

By: Representative Moore (60th)

To: Penitentiary

HOUSE BILL NO. 1518

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 ABOLISH THE PAROLE ELIGIBILITY CREATED IN CHAPTER 393, GENERAL  
3 LAWS OF 2001, FOR FIRST OFFENDERS CONVICTED AFTER JANUARY 1, 2000,  
4 OF CERTAIN NONVIOLENT CRIMES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-7-3, Mississippi Code of 1972, is  
7 amended as follows:

8 47-7-3. (1) Every prisoner who has been convicted of any  
9 offense against the State of Mississippi, and is confined in the  
10 execution of a judgment of such conviction in the Mississippi  
11 State Penitentiary for a definite term or terms of one (1) year or  
12 over, or for the term of his or her natural life, whose record of  
13 conduct shows that such prisoner has observed the rules of the  
14 penitentiary, and who has served not less than one-fourth (1/4) of  
15 the total of such term or terms for which such prisoner was  
16 sentenced, or, if sentenced to serve a term or terms of thirty  
17 (30) years or more, or, if sentenced for the term of the natural  
18 life of such prisoner, has served not less than ten (10) years of  
19 such life sentence, may be released on parole as hereinafter  
20 provided, except that:

21 (a) No prisoner convicted as a confirmed and habitual  
22 criminal under the provisions of Sections 99-19-81 through  
23 99-19-87 shall be eligible for parole;

24 (b) Any person who shall have been convicted of a sex  
25 crime shall not be released on parole except for a person under  
26 the age of nineteen (19) who has been convicted under Section  
27 97-3-67;



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

38           (d) (i) No person shall be eligible for parole who  
39 shall, on or after January 1, 1977, be convicted of robbery or  
40 attempted robbery through the display of a firearm until he shall  
41 have served ten (10) years if sentenced to a term or terms of more  
42 than ten (10) years or if sentenced for the term of the natural  
43 life of such person. If such person is sentenced to a term or  
44 terms of ten (10) years or less, then such person shall not be  
45 eligible for parole. The provisions of this paragraph (d) shall  
46 also apply to any person who shall commit robbery or attempted  
47 robbery on or after July 1, 1982, through the display of a deadly  
48 weapon. This subparagraph (d) (i) shall not apply to persons  
49 convicted after September 30, 1994;

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

58           (e) No person shall be eligible for parole who, on or  
59 after July 1, 1994, is charged, tried, convicted and sentenced to



60 life imprisonment without eligibility for parole under the  
61 provisions of Section 99-19-101;

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

65 (g) No person shall be eligible for parole who is  
66 convicted or whose suspended sentence is revoked after June 30,  
67 1995, except as provided in paragraph (h);

68 \* \* \*

69 (h) A first offender convicted of a nonviolent crime  
70 after January 1, 2000, and before the effective date of this act,  
71 may be eligible for parole if the offender meets the requirements  
72 in subsection (1) and this paragraph. In addition to other  
73 requirements, if a first offender is convicted of a drug or  
74 driving under the influence felony, the offender must complete a  
75 drug and alcohol rehabilitation program prior to parole or the  
76 offender may be required to complete a post-release drug and  
77 alcohol program as a condition of parole. For purposes of this  
78 paragraph, "nonviolent crime" means a felony other than homicide,  
79 robbery, manslaughter, sex crimes, arson, burglary of an occupied  
80 dwelling, aggravated assault, kidnapping, felonious abuse of  
81 vulnerable adults, felonies with enhanced penalties, and the sale  
82 or manufacture of a controlled substance under the Uniform  
83 Controlled Substances Law. The provisions of this paragraph shall  
84 not apply to any convictions after the effective date of this act.

85 (2) Notwithstanding any other provision of law, an inmate  
86 shall not be eligible to receive earned time, good time or any  
87 other administrative reduction of time which shall reduce the time  
88 necessary to be served for parole eligibility as provided in  
89 subsection (1) of this section; however, this subsection shall not  
90 apply to the advancement of parole eligibility dates pursuant to  
91 the Prison Overcrowding Emergency Powers Act. Moreover,  
92 meritorious earned time allowances may be used to reduce the time



93 necessary to be served for parole eligibility as provided in  
94 paragraph (c) of subsection (1) of this section.

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

108 (4) Any inmate within twenty-four (24) months of his parole  
109 eligibility date and who meets the criteria established by the  
110 classification board shall receive priority for placement in any  
111 educational development and job training programs. Any inmate  
112 refusing to participate in an educational development or job  
113 training program may be ineligible for parole.

114 **SECTION 2.** This act shall take effect and be in force from  
115 and after its passage.

