

By: Representative Banks

To: Corrections; Judiciary B

HOUSE BILL NO. 614

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT ANY OFFENDER WHO HAS COMMITTED A CAPITAL OFFENSE
 3 SHALL BE ELIGIBLE FOR PAROLE AFTER SERVING A CERTAIN PERIOD OF HIS
 4 OR HER SENTENCE AND AFTER COMPLETING HIS OR HER CASE PLAN; TO
 5 BRING FORWARD SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, WHICH
 6 PERTAINS TO THE MINIMUM TIME OFFENDERS CONVICTED OF VIOLENT CRIMES
 7 MUST SERVE BEFORE RELEASE, FOR PURPOSES OF POSSIBLE AMENDMENT; AND
 8 FOR RELATED PURPOSES.

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

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

12 47-7-3. (1) Every prisoner who has been convicted of any
 13 offense against the State of Mississippi, and is confined in the
 14 execution of a judgment of such conviction in the Mississippi
 15 Department of Corrections for a definite term or terms of one (1)
 16 year or over, or for the term of his or her natural life, whose
 17 record of conduct shows that such prisoner has observed the rules
 18 of the department, and who has served not less than one-fourth
 19 (1/4) of the total of such term or terms for which such prisoner
 20 was sentenced, or, if sentenced to serve a term or terms of thirty
 21 (30) years or more, or, if sentenced for the term of the natural



22 life of such prisoner, has served not less than ten (10) years of
23 such life sentence, may be released on parole as hereinafter
24 provided, except that:

25 (a) No prisoner convicted as a confirmed and habitual
26 criminal under the provisions of Sections 99-19-81 through
27 99-19-87 shall be eligible for parole;

28 (b) Any person who shall have been convicted of a sex
29 crime shall not be released on parole except for a person under
30 the age of nineteen (19) who has been convicted under Section
31 97-3-67;

32 (c) (i) No person shall be eligible for parole who
33 shall, on or after January 1, 1977, be convicted of robbery or
34 attempted robbery through the display of a firearm until he shall
35 have served ten (10) years if sentenced to a term or terms of more
36 than ten (10) years or if sentenced for the term of the natural
37 life of such person. If such person is sentenced to a term or
38 terms of ten (10) years or less, then such person shall not be
39 eligible for parole. The provisions of this paragraph (c)(i)
40 shall also apply to any person who shall commit robbery or
41 attempted robbery on or after July 1, 1982, through the display of
42 a deadly weapon. This paragraph (c)(i) shall not apply to persons
43 convicted after September 30, 1994;

44 (ii) No person shall be eligible for parole who
45 shall, on or after October 1, 1994, be convicted of robbery,
46 attempted robbery or carjacking as provided in Section 97-3-115 et



47 seq., through the display of a firearm or drive-by shooting as
48 provided in Section 97-3-109. The provisions of this paragraph
49 (c)(ii) shall also apply to any person who shall commit robbery,
50 attempted robbery, carjacking or a drive-by shooting on or after
51 October 1, 1994, through the display of a deadly weapon. This
52 paragraph (c)(ii) shall not apply to persons convicted after July
53 1, 2014;

54 (d) No person shall be eligible for parole who, on or
55 after July 1, 1994, is charged, tried, convicted and sentenced to
56 life imprisonment without eligibility for parole under the
57 provisions of Section 99-19-101;

58 (e) No person shall be eligible for parole who is
59 charged, tried, convicted and sentenced to life imprisonment under
60 the provisions of Section 99-19-101;

61 (f) No person shall be eligible for parole who is
62 convicted or whose suspended sentence is revoked after June 30,
63 1995, except that an offender convicted of only nonviolent crimes
64 after June 30, 1995, may be eligible for parole if the offender
65 meets the requirements in subsection (1) and this paragraph. In
66 addition to other requirements, if an offender is convicted of a
67 drug or driving under the influence felony, the offender must
68 complete a drug and alcohol rehabilitation program prior to parole
69 or the offender may be required to complete a post-release drug
70 and alcohol program as a condition of parole. For purposes of
71 this paragraph, "nonviolent crime" means a felony other than



72 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
73 occupied dwelling, aggravated assault, kidnapping, felonious abuse
74 of vulnerable adults, felonies with enhanced penalties, the sale
75 or manufacture of a controlled substance under the Uniform
76 Controlled Substances Law, felony child abuse, or exploitation or
77 any crime under Section 97-5-33 or Section 97-5-39(2) or
78 97-5-39(1) (b), 97-5-39(1) (c) or a violation of Section
79 63-11-30(5). In addition, an offender incarcerated for committing
80 the crime of possession of a controlled substance under the
81 Uniform Controlled Substances Law after July 1, 1995, shall be
82 eligible for parole. An offender incarcerated for committing the
83 crime of sale or manufacture of a controlled substance shall be
84 eligible for parole after serving one-fourth (1/4) of the sentence
85 imposed by the trial court. This paragraph (f) shall not apply to
86 persons convicted on or after July 1, 2014;

87 (g) (i) No person who, on or after July 1, 2014, is
88 convicted of a crime of violence pursuant to Section 97-3-2, a sex
89 crime or an offense that specifically prohibits parole release,
90 shall be eligible for parole. All persons convicted of any other
91 offense on or after July 1, 2014, are eligible for parole after
92 they have served one-fourth (1/4) of the sentence or sentences
93 imposed by the trial court.

94 (ii) Notwithstanding the provisions in paragraph
95 (i) of this subsection, a person serving a sentence who has
96 reached the age of sixty (60) or older and who has served no less



97 than ten (10) years of the sentence or sentences imposed by the
98 trial court shall be eligible for parole. Any person eligible for
99 parole under this subsection shall be required to have a parole
100 hearing before the board prior to parole release. No inmate shall
101 be eligible for parole under this paragraph of this subsection if:

102 1. The inmate is sentenced as a habitual
103 offender under Sections 99-19-81 through 99-19-87;

104 2. The inmate is sentenced for a crime of
105 violence under Section 97-3-2;

106 3. The inmate is sentenced for an offense
107 that specifically prohibits parole release;

108 4. The inmate is sentenced for trafficking in
109 controlled substances under Section 41-29-139(f);

110 5. The inmate is sentenced for a sex crime;
111 or

112 6. The inmate has not served one-fourth (1/4)
113 of the sentence imposed by the court.

114 (iii) Notwithstanding the provisions of
115 paragraph * * * (a) of this * * * subsection, any offender who has
116 not committed a crime of violence under Section 97-3-2 and has
117 served twenty-five percent (25%) or more of his sentence may be
118 paroled by the parole board if, after the sentencing judge or if
119 the sentencing judge is retired, disabled or incapacitated, the
120 senior circuit judge authorizes the offender to be eligible for
121 parole consideration.



122 (2) Notwithstanding any other provision of law, any inmate,
123 regardless of the date of his or her conviction, who has been
124 convicted of a capital offense shall be eligible for parole after
125 completing his or her case plan and after serving a minimum of ten
126 and one half (10 1/2) years of his or her sentence. In all cases,
127 no such offender shall serve more than twenty (20) years of his or
128 her sentence if the offender has met the rehabilitative
129 requirements of his or her case plan.

130 (* * *3) Notwithstanding any other provision of law, an
131 inmate shall not be eligible to receive earned time, good time or
132 any other administrative reduction of time which shall reduce the
133 time necessary to be served for parole eligibility as provided in
134 subsection (1) of this section.

135 (* * *4) The State Parole Board shall, by rules and
136 regulations, establish a method of determining a tentative parole
137 hearing date for each eligible offender taken into the custody of
138 the Department of Corrections. The tentative parole hearing date
139 shall be determined within ninety (90) days after the department
140 has assumed custody of the offender. The parole hearing date
141 shall occur when the offender is within thirty (30) days of the
142 month of his parole eligibility date. The parole eligibility date
143 shall not be earlier than one-fourth (1/4) of the prison sentence
144 or sentences imposed by the court.

145 (* * *5) Any inmate within twenty-four (24) months of his
146 parole eligibility date and who meets the criteria established by



147 the classification board shall receive priority for placement in
148 any educational development and job training programs that are
149 part of his or her parole case plan. Any inmate refusing to
150 participate in an educational development or job training program
151 that is part of the case plan may be in jeopardy of noncompliance
152 with the case plan and may be denied parole.

153 **SECTION 2.** Section 47-7-3.2, Mississippi Code of 1972, is
154 brought forward as follows:

155 47-7-3.2. (1) Notwithstanding Sections 47-5-138, 47-5-139,
156 47-5-138.1 or 47-5-142, no person convicted of a criminal offense
157 on or after July 1, 2014, shall be released by the department
158 until he or she has served no less than fifty percent (50%) of a
159 sentence for a crime of violence pursuant to Section 97-3-2 or
160 twenty-five percent (25%) of any other sentence imposed by the
161 court.

162 (2) This section shall not apply to:

163 (a) Offenders sentenced to life imprisonment;

164 (b) Offenders convicted as habitual offenders pursuant
165 to Sections 99-19-81 through 99-19-87;

166 (c) Offenders serving a sentence for a sex offense; or

167 (d) Offenders serving a sentence for trafficking
168 pursuant to Section 41-29-139(f).

169 **SECTION 3.** This act shall take effect and be in force from
170 and after July 1, 2018.

