

By: Representatives Kinkade, Karriem, Dixon

To: Corrections

HOUSE BILL NO. 59

1 AN ACT TO AMEND SECTION 97-3-2, MISSISSIPPI CODE OF 1972, TO  
2 STRIKE REFERENCE THAT OFFENDERS WHO ARE CONVICTED OF A CRIME OF  
3 VIOLENCE ARE ELIGIBLE FOR PAROLE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-2, Mississippi Code of 1972, is  
6 amended as follows:

7 97-3-2. (1) The following shall be classified as crimes of  
8 violence:

9 (a) Driving under the influence as provided in Sections  
10 63-11-30(5) and 63-11-30(12)(d);

11 (b) Murder and attempted murder as provided in Sections  
12 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;

13 (c) Aggravated assault as provided in Sections  
14 97-3-7(2)(a) and (b) and 97-3-7(4)(a);

15 (d) Manslaughter as provided in Sections 97-3-27,  
16 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43,  
17 97-3-45 and 97-3-47;



18 (e) Killing of an unborn child as provided in Sections  
19 97-3-37(2) (a) and 97-3-37(2) (b);

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

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

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

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

24 (j) Robbery as provided in Sections 97-3-73 and  
25 97-3-79;

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

27 (l) Drive-by shooting or bombing as provided in Section  
28 97-3-109;

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

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

32 (o) Burglary of a dwelling as provided in Sections  
33 97-17-23 and 97-17-37;

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

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

38 (r) Exploitation of a child as provided in Section  
39 97-5-33;

40 (s) Gratification of lust as provided in Section  
41 97-5-23; and



42                   (t) Shooting into a dwelling as provided in Section  
43 97-37-29.

44                   (2) In any felony offense with a maximum sentence of no less  
45 than five (5) years, upon conviction, the judge may find and place  
46 in the sentencing order, on the record in open court, that the  
47 offense, while not listed in subsection (1) of this section, shall  
48 be classified as a crime of violence if the facts show that the  
49 defendant used physical force, or made a credible attempt or  
50 threat of physical force against another person as part of the  
51 criminal act. No person convicted of a crime of violence listed  
52 in this section is eligible \* \* \* for early release from the  
53 custody of the Department of Corrections until the person has  
54 served at least fifty percent (50%) of the sentence imposed by the  
55 court.

56                   **SECTION 2.** This act shall take effect and be in force from  
57 and after its passage.

