

By: Senator(s) Dawkins, Jackson (11th)

To: Corrections; Judiciary,
Division A

SENATE BILL NO. 2630

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT OFFENDERS CONVICTED OF CERTAIN DRUG OFFENSES BEFORE
3 JULY 1, 2014 MAY BE ELIGIBLE FOR PAROLE; AND FOR RELATED PURPOSES.

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

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

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



18 (10) years of such life sentence, may be released on parole as
19 hereinafter provided, except that:

20 (a) No prisoner convicted as a confirmed and habitual
21 criminal under the provisions of Sections 99-19-81 through
22 99-19-87 shall be eligible for parole;

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

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

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



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

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

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

(f) No person shall be eligible for parole who is convicted or whose suspended sentence is revoked after June 30, 1995, except that an offender convicted of only nonviolent crimes after June 30, 1995, may be eligible for parole if the offender meets the requirements in this subsection (1) and this paragraph. In addition to other requirements, if an offender is convicted of a drug or driving under the influence felony, the offender must complete a drug and alcohol rehabilitation program * * * before parole or the offender may be required to complete a post-release drug and alcohol program as a condition of parole. For purposes of this paragraph, "nonviolent crime" means a felony other than the following: homicide, robbery, manslaughter, sex crimes,



68 arson, burglary of * * * a dwelling, aggravated assault,
69 kidnapping, felonious abuse of vulnerable * * * persons, felonies
70 with enhanced penalties, except enhanced penalties for the crime
71 of possession of a controlled substance under Section
72 41-29-147, * * * felony child abuse, or exploitation or any crime
73 under Section 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b),
74 97-5-39(1)(c) or a violation of Section 63-11-30(5). In addition,
75 an offender incarcerated for committing the crime of possession of
76 a controlled substance under the Uniform Controlled Substances Law
77 after July 1, 1995, including an offender who receives an enhanced
78 penalty under the provisions of Section 41-29-147 for such
79 possession, shall be eligible for parole. An offender
80 incarcerated for committing the crime of sale or manufacture of a
81 controlled substance shall be eligible for parole after serving
82 one-fourth (1/4) of the sentence imposed by the trial court. This
83 paragraph (f) shall not apply to persons convicted on or after
84 July 1, 2014;

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



(ii) Notwithstanding the provisions in subparagraph (i) of this paragraph (g), a person serving a sentence who has reached the age of sixty (60) or older and who has served no less than ten (10) years of the sentence or sentences imposed by the trial court shall be eligible for parole. Any person eligible for parole under this subsection shall be required to have a parole hearing before the board prior to parole release. No inmate shall be eligible for parole under this subparagraph (ii) of this * * * paragraph (g) if:

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

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

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

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

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

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

(iii) Notwithstanding the provisions of paragraph (a) of this subsection, any offender who has not committed a crime of violence under Section 97-3-2 and has served twenty-five percent (25%) or more of his sentence may be paroled by the parole



board if, after the sentencing judge or if the sentencing judge is retired, disabled or incapacitated, the senior circuit judge authorizes the offender to be eligible for parole consideration;

(h) Notwithstanding any other provision of law, an inmate who has not been convicted as a habitual offender under Sections 99-19-81 through 99-19-87, has not been convicted of committing a crime of violence, as defined under Section 97-3-2, has not been convicted of a sex crime or any other crime that specifically prohibits parole release, and has not been convicted of drug trafficking under Section 41-29-139 is eligible for parole if the inmate has served twenty-five percent (25%) or more of his or her sentence, but is otherwise ineligible for parole.

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

(3) The State Parole Board shall, by rules and regulations, establish a method of determining a tentative parole hearing date for each eligible offender taken into the custody of the Department of Corrections. The tentative parole hearing date shall be determined within ninety (90) days after the department has assumed custody of the offender. The parole hearing date shall occur when the offender is within thirty (30) days of the month of his parole eligibility date. The parole eligibility date



shall not be earlier than one-fourth (1/4) of the prison sentence or sentences imposed by the court.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

