

By: Senator(s) Watson

To: Rules

SENATE CONCURRENT RESOLUTION NO. 561

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 124, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE
3 GOVERNOR CANNOT GRANT PARDONS FOR CERTAIN VIOLENT CRIMES AND TO
4 REQUIRE PUBLICATION OF NOTICE BEFORE THE GOVERNOR PARDONS CERTAIN
5 OTHER FELONY CRIMES; AND FOR RELATED PURPOSES.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
7 MISSISSIPPI, That the following amendment to the Mississippi
8 Constitution of 1890 is proposed to the qualified electors of the
9 state:

10 Amend Section 124, Mississippi Constitution of 1890, to read
11 as follows:

12 Section 124. (1) In all criminal and penal cases, excepting
13 those of treason * * *, impeachment, and crimes specified in this
14 section, the Governor shall have the power to grant reprieves and
15 pardons, to remit fines, and in cases of forfeiture, to stay the
16 collection until the end of the next session of the Legislature,
17 and by and with the consent of the Senate to remit forfeitures.
18 In cases of treason he shall have the power to grant reprieves,
19 and by and with consent of the Senate, but may respite the



20 sentence until the end of the next session of the Legislature; but
21 no pardon shall be granted before conviction * * *.

22 (2) No person convicted of the crimes of capital murder,
23 murder, capital rape, felony child abuse, kidnapping, or any crime
24 under Sections 97-3-65, 97-3-95, 97-5-23 and 97-5-33 as an
25 habitual offender under Sections 99-19-81 through 99-19-87 shall
26 be eligible to receive a pardon, reprieve or commutation.

27 (3) No person convicted of the crimes of aggravated assault
28 or aggravated domestic violence, Section 97-3-54.1, armed robbery,
29 burglary of an occupied dwelling, felonious abuse of vulnerable
30 adults, drive-by shooting, carjacking, the sale or manufacture of
31 a controlled substance under the Uniform Controlled Substance Laws
32 or sentenced with enhanced penalties shall be eligible for a
33 pardon, reprieve or commutation by the Governor unless the person
34 has served at least twenty (20) years of his sentence and the
35 following requirements have been completed:

36 (a) The offender seeking a pardon, reprieve or
37 commutation of sentence shall file a petition with the Governor's
38 office and shall include in the petition a certified and
39 authenticated copy of the notice published in the newspaper with
40 the date of the publication and copies of the return receipts
41 showing that a copy of the petition was mailed by certified mail
42 return receipt requested to the victim or the victim's family
43 representative, to the circuit court judge and the district
44 attorney where the conviction occurred.



45 (b) The offender shall publish the notice in a
46 newspaper in the county where the crime was committed and where
47 the conviction occurred, and if no newspaper is published in the
48 county, then in a newspaper in an adjoining county. The notice
49 shall be published for thirty (30) days and shall contain the
50 following information: date and location of crime, name of the
51 felony committed, date and county of conviction.

52 BE IT FURTHER RESOLVED, That this proposed amendment shall be
53 submitted by the Secretary of State to the qualified electors at
54 an election to be held on the first Tuesday after the first Monday
55 of November 2018, as provided by Section 273 of the Constitution
56 and by general law.

57 BE IT FURTHER RESOLVED, That the explanation of this proposed
58 amendment for the ballot shall read as follows: "This proposed
59 constitutional amendment provides that the Governor cannot grant
60 pardons for certain violent crimes such as capital murder, murder,
61 capital rape, felony child abuse and kidnapping. The amendment
62 also provides that certain other violent crimes cannot be pardoned
63 until notice is published for thirty (30) days in the county where
64 the crime was committed."

