

By: Senator(s) Wiggins

To: Judiciary, Division B

SENATE BILL NO. 2868

1 AN ACT TO AMEND SECTION 97-5-39, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT KNOWING SOLICITATION OF A CHILD TO VIOLATE THE
 3 UNIFORM CONTROLLED SUBSTANCE LAW OR TO PARTICIPATE IN GANGS OR
 4 GANG-RELATED ACTIVITIES CONSTITUTES CONTRIBUTING TO THE
 5 DELINQUENCY OF A MINOR; TO AMEND SECTION 97-44-1, MISSISSIPPI CODE
 6 OF 1972, TO REVISE THE SHORT TITLE OF THE MISSISSIPPI STREETGANG
 7 ACT; TO AMEND SECTION 97-44-3, MISSISSIPPI CODE OF 1972, TO REVISE
 8 DEFINITIONS; TO AMEND SECTION 97-44-19, MISSISSIPPI CODE OF 1972,
 9 TO REVISE PENALTIES FOR CRIMINAL GANG ACTIVITY; TO CREATE SECTION
 10 97-44-21, MISSISSIPPI CODE OF 1972, TO RECODIFY THE EXISTING
 11 EVIDENTIARY STANDARDS FOR PROSECUTION UNDER THIS ACT; TO AMEND
 12 SECTION 97-3-2, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION
 13 OF VIOLENT CRIME TO INCLUDE VIOLATIONS OF THE MISSISSIPPI GANG
 14 ACT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 97-5-39, Mississippi Code of 1972, is
 17 amended as follows:

18 97-5-39. (1) (a) Except as otherwise provided in this
 19 section, any parent, guardian or other person who intentionally,
 20 knowingly or recklessly commits any act or omits the performance
 21 of any duty, which act or omission contributes to or tends to
 22 contribute to the neglect or delinquency of any child or which act
 23 or omission results in the abuse of any child, as defined in
 24 Section 43-21-105(m) of the Youth Court Law, or who knowingly aids



25 any child in escaping or absenting himself from the guardianship
26 or custody of any person, agency or institution, or knowingly
27 harbors or conceals, or aids in harboring or concealing, any child
28 who has absented himself without permission from the guardianship
29 or custody of any person, agency or institution to which the child
30 shall have been committed by the youth court, or knowingly
31 entices, solicits, coerces, encourages or intimidates any child to
32 violate the Uniform Controlled Substances Law, or knowingly
33 entices, solicits, coerces, encourages or intimidates any child to
34 participate in gang or gang-related activities shall be guilty of
35 a misdemeanor, and upon conviction shall be punished by a fine not
36 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not
37 to exceed one (1) year in jail, or by both such fine and
38 imprisonment.

39 (b) For the purpose of this section, a child is a
40 person who has not reached his eighteenth birthday. A child who
41 has not reached his eighteenth birthday and is on active duty for
42 a branch of the armed services, or who is married, is not
43 considered a child for the purposes of this statute.

44 (c) If a child commits one (1) of the proscribed acts
45 in subsection (2) (a), (b) or (c) of this section upon another
46 child, then original jurisdiction of all such offenses shall be in
47 youth court.

48 (d) If the child's deprivation of necessary clothing,
49 shelter, health care or supervision appropriate to the child's age



50 results in substantial harm to the child's physical, mental or
51 emotional health, the person may be sentenced to imprisonment in
52 the custody of the Department of Corrections for not more than
53 five (5) years or to payment of a fine of not more than Five
54 Thousand Dollars (\$5,000.00), or both.

55 (e) A parent, legal guardian or other person who
56 knowingly permits the continuing physical or sexual abuse of a
57 child is guilty of neglect of a child and may be sentenced to
58 imprisonment in the custody of the Department of Corrections for
59 not more than ten (10) years or to payment of a fine of not more
60 than Ten Thousand Dollars (\$10,000.00), or both.

61 (2) Any person shall be guilty of felonious child abuse in
62 the following circumstances:

63 (a) Whether bodily harm results or not, if the person
64 shall intentionally, knowingly or recklessly:

- 65 (i) Burn any child;
- 66 (ii) Physically torture any child;
- 67 (iii) Strangle, choke, smother or in any way
68 interfere with any child's breathing;
- 69 (iv) Poison a child;
- 70 (v) Starve a child of nourishments needed to
71 sustain life or growth;
- 72 (vi) Use any type of deadly weapon upon any
73 child * * *r.



74 (b) If some bodily harm to any child actually occurs,
75 and if the person shall intentionally, knowingly or recklessly:

76 (i) Throw, kick, bite, or cut any child;

77 (ii) Strike a child under the age of fourteen (14)
78 about the face or head with a closed fist;

79 (iii) Strike a child under the age of five (5) in
80 the face or head;

81 (iv) Kick, bite, cut or strike a child's genitals;
82 circumcision of a male child is not a violation under this
83 subparagraph (iv) * * *7.

84 (c) If serious bodily harm to any child actually
85 occurs, and if the person shall intentionally, knowingly or
86 recklessly:

87 (i) Strike any child on the face or head;

88 (ii) Disfigure or scar any child;

89 (iii) Whip, strike or otherwise abuse any
90 child * * *7.

91 (d) Any person, upon conviction under paragraph (a) or
92 (c) of this subsection, shall be sentenced by the court to
93 imprisonment in the custody of the Department of Corrections for a
94 term of not less than five (5) years and up to life, as determined
95 by the court. Any person, upon conviction under paragraph (b) of
96 this subsection shall be sentenced by the court to imprisonment in
97 the custody of the Department of Corrections for a term of not
98 less than two (2) years nor more than ten (10) years, as



99 determined by the court. For any second or subsequent conviction
100 under this subsection (2), the person shall be sentenced to
101 imprisonment for life.

102 (e) For the purposes of this subsection (2), "bodily
103 harm" means any bodily injury to a child and includes, but is not
104 limited to, bruising, bleeding, lacerations, soft tissue swelling,
105 and external or internal swelling of any body organ.

106 (f) For the purposes of this subsection (2), "serious
107 bodily harm" means any serious bodily injury to a child and
108 includes, but is not limited to, the fracture of a bone, permanent
109 disfigurement, permanent scarring, or any internal bleeding or
110 internal trauma to any organ, any brain damage, any injury to the
111 eye or ear of a child or other vital organ, and impairment of any
112 bodily function.

113 (g) Nothing contained in paragraph (c) of this
114 subsection shall preclude a parent or guardian from disciplining a
115 child of that parent or guardian, or shall preclude a person in
116 loco parentis to a child from disciplining that child, if done in
117 a reasonable manner, and reasonable corporal punishment or
118 reasonable discipline as to that parent or guardian's child or
119 child to whom a person stands in loco parentis shall be a defense
120 to any violation charged under paragraph (c) of this subsection.

121 (h) Reasonable discipline and reasonable corporal
122 punishment shall not be a defense to acts described in paragraphs
123 (a) and (b) of this subsection or if a child suffers serious



124 bodily harm as a result of any act prohibited under paragraph (c)
125 of this subsection.

126 (3) Nothing contained in this section shall prevent
127 proceedings against the parent, guardian or other person under any
128 statute of this state or any municipal ordinance defining any act
129 as a crime or misdemeanor. Nothing in the provisions of this
130 section shall preclude any person from having a right to trial by
131 jury when charged with having violated the provisions of this
132 section.

133 (4) (a) A parent, legal guardian or caretaker who endangers
134 a child's person or health by knowingly causing or permitting the
135 child to be present where any person is selling, manufacturing or
136 possessing immediate precursors or chemical substances with intent
137 to manufacture, sell or possess a controlled substance, as
138 prohibited under Section 41-29-139 or 41-29-313, is guilty of
139 child endangerment and may be sentenced to imprisonment for not
140 more than ten (10) years or to payment of a fine of not more than
141 Ten Thousand Dollars (\$10,000.00), or both.

142 (b) If the endangerment results in substantial harm to
143 the child's physical, mental or emotional health, the person may
144 be sentenced to imprisonment for not more than twenty (20) years
145 or to payment of a fine of not more than Twenty Thousand Dollars
146 (\$20,000.00), or both.

147 (5) Nothing contained in this section shall prevent
148 proceedings against the parent, guardian or other person under any



149 statute of this state or any municipal ordinance defining any act
150 as a crime or misdemeanor. Nothing in the provisions of this
151 section shall preclude any person from having a right to trial by
152 jury when charged with having violated the provisions of this
153 section.

154 (6) After consultation with the Department of Human
155 Services, a regional mental health center or an appropriate
156 professional person, a judge may suspend imposition or execution
157 of a sentence provided in subsections (1) and (2) of this section
158 and in lieu thereof require treatment over a specified period of
159 time at any approved public or private treatment facility. A
160 person may be eligible for treatment in lieu of criminal penalties
161 no more than one (1) time.

162 (7) In any proceeding resulting from a report made pursuant
163 to Section 43-21-353 of the Youth Court Law, the testimony of the
164 physician making the report regarding the child's injuries or
165 condition or cause thereof shall not be excluded on the ground
166 that the physician's testimony violates the physician-patient
167 privilege or similar privilege or rule against disclosure. The
168 physician's report shall not be considered as evidence unless
169 introduced as an exhibit to his testimony.

170 (8) Any criminal prosecution arising from a violation of
171 this section shall be tried in the circuit, county, justice or
172 municipal court having jurisdiction; provided, however, that



173 nothing herein shall abridge or dilute the contempt powers of the
174 youth court.

175 **SECTION 2.** Section 97-44-1, Mississippi Code of 1972, is
176 amended as follows:

177 97-44-1. This chapter shall be known as the
178 "Mississippi * * *~~Streetgang~~ Gang Act."

179 **SECTION 3.** Section 97-44-3, Mississippi Code of 1972, is
180 amended as follows:

181 97-44-3. For the purposes of this chapter, the following
182 words and phrases shall have the meanings ascribed * * *~~herein,~~
183 ~~unless the context clearly requires otherwise:~~

184 (a) "Streetgang" or "gang" or "organized gang" or
185 "criminal streetgang" means * * *~~any combination, confederation,~~
186 ~~alliance, network, conspiracy, understanding, or other similar~~
187 ~~conjoining, in law or in fact, of three (3) or more persons with~~
188 ~~an established hierarchy that, through its membership or through~~
189 ~~the agency of any member, engages in felonious criminal activity.~~
190 an association of three (3) or more persons whose members are
191 involved in criminal gang activity and who collectively identify
192 themselves by adopting a group identity by employing one or more
193 of the following:

194 (i) A common name, slogan, identifying sign,
195 symbol, tattoo or other physical marking;

196 (ii) Style or color of clothing or hairstyle;



197 (iii) Hand sign, hand gesture or finger position;

198 or

199 (iv) Graffiti.

200 The terms "gang," "streetgang," "organized gang" or "criminal
201 streetgang" do not include any group of persons, associated in law
202 or in fact, who are not engaged in criminal gang activity, to a
203 sports team, or to a group who are associated through a legally
204 created business or charitable entity created under Mississippi
205 law, except for those instances where the State of Mississippi has
206 proof beyond a reasonable doubt that the sports team, legally
207 created business or charitable entity is a pretext for criminal
208 gang activity.

209 ~~* * *— For purposes of this chapter, it shall not be necessary~~
210 ~~to show that a particular conspiracy, combination or conjoining of~~
211 ~~persons possesses, acknowledges or is known by any common name,~~
212 ~~insignia, flag, means of recognition, secret signal or code,~~
213 ~~creed, belief, structure, leadership or command structure, method~~
214 ~~of operation or criminal enterprise, concentration or specialty,~~
215 ~~membership, age or other qualifications, initiation rites,~~
216 ~~geographical or territorial situs or boundary or location, or~~
217 ~~other unifying mark, manner, protocol or method of expressing or~~
218 ~~indicating membership when the conspiracy's existence, in law or~~
219 ~~in fact, can be demonstrated by a preponderance of the competent~~
220 ~~evidence. However, any evidence reasonably tending to show or~~
221 ~~demonstrate, in law or in fact, the existence of or membership in~~



222 ~~any conspiracy, confederation or other association described~~
223 ~~herein, or probative of the existence of or membership in any such~~
224 ~~association, shall be admissible in any action or proceeding~~
225 ~~brought under this chapter.~~

226 (b) "Public authority" means the state and political
227 subdivisions as defined in Section 11-46-1 * * *, ~~Mississippi Code~~
228 ~~of 1972.~~

229 (c) "Streetgang member" or "gang member" means any
230 person who actually and in fact belongs to a gang, and any person
231 who knowingly acts in the capacity of an agent for or accessory
232 to, or is legally accountable for, or voluntarily associates
233 himself with * * * ~~a gang-related~~ criminal gang activity, whether
234 in a preparatory, executory or cover-up phase of any criminal gang
235 activity, or who knowingly performs, aids or abets * * * ~~any such~~
236 criminal gang activity.

237 (d) * * * "Streetgang related" or "gang-related"
238 "Criminal gang activity" or "streetgang-related activity" or
239 "gang-related activity" or "criminal gang activity" means * * *
240 any criminal activity, enterprise, pursuit or undertaking directed
241 by, ordered by, authorized by, consented to, agreed to, requested
242 by, acquiesced in, or ratified by any gang leader, officer or
243 governing or policymaking person or authority, or by any agent,
244 representative or deputy of any such officer, person or authority:

245 (i) The commission, attempted commission or
246 conspiracy to commit, or the solicitation, coercion, encouragement



247 or intimidation of another person to commit an act or acts in this
248 or another state that would constitute a felony offense in this
249 state, another state, or the United States with intent to:

250 1. Increase * * *~~the~~ a gang's size,
251 membership, prestige, dominance or control in any geographical
252 area; or

253 2. * * *~~(ii)~~ With intent to Exact
254 revenge or retribution for * * *~~the~~ a gang or any gang
255 member * * *~~of the~~ gang; or

256 3. * * *~~(iii)~~ With intent to
257 Provide * * *~~the~~ a gang with any advantage in, or any control or
258 dominance over, any criminal market sector, including, but not
259 limited to, the unlawful manufacture, delivery, possession or sale
260 of controlled substances; arson; traffic in stolen property or
261 stolen credit cards; traffic in prostitution, obscenity or
262 pornography; or that involves * * *~~robbery, armed robbery,~~
263 burglary * * *~~or,~~ larceny or any crime of violence as defined in
264 Section 97-3-2; or

265 4. * * *~~(iv)~~ With intent to Obstruct
266 justice, or harass, intimidate or eliminate any witness reasonably
267 expected to testify in a legal proceeding against * * *~~the~~ a gang
268 or any * * *~~member of the~~ gang member; or

269 5. * * *~~(v)~~ With intent to Otherwise,
270 directly or indirectly, cause any benefit, aggrandizement, gain,



271 profit or other advantage whatsoever to or for the gang, its
272 reputation, influence or membership * * *; or

273 6. Obtain or earn membership or maintain
274 or increase the person's status or position in a criminal gang;

275 (ii) Acquiring or maintaining, directly or
276 indirectly, through criminal gang activity, proceeds derived
277 therefrom or any interest in or control of any real or personal
278 property of any nature, including money;

279 (iii) Communicating, directly or indirectly, with
280 another any threat of injury or damage to the person or property
281 of the other person or of any associate or relative of the other
282 person with the intent to punish or retaliate against the other
283 person for providing statements or testimony against a gang or
284 gang member or associate;

285 (iv) Communicating, directly or indirectly, with
286 another any threat of injury or damage to the person or property
287 of the other person or of any associate or relative of the other
288 person with the intent to intimidate, deter, or prevent the other
289 person from communicating to any law enforcement or corrections
290 officer, prosecuting attorney or judge information relating to a
291 gang, gang member or associate, or criminal gang activity;

292 (v) Causing, encouraging, soliciting, recruiting,
293 or coercing another to become a member or associate of a gang;

294 (vi) Communicating, directly or indirectly, with
295 another any threat of injury or damage to the person or property



296 of the other person or of any associate or relative of the other
297 person with the intent to deter the other person from assisting a
298 member or associate of a gang to withdraw from such gang;

299 (vii) Communicating, directly or indirectly, with
300 another any threat of injury or damage to the person or property
301 of the other person or of any associate or relative of the other
302 person with the intent to punish or retaliate against the other
303 person for having withdrawn from a gang; or

304 (viii) Communicating, directly or indirectly, with
305 another any threat of injury or damage to the person or property
306 of the other person or of any associate or relative of the other
307 person with the intent to punish or retaliate against the other
308 person for refusing, or encouraging another to refuse, to become a
309 member or associate, or obtain the status of a member or
310 associate, of a gang.

311 (e) "Underlying offense" means the act or acts that
312 would constitute a criminal offense forming the basis of criminal
313 gang activity.

314 **SECTION 4.** Section 97-44-19, Mississippi Code of 1972, is
315 amended as follows:

316 97-44-19. * * *(1) ~~Any person who intentionally directs,~~
317 ~~participates, conducts, furthers, or assists in the commission of~~
318 ~~illegal gang activity shall be punished by imprisonment for not~~
319 ~~less than one (1) year nor more than one-half (1/2) of the maximum~~
320 ~~term of imprisonment provided for an underlying offense and may be~~



321 ~~fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).~~
322 ~~Any sentence of imprisonment imposed pursuant to this section~~
323 ~~shall be in addition and consecutive to any sentence imposed for~~
324 ~~the underlying offense.~~

325 ~~—— (2) Any person who is convicted of a felony or an attempted~~
326 ~~felony which is committed for the benefit of, at the direction of,~~
327 ~~or in association with any criminal streetgang, with the intent to~~
328 ~~promote, further, or assist in the affairs of a criminal gang,~~
329 ~~shall, upon conviction of that felony, in addition and consecutive~~
330 ~~to the punishment prescribed for the felony or attempted felony of~~
331 ~~which he or she has been convicted, be imprisoned for not less~~
332 ~~than one (1) year nor more than one-half (1/2) of the maximum term~~
333 ~~of imprisonment provided for that offense.~~

334 ~~—— (3) Any person who is convicted of an offense other than a~~
335 ~~felony which is committed for the benefit of, at the direction of,~~
336 ~~or in association with, any criminal streetgang, with the specific~~
337 ~~intent to promote, further or assist in any criminal conduct or~~
338 ~~enterprise by gang members, shall, in addition and consecutive to~~
339 ~~the penalty provided for that offense, be imprisoned for an~~
340 ~~additional period of not more than one (1) year.~~

341 ~~—— (4) Any person who knowingly and willfully sells or buys~~
342 ~~goods or performs services for a criminal street gang in~~
343 ~~furtherance of illegal activity shall be punished by imprisonment~~
344 ~~for not less than one (1) year nor more than one-half (1/2) of the~~
345 ~~maximum term of imprisonment provided for the underlying offense~~



346 and may be fined an amount not to exceed Ten Thousand Dollars
347 (\$10,000.00).

348 ~~— (5) The court may elect to suspend all or a part of any~~
349 ~~additional mandatory punishment or enhanced punishment provided~~
350 ~~for in this chapter to impose alternative punishment in the form~~
351 ~~of properly supervised community service or placement in an~~
352 ~~appropriate adolescent offender program, if available, only in an~~
353 ~~unusual case where the interest of justice would best be served,~~
354 ~~and if the court specifies on the record and enters into the~~
355 ~~minutes the circumstances and reasons that the interests of~~
356 ~~justice would best be served by that suspension of enhanced~~
357 ~~punishment. (1) It is unlawful for any person to conduct or~~
358 participate in criminal gang activity.

359 (2) A crime committed in violation of this chapter shall be
360 considered an offense separate from any underlying offense.

361 (3) A person who conducts or participates in criminal gang
362 activity shall be punished by imprisonment for not less than five
363 (5) years nor more than fifteen (15) years or by a fine of not
364 less than Ten Thousand Dollars (\$10,000.00) nor more than Fifteen
365 Thousand Dollars (\$15,000.00), or both, in addition to and
366 consecutive to any sentence imposed for any underlying offense.

367 (* * *54) The court may elect to suspend all or a part of
368 any additional mandatory punishment or enhanced punishment
369 provided in this chapter to impose alternative punishment in the
370 form of properly supervised community service or placement in an



371 appropriate adolescent offender program, if available, only in an
372 unusual case where the interests of justice would best be served,
373 and if the court specifies on the record and enters into the
374 minutes the circumstances and reasons that the interests of
375 justice would best be served by the suspension of enhanced
376 punishment.

377 (5) In addition to any other penalty provided by this
378 section, all sentences imposed under this section shall require as
379 a special condition of the sentence that the person sentenced
380 shall not knowingly have contact of any kind or character with any
381 other member or associate of a gang, shall not participate in any
382 criminal gang activity, and, in cases involving a victim, shall
383 not knowingly have contact of any kind or character with any
384 victim or any member of a victim's family or household.

385 **SECTION 5.** The following shall be codified as Section
386 97-44-21, Mississippi Code of 1972:

387 97-44-21. For purposes of this chapter, it is not necessary
388 to show that a particular conspiracy, combination or conjoining of
389 persons possesses, acknowledges or is known by any common name,
390 insignia, flag, means of recognition, secret signal or code,
391 creed, belief, structure, leadership or command structure, method
392 of operation or criminal enterprise, concentration or specialty,
393 membership, age or other qualifications, initiation rites,
394 geographical or territorial situs or boundary or location, or
395 other unifying mark, manner, protocol or method of expressing or



396 indicating membership when the conspiracy's existence, in law or
397 in fact, can be demonstrated by a preponderance of the competent
398 evidence. However, any evidence reasonably tending to show or
399 demonstrate, in law or in fact, the existence of or membership in
400 any conspiracy, confederation or other association described in
401 this chapter, or probative of the existence of or membership in
402 any criminal gang, or evidence of a common name or common
403 identifying signs, symbols, tattoos, graffiti, or attire or other
404 distinguishing characteristics, including, but not limited to,
405 common activities, customs or behaviors, shall be admissible in
406 any action or proceeding brought under this chapter.

407 **SECTION 6.** Section 97-3-2, Mississippi Code of 1972, is
408 amended as follows:

409 97-3-2. (1) The following shall be classified as crimes of
410 violence:

411 (a) Driving under the influence as provided in Sections
412 63-11-30(5) and 63-11-30(12) (d);

413 (b) Murder and attempted murder as provided in Sections
414 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;

415 (c) Aggravated assault as provided in Sections
416 97-3-7(2) (a) and (b) and 97-3-7(4) (a);

417 (d) Manslaughter as provided in Sections 97-3-27,
418 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43,
419 97-3-45 and 97-3-47;



420 (e) Killing of an unborn child as provided in Sections
421 97-3-37(2) (a) and 97-3-37(2) (b);

422 (f) Kidnapping as provided in Section 97-3-53;

423 (g) Human trafficking as provided in Section 97-3-54.1;

424 (h) Poisoning as provided in Section 97-3-61;

425 (i) Rape as provided in Sections 97-3-65 and 97-3-71;

426 (j) Robbery as provided in Sections 97-3-73 and
427 97-3-79;

428 (k) Sexual battery as provided in Section 97-3-95;

429 (l) Drive-by shooting or bombing as provided in Section
430 97-3-109;

431 (m) Carjacking as provided in Section 97-3-117;

432 (n) Felonious neglect, abuse or battery of a child as
433 provided in Section 97-5-39;

434 (o) Burglary of a dwelling as provided in Sections
435 97-17-23 and 97-17-37;

436 (p) Use of explosives or weapons of mass destruction as
437 provided in Section 97-37-25;

438 (q) Statutory rape as provided in Section 97-3-65(1),
439 but this classification is rebuttable on hearing by a judge;

440 (r) Exploitation of a child as provided in Section
441 97-5-33;

442 (s) Gratification of lust as provided in Section
443 97-5-23; * * *and



444 (t) Shooting into a dwelling as provided in Section
445 97-37-29 * * *~~;~~; and

446 (u) Criminal gang activity as defined in Section
447 97-44-3.

448 (2) In any felony offense with a maximum sentence of no less
449 than five (5) years, upon conviction, the judge may find and place
450 in the sentencing order, on the record in open court, that the
451 offense, while not listed in subsection (1) of this section, shall
452 be classified as a crime of violence if the facts show that the
453 defendant used physical force, or made a credible attempt or
454 threat of physical force against another person as part of the
455 criminal act. No person convicted of a crime of violence listed
456 in this section is eligible for parole or for early release from
457 the custody of the Department of Corrections until the person has
458 served at least fifty percent (50%) of the sentence imposed by the
459 court.

460 **SECTION 7.** This act shall take effect and be in force from
461 and after July 1, 2018.

