

By: Senator(s) Huggins, Doxey, Harden,  
Horhn, Jackson (11th), Jackson (32nd),  
Simmons, Thomas, Walls

To: Corrections

SENATE BILL NO. 2988  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE EQUITY IN PAROLE ELIGIBILITY FOR CERTAIN FIRST TIME  
3 OFFENDERS CONVICTED OF POSSESSION OF A CONTROLLED SUBSTANCE UNDER  
4 THE 85% RULE; TO CLARIFY THE FELONY DRUG OFFENSES INELIGIBLE FOR  
5 PAROLE; AND FOR RELATED PURPOSES.

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

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

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

22 (a) No prisoner convicted as a confirmed and habitual  
23 criminal under the provisions of Sections 99-19-81 through  
24 99-19-87 shall be eligible for parole;

25 (b) Any person who shall have been convicted of a sex  
26 crime shall not be released on parole except for a person under  
27 the age of nineteen (19) who has been convicted under Section  
28 97-3-67;

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

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

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

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

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

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

66 (g) No person shall be eligible for parole who is  
67 convicted or whose suspended sentence is revoked after June 30,  
68 1995, except that a first offender convicted of a nonviolent crime  
69 after January 1, 2000, may be eligible for parole if the offender  
70 meets the requirements in subsection (1) and this paragraph. In  
71 addition to other requirements, if a first offender is convicted  
72 of a drug or driving under the influence felony, the offender must  
73 complete a drug and alcohol rehabilitation program prior to parole  
74 or the offender may be required to complete a post-release drug  
75 and alcohol program as a condition of parole. For purposes of  
76 this paragraph, "nonviolent crime" means a felony other than  
77 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
78 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
79 of vulnerable adults, felonies with enhanced penalties, the sale,  
80 barter, transfer, manufacture, distribution, dispensing of or  
81 possession with intent to sell, barter, transfer, manufacture,  
82 distribute or dispense a controlled substance under the Uniform  
83 Controlled Substances Law, felony child abuse and a violation of  
84 Section 63-11-30(5) resulting in death, or serious bodily injury  
85 resulting in the loss of a limb or dismemberment, loss of  
86 eyesight, a coma, permanent dysfunction of any vital organ,  
87 paralysis or resulting in an individual's permanent bedridden  
88 state. For purposes of this paragraph, "first offender" means a  
89 person who at the time of sentencing has not been convicted of a  
90 felony on a previous occasion in any court or courts of the United  
91 States or in any state or territory thereof. In addition, a first  
92 time offender incarcerated for committing the crime of possession  
93 of a controlled substance under the Uniform Controlled Substances

94 Law after July 1, 1995, shall be eligible for parole as provided  
95 for such offenders in this paragraph after July 1, 2000.

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

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

119 (b) If an application for parole from an eligible  
120 offender is rejected, the Parole Board shall reconsider the  
121 application from that offender no later than one (1) year after  
122 the initial application for parole is rejected, unless the crime  
123 for which the offender was convicted is defined as a violent crime  
124 under subsection (2)(g) of this section.

125 This paragraph shall stand repealed on July 1, 2005.

126           (4) Any inmate within twenty-four (24) months of his parole  
127 eligibility date and who meets the criteria established by the  
128 classification board shall receive priority for placement in any  
129 educational development and job training programs. Any inmate  
130 refusing to participate in an educational development or job  
131 training program may be ineligible for parole.

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