

By: Representative Kinkade

To: Corrections

HOUSE BILL NO. 1128

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE RESTRICTION ON PAROLE ELIGIBILITY FOR OFFENDERS
3 CONVICTED WITH ENHANCED PENALTIES FOR COMMITTING DRUG OFFENSES
4 UNDER THE UNIFORM CONTROLLED SUBSTANCES LAW FROM THE TIME PERIOD
5 RANGING FROM 1995 TO PRIOR TO JULY 1, 2014; AND FOR RELATED
6 PURPOSES.

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

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

10 47-7-3. (1) Every prisoner who has been convicted of any
11 offense against the State of Mississippi, and is confined in the
12 execution of a judgment of such conviction in the Mississippi
13 Department of Corrections for a definite term or terms of one (1)
14 year or over, or for the term of his or her natural life, whose
15 record of conduct shows that such prisoner has observed the rules
16 of the department, and who has served not less than one-fourth
17 (1/4) of the total of such term or terms for which such prisoner
18 was sentenced, or, if sentenced to serve a term or terms of thirty
19 (30) years or more, or, if sentenced for the term of the natural
20 life of such prisoner, has served not less than ten (10) years of



21 such life sentence, may be released on parole as hereinafter
22 provided, except that:

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

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

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

42 (ii) No person shall be eligible for parole who
43 shall, on or after October 1, 1994, be convicted of robbery,
44 attempted robbery or carjacking as provided in Section 97-3-115 et
45 seq., through the display of a firearm or drive-by shooting as



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

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

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

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



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

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

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



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

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

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

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

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

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

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

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



121 (2) Notwithstanding any other provision of law, an inmate
122 shall not be eligible to receive earned time, good time or any
123 other administrative reduction of time which shall reduce the time
124 necessary to be served for parole eligibility as provided in
125 subsection (1) of this section.

126 (3) The State Parole Board shall, by rules and regulations,
127 establish a method of determining a tentative parole hearing date
128 for each eligible offender taken into the custody of the
129 Department of Corrections. The tentative parole hearing date
130 shall be determined within ninety (90) days after the department
131 has assumed custody of the offender. The parole hearing date
132 shall occur when the offender is within thirty (30) days of the
133 month of his parole eligibility date. The parole eligibility date
134 shall not be earlier than one-fourth (1/4) of the prison sentence
135 or sentences imposed by the court.

136 (4) Any inmate within twenty-four (24) months of his parole
137 eligibility date and who meets the criteria established by the
138 classification board shall receive priority for placement in any
139 educational development and job training programs that are part of
140 his or her parole case plan. Any inmate refusing to participate
141 in an educational development or job training program that is part
142 of the case plan may be in jeopardy of noncompliance with the case
143 plan and may be denied parole.

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

