

By: Cameron, Davis

To: Judiciary B

HOUSE BILL NO. 372

1 AN ACT TO PROVIDE FOR A DOUBLE PENALTY FOR CRIMES WHICH ARE
2 COMMITTED WITH DEADLY WEAPONS; TO AMEND SECTION 47-7-3,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS CONVICTED OF
4 CRIMES WHO USE DEADLY WEAPONS SHALL NOT BE ELIGIBLE FOR PAROLE;
5 AND FOR RELATED PURPOSES.

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

7 SECTION 1. In addition to any penalty provided by law, any
8 person who is convicted of a crime and who uses a deadly weapon in
9 the commission of such crime shall be sentenced to twice the
10 amount of imprisonment and fine for such crime as is provided by
11 law.

12 SECTION 2. Section 47-7-3, Mississippi Code of 1972, is
13 amended as follows:

14 47-7-3. (1) Every prisoner who has been convicted of any
15 offense against the State of Mississippi, and is confined in the
16 execution of a judgment of such conviction in the Mississippi
17 State Penitentiary for a definite term or terms of one (1) year or
18 over, or for the term of his or her natural life, whose record of
19 conduct shows that such prisoner has observed the rules of the
20 penitentiary, and who has served not less than one-fourth (1/4) of
21 the total of such term or terms for which such prisoner was
22 sentenced, or, if sentenced to serve a term or terms of thirty

23 (30) years or more, or, if sentenced for the term of the natural
24 life of such prisoner, has served not less than ten (10) years of
25 such life sentence, may be released on parole as hereinafter
26 provided, except that:

27 (a) No prisoner convicted as a confirmed and habitual
28 criminal under the provisions of Sections 99-19-81 through
29 99-19-87 shall be eligible for parole;

30 (b) Any person who shall have been convicted of a sex
31 crime shall not be released on parole except for a person under
32 the age of nineteen (19) who has been convicted under Section
33 97-3-67;

34 (c) No one shall be eligible for parole until he shall
35 have served one (1) year of his sentence, unless such person has
36 accrued any meritorious earned time allowances, in which case he
37 shall be eligible for parole if he has served (i) nine (9) months
38 of his sentence or sentences, when his sentence or sentences is
39 two (2) years or less; (ii) ten (10) months of his sentence or
40 sentences when his sentence or sentences is more than two (2)
41 years but no more than five (5) years; and (iii) one (1) year of
42 his sentence or sentences when his sentence or sentences is more
43 than five (5) years;

44 (d) (i) No person shall be eligible for parole who
45 shall, on or after January 1, 1977, be convicted of robbery or
46 attempted robbery through the display of a firearm until he shall
47 have served ten (10) years if sentenced to a term or terms of more
48 than ten (10) years or if sentenced for the term of the natural
49 life of such person. If such person is sentenced to a term or
50 terms of ten (10) years or less, then such person shall not be
51 eligible for parole. The provisions of this paragraph (d) shall
52 also apply to any person who shall commit robbery or attempted
53 robbery on or after July 1, 1982, through the display of a deadly

54 weapon. This subparagraph (d)(i) shall not apply to persons
55 convicted after September 30, 1994;

56 (ii) No person shall be eligible for parole who
57 shall, on or after October 1, 1994, be convicted of robbery,
58 attempted robbery or carjacking as provided in Section 97-3-115 et
59 seq., through the display of a firearm or drive-by shooting as
60 provided in Section 97-3-109. The provisions of this subparagraph
61 (d)(ii) shall also apply to any person who shall commit robbery,
62 attempted robbery, carjacking or a drive-by shooting on or after
63 October 1, 1994, through the display of a deadly weapon;

64 (e) No person shall be eligible for parole who, on or
65 after July 1, 1994, is charged, tried, convicted and sentenced to
66 life imprisonment without eligibility for parole under the
67 provisions of Section 99-19-101;

68 (f) No person shall be eligible for parole who is
69 charged, tried, convicted and sentenced to life imprisonment under
70 the provisions of Section 99-19-101;

71 (g) No person shall be eligible for parole who is
72 convicted or whose suspended sentence is revoked after June 30,
73 1995;

74 (h) An offender may be eligible for medical release
75 under Section 47-7-4;

76 (i) No person shall be eligible for parole who is
77 convicted of any crime which involved the use of a deadly weapon.

78 (2) Notwithstanding any other provision of law, an inmate
79 shall not be eligible to receive earned time, good time or any
80 other administrative reduction of time which shall reduce the time
81 necessary to be served for parole eligibility as provided in

82 subsection (1) of this section; however, this subsection shall not
83 apply to the advancement of parole eligibility dates pursuant to
84 the Prison Overcrowding Emergency Powers Act. Moreover,
85 meritorious earned time allowances may be used to reduce the time
86 necessary to be served for parole eligibility as provided in
87 paragraph (c) of subsection (1) of this section.

88 (3) The State Parole Board shall by rules and regulations
89 establish a method of determining a tentative parole hearing date
90 for each eligible offender taken into the custody of the
91 Department of Corrections. The tentative parole hearing date
92 shall be determined within ninety (90) days after the department
93 has assumed custody of the offender. Such tentative parole
94 hearing date shall be calculated by a formula taking into account
95 the offender's age upon first commitment, number of prior
96 incarcerations, prior probation or parole failures, the severity
97 and the violence of the offense committed, employment history and
98 other criteria which in the opinion of the board tend to validly
99 and reliably predict the length of incarceration necessary before
100 the offender can be successfully paroled.

101 (4) Any inmate within twenty-four (24) months of his parole
102 eligibility date and who meets the criteria established by the
103 classification committee shall receive priority for placement in
104 any educational development and job training programs. Any inmate
105 refusing to participate in an educational development or job
106 training program may be ineligible for parole.

107 SECTION 3. This act shall take effect and be in force from
108 and after July 1, 2000.