

By: Senator(s) Jackson (32nd)

To: Corrections; Judiciary,
Division B

SENATE BILL NO. 2494

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 ALLOW FIRST TIME OFFENDERS CONVICTED OF A NONVIOLENT CRIME
3 REGARDLESS OF DATE OF CONVICTION TO BE ELIGIBLE FOR PAROLE; AND
4 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 * * *,
66 except that a first offender convicted of a nonviolent
67 crime * * *, may be eligible for parole if the offender meets the
68 requirements in subsection (1) and this paragraph. In addition to
69 other requirements, if a first offender is convicted of a drug or
70 driving under the influence felony, the offender must complete a
71 drug and alcohol rehabilitation program prior to parole or the
72 offender may be required to complete a post-release drug and
73 alcohol program as a condition of parole. For purposes of this
74 paragraph, "nonviolent crime" means a felony other than homicide,
75 robbery, manslaughter, sex crimes, arson, burglary of an occupied
76 dwelling, aggravated assault, kidnapping, felonious abuse of
77 vulnerable adults, felonies with enhanced penalties, the sale or
78 manufacture of a controlled substance under the Uniform Controlled
79 Substances Law, and felony child abuse.

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

90 (3) The State Parole Board shall by rules and regulations
91 establish a method of determining a tentative parole hearing date
92 for each eligible offender taken into the custody of the

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

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

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