

By: Representatives Fillingane, Lott

To: Corrections

HOUSE BILL NO. 425

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT PAROLE OF A PRISONER WHO HAS BEEN SENTENCED TO LIFE
3 IMPRISONMENT REGARDLESS OF THE PRISONER'S HEALTH STATUS; AND FOR
4 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 Department of Corrections for a definite term or terms of one (1)
12 year or over, except for a sentence for the term of his or her
13 natural life, whose record of conduct shows that such prisoner has
14 observed the rules of the department, and who has served not less
15 than one-fourth (1/4) of the total of such term or terms for which
16 such prisoner was sentenced, or, if sentenced to serve a term or
17 terms of thirty (30) years or more, except if sentenced for the
18 term of the natural life of such prisoner, has served not less
19 than ten (10) years of such life sentence, may be released on
20 parole as hereinafter 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 or she
29 shall have served one (1) year of his or her sentence, unless such
30 person has accrued any meritorious earned time allowances, in
31 which case he or she shall be eligible for parole if he or she has
32 served (i) nine (9) months of his or her sentence or sentences,
33 when his or her sentence or sentences is two (2) years or less;
34 (ii) ten (10) months of his or her sentence or sentences when his
35 or her sentence or sentences is more than two (2) years but no
36 more than five (5) years; and (iii) one (1) year of his or her
37 sentence or sentences when his or her sentence or sentences is
38 more 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 or she
42 shall have served ten (10) years if sentenced to a term or terms
43 of more than ten (10) years except if sentenced for the term of
44 the natural life of such person, such person shall not be eligible
45 for parole regardless of his or her health status. If such person
46 is sentenced to a term or terms of ten (10) years or less, then
47 such person shall not be eligible for parole. The provisions of
48 this paragraph (d) shall also apply to any person who shall commit
49 robbery or attempted robbery on or after July 1, 1982, through the
50 display of a deadly weapon. This subparagraph (d)(i) shall not
51 apply to persons convicted after September 30, 1994;

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

60 (e) No person shall be eligible for parole who, on or
61 after July 1, 1994, is charged, tried, convicted and sentenced to
62 life imprisonment without eligibility for parole under the
63 provisions of Section 99-19-101 regardless of the health status of
64 such person;

65 (f) No person shall be eligible for parole who is
66 charged, tried, convicted and sentenced to life imprisonment under
67 the provisions of Section 99-19-101 regardless of the health
68 status of such person;

69 (g) No person shall be eligible for parole who is
70 convicted or whose suspended sentence is revoked after June 30,
71 1995, except that a first offender convicted of a nonviolent crime
72 after January 1, 2000, may be eligible for parole if the offender
73 meets the requirements in subsection (1) and this paragraph. In
74 addition to other requirements, if a first offender is convicted
75 of a drug or driving under the influence felony, the offender must
76 complete a drug and alcohol rehabilitation program prior to parole
77 or the offender may be required to complete a post-release drug
78 and alcohol program as a condition of parole. For purposes of
79 this paragraph, "nonviolent crime" means a felony other than
80 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
81 occupied dwelling, aggravated assault, kidnapping, felonious abuse
82 of vulnerable adults, felonies with enhanced penalties, the sale
83 or manufacture of a controlled substance under the Uniform
84 Controlled Substances Law, felony child abuse, or any crime under
85 Section 97-5-33 or Section 97-5-39(2) or a violation of Section
86 63-11-30(5) resulting in death, or serious bodily injury resulting
87 in the loss of a limb or dismemberment, loss of eyesight, a coma,
88 permanent dysfunction of any vital organ, paralysis or resulting
89 in an individual's permanent bedridden state. For purposes of
90 this paragraph, "first offender" means a person who at the time of
91 sentencing has not been convicted of a felony on a previous
92 occasion in any court or courts of the United States or in any

93 state or territory thereof. In addition, a first time offender
94 incarcerated for committing the crime of possession of a
95 controlled substance under the Uniform Controlled Substances Law
96 after July 1, 1995, shall be eligible for parole as provided for
97 such offenders in this paragraph after July 1, 2000.

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

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

121 (b) [Repealed].

122 (4) Any inmate within twenty-four (24) months of his or her
123 parole eligibility date and who meets the criteria established by
124 the classification board shall receive priority for placement in
125 any educational development and job training programs. Any inmate

126 refusing to participate in an educational development or job
127 training program may be ineligible for parole.

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