

By: Representative Martinson

To: Corrections

HOUSE BILL NO. 307

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT CERTAIN OFFENDERS, WHO ARE RELEASED ON PAROLE, WEAR
3 FLUORESCENT YELLOW WRISTBANDS WHILE ON PAROLE; TO REQUIRE THE
4 DEPARTMENT OF CORRECTIONS TO SELECT THE LOWEST PRICE AND BEST
5 SOURCE FOR SUPPLYING SUCH WRISTBANDS; TO REQUIRE THAT SUCH SEX
6 OFFENDERS BE RESPONSIBLE FOR THE COST OF SUCH WRISTBANDS; AND FOR
7 RELATED PURPOSES.

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

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

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

24 (a) No prisoner convicted as a confirmed and habitual
25 criminal under the provisions of Sections 99-19-81 through
26 99-19-87 shall be eligible for parole;

27 (b) Any person who shall have been convicted of a sex
28 crime shall not be released on parole except for a person under
29 the age of nineteen (19) who has been convicted under Section

30 97-3-67, and such person who is released under this paragraph
31 shall be required to wear a fluorescent yellow wristband
32 twenty-four (24) hours a day while he or she is on parole. The
33 department shall select and approve the wristbands that shall be
34 used and is authorized to select the lowest price and best source
35 in supplying the wristbands. The department is authorized to
36 establish any necessary rules and regulations pertaining to the
37 wristbands, and pertaining to the requirement that the wristbands
38 be worn twenty-four (24) hours a day by the parolees of this
39 paragraph. The person who is on parole under this paragraph shall
40 be responsible for the cost of the wristband, and any intentional
41 damage or any attempt to remove the wristband shall be a violation
42 of his or her parole;

43 (c) No one shall be eligible for parole until he shall
44 have served one (1) year of his sentence, unless such person has
45 accrued any meritorious earned time allowances, in which case he
46 shall be eligible for parole if he has served (i) nine (9) months
47 of his sentence or sentences, when his sentence or sentences is
48 two (2) years or less; (ii) ten (10) months of his sentence or
49 sentences when his sentence or sentences is more than two (2)
50 years but no more than five (5) years; and (iii) one (1) year of
51 his sentence or sentences when his sentence or sentences is more
52 than five (5) years;

53 (d) (i) No person shall be eligible for parole who
54 shall, on or after January 1, 1977, be convicted of robbery or
55 attempted robbery through the display of a firearm until he shall
56 have served ten (10) years if sentenced to a term or terms of more
57 than ten (10) years or if sentenced for the term of the natural
58 life of such person. If such person is sentenced to a term or
59 terms of ten (10) years or less, then such person shall not be
60 eligible for parole. The provisions of this paragraph (d) shall
61 also apply to any person who shall commit robbery or attempted
62 robbery on or after July 1, 1982, through the display of a deadly

63 weapon. This subparagraph (d)(i) shall not apply to persons
64 convicted after September 30, 1994;

65 (ii) No person shall be eligible for parole who
66 shall, on or after October 1, 1994, be convicted of robbery,
67 attempted robbery or carjacking as provided in Section 97-3-115 et
68 seq., through the display of a firearm or drive-by shooting as
69 provided in Section 97-3-109. The provisions of this subparagraph
70 (d)(ii) shall also apply to any person who shall commit robbery,
71 attempted robbery, carjacking or a drive-by shooting on or after
72 October 1, 1994, through the display of a deadly weapon;

73 (e) No person shall be eligible for parole who, on or
74 after July 1, 1994, is charged, tried, convicted and sentenced to
75 life imprisonment without eligibility for parole under the
76 provisions of Section 99-19-101;

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

80 (g) No person shall be eligible for parole who is
81 convicted or whose suspended sentence is revoked after June 30,
82 1995, except that a first offender convicted of a nonviolent crime
83 after January 1, 2000, may be eligible for parole if the offender
84 meets the requirements in subsection (1) and this paragraph. In
85 addition to other requirements, if a first offender is convicted
86 of a drug or driving under the influence felony, the offender must
87 complete a drug and alcohol rehabilitation program prior to parole
88 or the offender may be required to complete a post-release drug
89 and alcohol program as a condition of parole. For purposes of
90 this paragraph, "nonviolent crime" means a felony other than
91 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
92 occupied dwelling, aggravated assault, kidnapping, felonious abuse
93 of vulnerable adults, felonies with enhanced penalties, the sale
94 or manufacture of a controlled substance under the Uniform
95 Controlled Substances Law, felony child abuse, or any crime under

96 Section 97-5-33 or Section 97-5-39(2) or a violation of Section
97 63-11-30(5) resulting in death, or serious bodily injury resulting
98 in the loss of a limb or dismemberment, loss of eyesight, a coma,
99 permanent dysfunction of any vital organ, paralysis or resulting
100 in an individual's permanent bedridden state. For purposes of
101 this paragraph, "first offender" means a person who at the time of
102 sentencing has not been convicted of a felony on a previous
103 occasion in any court or courts of the United States or in any
104 state or territory thereof. In addition, a first time offender
105 incarcerated for committing the crime of possession of a
106 controlled substance under the Uniform Controlled Substances Law
107 after July 1, 1995, shall be eligible for parole as provided for
108 such offenders in this paragraph after July 1, 2000.

109 (2) Notwithstanding any other provision of law, an inmate
110 shall not be eligible to receive earned time, good time or any
111 other administrative reduction of time which shall reduce the time
112 necessary to be served for parole eligibility as provided in
113 subsection (1) of this section; however, this subsection shall not
114 apply to the advancement of parole eligibility dates pursuant to
115 the Prison Overcrowding Emergency Powers Act. Moreover,
116 meritorious earned time allowances may be used to reduce the time
117 necessary to be served for parole eligibility as provided in
118 paragraph (c) of subsection (1) of this section.

119 (3) (a) The State Parole Board shall by rules and
120 regulations establish a method of determining a tentative parole
121 hearing date for each eligible offender taken into the custody of
122 the Department of Corrections. The tentative parole hearing date
123 shall be determined within ninety (90) days after the department
124 has assumed custody of the offender. Such tentative parole
125 hearing date shall be calculated by a formula taking into account
126 the offender's age upon first commitment, number of prior
127 incarcerations, prior probation or parole failures, the severity
128 and the violence of the offense committed, employment history and

129 other criteria which in the opinion of the board tend to validly
130 and reliably predict the length of incarceration necessary before
131 the offender can be successfully paroled.

132 (b) [Repealed].

133 (4) Any inmate within twenty-four (24) months of his parole
134 eligibility date and who meets the criteria established by the
135 classification board shall receive priority for placement in any
136 educational development and job training programs. Any inmate
137 refusing to participate in an educational development or job
138 training program may be ineligible for parole.

139 **SECTION 2.** This act shall take effect and be in force from
140 and after July 1, 2006.