

By: Representatives Kinkade, Karriem, Dixon

To: Corrections

HOUSE BILL NO. 59  
(As Passed the House)

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; TO PROVIDE THAT AN INDIVIDUAL  
4 WHO HAS RECEIVED A CERTIFICATE OF REHABILITATION MAY HAVE HIS OR  
5 HER RECORD OF CONVICTION REMOVED UNDER CERTAIN CIRCUMSTANCES; AND  
6 FOR RELATED PURPOSES.

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

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

10 97-3-2. (1) The following shall be classified as crimes of  
11 violence:

12 (a) Driving under the influence as provided in Sections  
13 63-11-30(5) and 63-11-30(12) (d);

14 (b) Murder and attempted murder as provided in Sections  
15 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;

16 (c) Aggravated assault as provided in Sections  
17 97-3-7(2) (a) and (b) and 97-3-7(4) (a);

18 (d) Manslaughter as provided in Sections 97-3-27,  
19 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43,  
20 97-3-45 and 97-3-47;



21 (e) Killing of an unborn child as provided in Sections  
22 97-3-37(2) (a) and 97-3-37(2) (b);

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

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

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

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

27 (j) Robbery as provided in Sections 97-3-73 and  
28 97-3-79;

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

30 (l) Drive-by shooting or bombing as provided in Section  
31 97-3-109;

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

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

35 (o) Burglary of a dwelling as provided in Sections  
36 97-17-23 and 97-17-37;

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

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

41 (r) Exploitation of a child as provided in Section  
42 97-5-33;

43 (s) Gratification of lust as provided in Section  
44 97-5-23; and



45 (t) Shooting into a dwelling as provided in Section  
46 97-37-29.

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

59 **SECTION 2.** The court in which an individual was convicted  
60 and where a certificate of rehabilitation has been issued for such  
61 individual convicted of a crime, other than a crime of violence,  
62 as prescribed under Section 97-3-2, the court may order that the  
63 record of previous conviction for the individual be removed if the  
64 court determines it is the interests of justice.

65 **SECTION 3.** This act shall take effect and be in force from  
66 and after July 1, 2018, and shall stand repealed on June 30, 2018.

