

By: Representative Bailey

To: Corrections; Judiciary B

HOUSE BILL NO. 1170

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ANY FIRST TIME OFFENDER WHO HAS SERVED A MINIMUM OF
3 10 YEARS OF HIS OR HER SENTENCE SHALL BE ELIGIBLE FOR A PAROLE;
4 AND FOR RELATED PURPOSES.

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

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

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



19 such life sentence, may be released on parole as hereinafter
20 provided, except that:

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

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

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

40 (ii) No person shall be eligible for parole who
41 shall, on or after October 1, 1994, be convicted of robbery,
42 attempted robbery or carjacking as provided in Section 97-3-115 et
43 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 prior to 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 homicide, robbery, manslaughter, sex crimes, arson, burglary of an



69 occupied dwelling, aggravated assault, kidnapping, felonious abuse
70 of vulnerable adults, felonies with enhanced penalties, except
71 enhanced penalties for the crime of possession of a controlled
72 substance under Section 41-29-147, the sale or manufacture of a
73 controlled substance under the Uniform Controlled Substances Law,
74 felony child abuse, or exploitation or any crime under Section
75 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a
76 violation of Section 63-11-30(5). In addition, an offender
77 incarcerated for committing the crime of possession of a
78 controlled substance under the Uniform Controlled Substances Law
79 after July 1, 1995, including an offender who receives an enhanced
80 penalty under the provisions of Section 41-29-147 for such
81 possession, shall be eligible for parole. An offender
82 incarcerated for committing the crime of sale or manufacture of a
83 controlled substance shall be eligible for parole after serving
84 one-fourth (1/4) of the sentence imposed by the trial court. This
85 paragraph (f) shall not apply to persons convicted on or after
86 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
90 release * * * shall be eligible for parole. All persons convicted
91 of any other offense on or after July 1, 2014, are eligible for
92 parole after they have served one-fourth (1/4) of the sentence or
93 sentences imposed by the trial court.



94 (ii) Notwithstanding the provisions in
95 subparagraph (i) of this paragraph (g), * * * any first time
96 offender who has served no less than ten (10) years of the
97 sentence or sentences imposed by the trial court shall be eligible
98 for parole. Any person eligible for parole under this subsection
99 shall be required to have a parole hearing before the board prior
100 to parole release. * * *

101 (iii) Notwithstanding the provisions of paragraph
102 (a) of this subsection, any offender who has not committed a crime
103 of violence under Section 97-3-2 and has served twenty-five
104 percent (25%) or more of his sentence may be paroled by the parole
105 board if, after the sentencing judge or if the sentencing judge is
106 retired, disabled or incapacitated, the senior circuit judge
107 authorizes the offender to be eligible for parole consideration;

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

117 (2) Notwithstanding any other provision of law, an inmate
118 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 its passage.

