

By: Representative Formby

To: Judiciary A

HOUSE BILL NO. 312

1 AN ACT TO AMEND SECTIONS 99-19-81 AND 99-19-83, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT NO PLEA BARGAINING SHALL BE ALLOWED  
3 FOR ANY PERSON SENTENCED UNDER THE HABITUAL OFFENDER STATUTES; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 99-19-81, Mississippi Code of 1972, is  
7 amended as follows:

8 99-19-81. Every person convicted in this state of a felony  
9 who shall have been convicted twice previously of any felony or  
10 federal crime upon charges separately brought and arising out of  
11 separate incidents at different times and who shall have been  
12 sentenced to separate terms of one (1) year or more in any state  
13 and/or federal penal institution, whether in this state or  
14 elsewhere, shall be sentenced to the maximum term of imprisonment  
15 prescribed for such felony, and such sentence shall not be reduced  
16 or suspended nor shall such person be eligible for parole or  
17 probation, nor shall any such person who has twice been convicted  
18 of violent criminal offenses be eligible for any plea bargaining.  
19 For the purpose of this section, "violent criminal offense" means  
20 any act or attempted criminal act which can cause serious bodily  
21 harm.

22 **SECTION 2.** Section 99-19-83, Mississippi Code of 1972, is  
23 amended as follows:

24 99-19-83. Every person convicted in this state of a felony  
25 who shall have been convicted twice previously of any felony or  
26 federal crime upon charges separately brought and arising out of  
27 separate incidents at different times and who shall have been  
28 sentenced to and served separate terms of one (1) year or more in

29 any state and/or federal penal institution, whether in this state  
30 or elsewhere, and where any one (1) of such felonies shall have  
31 been a crime of violence shall be sentenced to life imprisonment,  
32 and such sentence shall not be reduced or suspended nor shall such  
33 person be eligible for parole or probation, nor shall any such  
34 person, who has twice been convicted of a violent criminal offense  
35 as defined in Section 99-19-81, be eligible for any plea  
36 bargaining.

37         **SECTION 3.** This act shall take effect and be in force from  
38 and after its passage.