

By: Representative Cameron

To: Judiciary B

HOUSE BILL NO. 347

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, except as provided in paragraph (i);

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

76 (i) A first offender convicted of a nonviolent crime  
77 after January 1, 2000, may be eligible for parole if the offender  
78 meets the requirements in subsection (1) and this paragraph. In  
79 addition to other requirements, if a first offender is convicted  
80 of a drug or driving under the influence felony, the offender must  
81 complete a drug and alcohol rehabilitation program prior to parole  
82 or the offender may be required to complete a post-release drug  
83 and alcohol program as a condition of parole. For purposes of  
84 this paragraph, "nonviolent crime" means a felony other than  
85 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
86 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
87 of vulnerable adults, felonies with enhanced penalties, and the  
88 sale or manufacture of a controlled substance under the Uniform  
89 Controlled Substances Law;

90 (j) No person shall be eligible for parole who is  
91 convicted of a crime which involved the use of a deadly weapon.



92           (2) Notwithstanding any other provision of law, an inmate  
93 shall not be eligible to receive earned time, good time or any  
94 other administrative reduction of time which shall reduce the time  
95 necessary to be served for parole eligibility as provided in  
96 subsection (1) of this section; however, this subsection shall not  
97 apply to the advancement of parole eligibility dates pursuant to  
98 the Prison Overcrowding Emergency Powers Act. Moreover,  
99 meritorious earned time allowances may be used to reduce the time  
100 necessary to be served for parole eligibility as provided in  
101 paragraph (c) of subsection (1) of this section.

102           (3) The State Parole Board shall by rules and regulations  
103 establish a method of determining a tentative parole hearing date  
104 for each eligible offender taken into the custody of the  
105 Department of Corrections. The tentative parole hearing date  
106 shall be determined within ninety (90) days after the department  
107 has assumed custody of the offender. Such tentative parole  
108 hearing date shall be calculated by a formula taking into account  
109 the offender's age upon first commitment, number of prior  
110 incarcerations, prior probation or parole failures, the severity  
111 and the violence of the offense committed, employment history and  
112 other criteria which in the opinion of the board tend to validly  
113 and reliably predict the length of incarceration necessary before  
114 the offender can be successfully paroled.

115           (4) Any inmate within twenty-four (24) months of his parole  
116 eligibility date and who meets the criteria established by the  
117 classification board shall receive priority for placement in any  
118 educational development and job training programs. Any inmate  
119 refusing to participate in an educational development or job  
120 training program may be ineligible for parole.

121           **SECTION 3.** This act shall take effect and be in force from  
122 and after July 1, 2002.

