

## REPORT OF CONFERENCE COMMITTEE

# 2

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2511: Parole; provide that first-time offenders for selling drugs may be eligible for parole.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

23           (b) Any person who shall have been convicted of a sex  
24 crime shall not be released on parole except for a person under

25 the age of nineteen (19) who has been convicted under Section  
26 97-3-67;

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

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

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

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

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

64           (g) No person shall be eligible for parole who is  
65 convicted or whose suspended sentence is revoked after June 30,  
66 1995, except that a first offender convicted of a nonviolent crime  
67 after January 1, 2000, may be eligible for parole if the offender  
68 meets the requirements in subsection (1) and this paragraph. In  
69 addition to other requirements, if a first offender is convicted  
70 of a drug or driving under the influence felony, the offender must  
71 complete a drug and alcohol rehabilitation program prior to parole  
72 or the offender may be required to complete a post-release drug  
73 and alcohol program as a condition of parole. For purposes of  
74 this paragraph, "nonviolent crime" means a felony other than  
75 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
76 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
77 of vulnerable adults, felonies with enhanced penalties, the sale  
78 or manufacture of a controlled substance under the Uniform  
79 Controlled Substances Law, felony child abuse, or any crime under  
80 Section 97-5-33 or Section 97-5-39(2) or a violation of Section  
81 63-11-30(5) resulting in death, or serious bodily injury resulting  
82 in the loss of a limb or dismemberment, loss of eyesight, a coma,  
83 permanent dysfunction of any vital organ, paralysis or resulting  
84 in an individual's permanent bedridden state. For purposes of  
85 this paragraph, "first offender" means a person who at the time of  
86 sentencing has not been convicted of a felony on a previous  
87 occasion in any court or courts of the United States or in any  
88 state or territory thereof. In addition, a first-time offender

89 incarcerated for committing the crime of possession of a  
90 controlled substance under the Uniform Controlled Substances Law  
91 after July 1, 1995, shall be eligible for parole as provided for  
92 such offenders in this paragraph after July 1, 2000. In addition,  
93 a first-time offender convicted of selling less than two (2)  
94 ounces of marijuana or a small quantity of a controlled substance  
95 under Section 41-29-139(c)(1)(A) or (B), or (c)(3)(A) or (B) shall  
96 be eligible for parole if the offender committed the crime before  
97 his twenty-eighth birthday. If the conviction involves the sale  
98 or manufacture of methamphetamine or cocaine, the first-time  
99 offender shall not be eligible for parole under this exception.

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

110 (3) (a) The State Parole Board shall by rules and  
111 regulations establish a method of determining a tentative parole  
112 hearing date for each eligible offender taken into the custody of  
113 the Department of Corrections. The tentative parole hearing date  
114 shall be determined within ninety (90) days after the department  
115 has assumed custody of the offender. Such tentative parole  
116 hearing date shall be calculated by a formula taking into account  
117 the offender's age upon first commitment, number of prior  
118 incarcerations, prior probation or parole failures, the severity  
119 and the violence of the offense committed, employment history,  
120 whether the offender served in the United States Armed Forces and

121 has an honorable discharge and other criteria which in the opinion  
122 of the board tend to validly and reliably predict the length of  
123 incarceration necessary before the offender can be successfully  
124 paroled.

125 (b) [Repealed].

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT FIRST-TIME OFFENDERS FOR SELLING A SMALL QUANTITY OF  
3 DRUGS MAY BE ELIGIBLE FOR PAROLE; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

(NOT SIGNED)  
Huggins

X (SIGNED)  
Malone

X (SIGNED)  
Doxey

X (SIGNED)  
Ward

X (SIGNED)  
Jackson (32nd)

(NOT SIGNED)  
Vince