

By: Representative Cameron

To: Judiciary B

HOUSE BILL NO. 270

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

87 (h) No person shall be eligible for parole who is
88 convicted of a crime which involved the use of a deadly weapon.

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



93 subsection (1) of this section; however, this subsection shall not
94 apply to the advancement of parole eligibility dates pursuant to
95 the Prison Overcrowding Emergency Powers Act. Moreover,
96 meritorious earned time allowances may be used to reduce the time
97 necessary to be served for parole eligibility as provided in
98 paragraph (c) of subsection (1) of this section.

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

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

118 **SECTION 3.** This act shall take effect and be in force from
119 and after July 1, 2003.

