

By: Senator(s) Jackson (32nd), Jones,
Harden, Simmons

To: Corrections

SENATE BILL NO. 2136
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT NONVIOLENT OFFENDERS CONVICTED AFTER JUNE 30, 1995,
3 MAY BE ELIGIBLE FOR PAROLE; TO PROVIDE THAT OFFENDERS CONVICTED
4 FOR THE SALE OF A CERTAIN QUANTITY OF DRUGS UNDER THE UNIFORM
5 CONTROLLED SUBSTANCES LAW MAY BE ELIGIBLE FOR PAROLE; TO PROVIDE
6 THAT CERTAIN CRIMES AGAINST A CHILD SHALL BE DESIGNATED AS VIOLENT
7 CRIMES; TO PROVIDE THAT AN HONORABLE DISCHARGE FROM THE ARMED
8 SERVICES SHALL BE A FACTOR CONSIDERED IN PAROLE ELIGIBILITY; TO
9 REPEAL SECTION 47-7-6, MISSISSIPPI CODE OF 1972, WHICH MAKES AN
10 INDIVIDUAL INELIGIBLE FOR APPOINTMENT TO THE STATE PAROLE BOARD IF
11 SUCH INDIVIDUAL CONTRIBUTED MORE THAN \$500.00 TO THE GUBERNATORIAL
12 CAMPAIGN OF THE APPOINTING GOVERNOR; AND FOR RELATED PURPOSES.

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

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

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

29 (a) No prisoner convicted as a confirmed and habitual
30 criminal under the provisions of Sections 99-19-81 through
31 99-19-87 shall be eligible for parole;



32 (b) Any person who shall have been convicted of a sex
33 crime shall not be released on parole except for a person under
34 the age of nineteen (19) who has been convicted under Section
35 97-3-67;

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

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

58 (ii) No person shall be eligible for parole who
59 shall, on or after October 1, 1994, be convicted of robbery,
60 attempted robbery or carjacking as provided in Section 97-3-115 et
61 seq., through the display of a firearm or drive-by shooting as
62 provided in Section 97-3-109. The provisions of this paragraph
63 (d)(ii) shall also apply to any person who shall commit robbery,



64 attempted robbery, carjacking or a drive-by shooting on or after
65 October 1, 1994, through the display of a deadly weapon;

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

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

73 (g) No person shall be eligible for parole who is
74 convicted or whose suspended sentence is revoked after June 30,
75 1995, except that an offender convicted of only nonviolent crimes
76 after June 30, 1995, may be eligible for parole if the offender
77 meets the requirements in subsection (1) and this paragraph. In
78 addition to other requirements, if an offender is convicted of a
79 drug or driving under the influence felony, the offender must
80 complete a drug and alcohol rehabilitation program prior to parole
81 or the offender may be required to complete a post-release drug
82 and alcohol program as a condition of parole. For purposes of
83 this paragraph, "nonviolent crime" means a felony other than
84 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
85 occupied dwelling, aggravated assault, kidnapping, felonious abuse
86 of vulnerable adults, felonies with enhanced penalties, the sale
87 or manufacture of a controlled substance under the Uniform
88 Controlled Substances Law, felony child abuse, or exploitation or
89 any crime under Section 97-5-33 or Section 97-5-39(2) or
90 97-5-39(1)(b), 97-5-39(1)(c) or a violation of Section
91 63-11-30(5). An offender convicted of a violation under Section
92 41-29-139(a), not exceeding the amounts specified under Section
93 41-29-139(b), may be eligible for parole. In addition, an
94 offender 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 * * *.



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

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

122 * * *

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



129 **SECTION 2.** Section 47-7-6, Mississippi Code of 1972, which
130 makes an individual ineligible for an appointment to the State
131 Parole Board if such individual contributed over a certain amount
132 to the campaign of the appointing Governor, is repealed.

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

