

By: Representatives Bain, Karriem, Hudson,  
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To: Judiciary B; Corrections

HOUSE BILL NO. 796

1 AN ACT TO AMEND SECTION 99-19-81, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE A TIME PERIOD FOR QUALIFICATION OF CERTAIN HABITUAL  
3 OFFENDERS; TO AMEND SECTION 99-19-83, MISSISSIPPI CODE OF 1972, TO  
4 REVISE PROVISIONS THAT REGULATE HABITUAL OFFENDERS; TO REMOVE  
5 RESTRICTIONS FOR REDUCTION OF PAROLE; TO AMEND SECTION 47-7-3,  
6 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING CHANGES; AND  
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 99-19-81, Mississippi Code of 1972, is  
10 amended as follows:

11 99-19-81. Every person convicted in this state of a felony  
12 who shall have been convicted twice previously of any felony or  
13 federal crime upon charges separately brought and arising out of  
14 separate incidents at different times and who shall have been  
15 sentenced to separate terms of one (1) year or more in any state  
16 and/or federal penal institution, whether in this state or  
17 elsewhere, within fifteen (15) years shall be sentenced to the  
18 maximum term of imprisonment prescribed for such felony unless the  
19 court provides an explanation in its sentencing order setting  
20 forth the cause for deviating from the maximum sentence, and such



21 sentence shall not be reduced or suspended nor shall such person  
22 be eligible for \* \* \* probation.

23 For purposes of this section, fifteen (15) years shall be  
24 counted:

25 (a) From the date of the conviction for the crime, if  
26 the person was not incarcerated for the crime; or

27 (b) From the date that the person was physically  
28 released from incarceration for the crime, if the person was  
29 incarcerated for the crime.

30 **SECTION 2.** Section 99-19-83, Mississippi Code of 1972, is  
31 amended as follows:

32 99-19-83. Every person convicted in this state of a felony  
33 that is defined as a crime of violence in Section 97-3-2 who shall  
34 have been convicted twice previously of any felony or federal  
35 crime upon charges separately brought and arising out of separate  
36 incidents at different times and who shall have been sentenced to  
37 and served separate terms of one (1) year or more, whether served  
38 concurrently or not, in any state and/or federal penal  
39 institution, whether in this state or elsewhere, and where any one  
40 (1) of such felonies shall have been a crime of violence, as  
41 defined by Section 97-3-2, shall be sentenced to life  
42 imprisonment, and such sentence shall not be reduced or suspended  
43 nor shall such person be eligible for \* \* \* probation \* \* \*.

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



46           47-7-3. (1) Every prisoner who has been convicted of any  
47 offense against the State of Mississippi, and is confined in the  
48 execution of a judgment of such conviction in the Mississippi  
49 Department of Corrections for a definite term or terms of one (1)  
50 year or over, or for the term of his or her natural life, whose  
51 record of conduct shows that such prisoner has observed the rules  
52 of the department, and who has served not less than one-fourth  
53 (1/4) of the total of such term or terms for which such prisoner  
54 was sentenced, or, if sentenced to serve a term or terms of thirty  
55 (30) years or more, or, if sentenced for the term of the natural  
56 life of such prisoner, has served not less than ten (10) years of  
57 such life sentence, may be released on parole as hereinafter  
58 provided, except that:

59           (a) No prisoner convicted as a confirmed and habitual  
60 criminal under the provisions of Sections 99-19-81 through  
61 99-19-87 shall be eligible for parole, unless the person was  
62 convicted before the effective date of this act, in which case the  
63 person may be considered for parole if their conviction would  
64 result in a reduced sentence based on the changes in Sections 1  
65 and 2 of this act;

66           (b) Any person who shall have been convicted of a sex  
67 crime shall not be released on parole except for a person under  
68 the age of nineteen (19) who has been convicted under Section  
69 97-3-67;



70 (c) (i) No person shall be eligible for parole who  
71 shall, on or after January 1, 1977, be convicted of robbery or  
72 attempted robbery through the display of a firearm until he shall  
73 have served ten (10) years if sentenced to a term or terms of more  
74 than ten (10) years or if sentenced for the term of the natural  
75 life of such person. If such person is sentenced to a term or  
76 terms of ten (10) years or less, then such person shall not be  
77 eligible for parole. The provisions of this paragraph (c)(i)  
78 shall also apply to any person who shall commit robbery or  
79 attempted robbery on or after July 1, 1982, through the display of  
80 a deadly weapon. This paragraph (c)(i) shall not apply to persons  
81 convicted after September 30, 1994;

82 (ii) No person shall be eligible for parole who  
83 shall, on or after October 1, 1994, be convicted of robbery,  
84 attempted robbery or carjacking as provided in Section 97-3-115 et  
85 seq., through the display of a firearm or drive-by shooting as  
86 provided in Section 97-3-109. The provisions of this paragraph  
87 (c)(ii) shall also apply to any person who shall commit robbery,  
88 attempted robbery, carjacking or a drive-by shooting on or after  
89 October 1, 1994, through the display of a deadly weapon. This  
90 paragraph (c)(ii) shall not apply to persons convicted after July  
91 1, 2014;

92 (d) No person shall be eligible for parole who, on or  
93 after July 1, 1994, is charged, tried, convicted and sentenced to



94 life imprisonment without eligibility for parole under the  
95 provisions of Section 99-19-101;

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

99 (f) No person shall be eligible for parole who is  
100 convicted or whose suspended sentence is revoked after June 30,  
101 1995, except that an offender convicted of only nonviolent crimes  
102 after June 30, 1995, may be eligible for parole if the offender  
103 meets the requirements in this subsection (1) and this paragraph.  
104 In addition to other requirements, if an offender is convicted of  
105 a drug or driving under the influence felony, the offender must  
106 complete a drug and alcohol rehabilitation program prior to parole  
107 or the offender may be required to complete a post-release drug  
108 and alcohol program as a condition of parole. For purposes of  
109 this paragraph, "nonviolent crime" means a felony other than  
110 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
111 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
112 of vulnerable adults, felonies with enhanced penalties, except  
113 enhanced penalties for the crime of possession of a controlled  
114 substance under Section 41-29-147, the sale or manufacture of a  
115 controlled substance under the Uniform Controlled Substances Law,  
116 felony child abuse, or exploitation or any crime under Section  
117 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a  
118 violation of Section 63-11-30(5). In addition, an offender



119 incarcerated for committing the crime of possession of a  
120 controlled substance under the Uniform Controlled Substances Law  
121 after July 1, 1995, including an offender who receives an enhanced  
122 penalty under the provisions of Section 41-29-147 for such  
123 possession, shall be eligible for parole. An offender  
124 incarcerated for committing the crime of sale or manufacture of a  
125 controlled substance shall be eligible for parole after serving  
126 one-fourth (1/4) of the sentence imposed by the trial court. This  
127 paragraph (f) shall not apply to persons convicted on or after  
128 July 1, 2014;

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

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



143 release. No inmate shall be eligible for parole under this  
144 subparagraph (ii) of this paragraph (g) if:

145           1. The inmate is sentenced as a habitual  
146 offender under Sections 99-19-81 through 99-19-87, unless the  
147 person was convicted before the effective date of this act, in  
148 which case the person may be considered for parole if their  
149 conviction would result in a reduced sentence based on the changes  
150 in Sections 1 and 2 of this act;

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

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

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

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

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

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



168 or if that senior circuit judge must be recused, another circuit  
169 judge of the same district or a senior status judge may hear and  
170 decide the matter;

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

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

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





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

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

203 **SECTION 4.** This act shall take effect and be in force from  
204 and after July 1, 2021.

