other disbursements as allowed by the court.

**D.** The clerk shall in all cases collect the fee imposed by § ~~99-1-19~~ 83-39-31 of the Mississippi Code of 1972 on the face value of the bond by calculating the fee on the amount of the bond, not the amount deposited.

**E.** The circuit judge has the discretion to waive or modify any requirements of this rule, except for the collection of the fee as set by § ~~99-1-19~~ 83-39-31.

**F.** The sheriff, upon proof that all of the foregoing conditions have been met, shall approve all written bonds and return them to the circuit clerk. The circuit clerk shall file and keep these bonds separately in a safe place where they can be kept for presentation at trial or on demand of the court.

[Adopted effective May 1, 1995; amended effective August 26, 1999]