

By: Representative Porter

To: Judiciary B

HOUSE BILL NO. 1026

1 AN ACT TO CREATE "THE JUVENILE OFFENDER PAROLE AND  
 2 REHABILITATION ACT"; TO AMEND SECTION 47-7-2, MISSISSIPPI CODE OF  
 3 1972, TO REVISE THE DEFINITION OF THE TERMS "ADULT", "JUVENILE",  
 4 "MINOR" AND "YOUTHFUL" UNDER THE PROBATION AND PAROLE LAW; TO  
 5 AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF  
 6 A PERSON WAS UNDER THE AGE OF EIGHTEEN AT THE TIME HE OR SHE  
 7 COMMITTED AN OFFENSE AND SUCH PERSON IS NOT OTHERWISE ELIGIBLE FOR  
 8 PAROLE AT AN EARLIER DATE, THEN THE PERSON SHALL BE ELIGIBLE FOR  
 9 PAROLE AFTER SERVING TWENTY YEARS OF HIS OR HER SENTENCE; TO AMEND  
 10 SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
 11 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** This act shall be known and may be cited as "The  
 14 Juvenile Offender Parole and Rehabilitation Act."

15 **SECTION 2.** Section 47-7-2, Mississippi Code of 1972, is  
 16 amended as follows:

17 47-7-2. For purposes of this chapter, the following words  
 18 shall have the meaning ascribed herein unless the context shall  
 19 otherwise require:

20 (a) "Adult" means a person who is \* \* \* eighteen (18)  
 21 years of age or older, or any person convicted of any crime not  
 22 subject to the provisions of the youth court law, or any person



23 "certified" to be tried as an adult by any youth court in the  
24 state.

25 (b) "Board" means the State Parole Board.

26 (c) "Parole case plan" means an individualized, written  
27 accountability and behavior change strategy developed by the  
28 department in collaboration with the parole board to prepare  
29 offenders for release on parole at the parole eligibility date.  
30 The case plan shall focus on the offender's criminal risk factors  
31 that, if addressed, reduce the likelihood of reoffending.

32 (d) "Commissioner" means the Commissioner of  
33 Corrections.

34 (e) "Correctional system" means the facilities,  
35 institutions, programs and personnel of the department utilized  
36 for adult offenders who are committed to the custody of the  
37 department.

38 (f) "Criminal risk factors" means characteristics that  
39 increase a person's likelihood of reoffending. These  
40 characteristics include: antisocial behavior; antisocial  
41 personality; criminal thinking; criminal associates; dysfunctional  
42 family; low levels of employment or education; poor use of leisure  
43 and recreation; and substance abuse.

44 (g) "Department" means the Mississippi Department of  
45 Corrections.

46 (h) "Detention" means the temporary care of juveniles  
47 and adults who require secure custody for their own or the



48 community's protection in a physically restricting facility prior  
49 to adjudication, or retention in a physically restricting facility  
50 upon being taken into custody after an alleged parole or probation  
51 violation.

52 (i) "Discharge plan" means an individualized written  
53 document that provides information to support the offender in  
54 meeting the basic needs identified in the pre-release assessment.  
55 This information shall include, but is not limited to: contact  
56 names, phone numbers, and addresses of referrals and resources.

57 (j) "Evidence-based practices" means supervision  
58 policies, procedures, and practices that scientific research  
59 demonstrates reduce recidivism.

60 (k) "Facility" or "institution" means any facility for  
61 the custody, care, treatment and study of offenders which is under  
62 the supervision and control of the department.

63 (l) "Juvenile," "minor" or "youthful" means a person  
64 less than \* \* \* eighteen (18) years of age.

65 (m) "Offender" means any person convicted of a crime or  
66 offense under the laws and ordinances of the state and its  
67 political subdivisions.

68 (n) "Pre-release assessment" means a determination of  
69 an offender's ability to attend to basic needs, including, but not  
70 limited to, transportation, clothing and food, financial  
71 resources, personal identification documents, housing, employment,  
72 education, and health care, following release.



73           (o) "Special meetings" means those meetings called by  
74 the chairman with at least twenty-four (24) hours' notice or a  
75 unanimous waiver of notice.

76           (p) "Supervision plan" means a plan developed by the  
77 community corrections department to manage offenders on probation  
78 and parole in a way that reduces the likelihood they will commit a  
79 new criminal offense or violate the terms of supervision and that  
80 increases the likelihood of obtaining stable housing, employment  
81 and skills necessary to sustain positive conduct.

82           (q) "Technical violation" means an act or omission by  
83 the probationer that violates a condition or conditions of  
84 probation placed on the probationer by the court or the probation  
85 officer.

86           (r) "Transitional reentry center" means a  
87 state-operated or state-contracted facility used to house  
88 offenders leaving the physical custody of the Department of  
89 Corrections on parole, probation or post-release supervision who  
90 are in need of temporary housing and services that reduce their  
91 risk to reoffend.

92           (s) "Unit of local government" means a county, city,  
93 town, village or other general purpose political subdivision of  
94 the state.

95           (t) "Risk and needs assessment" means the determination  
96 of a person's risk to reoffend using an actuarial assessment tool



97 validated on Mississippi corrections populations and the needs  
98 that, when addressed, reduce the risk to reoffend.

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

101       47-7-3. (1) Every prisoner who has been convicted of any  
102 offense against the State of Mississippi, and is confined in the  
103 execution of a judgment of such conviction in the Mississippi  
104 Department of Corrections for a definite term or terms of one (1)  
105 year or over, or for the term of his or her natural life, whose  
106 record of conduct shows that such prisoner has observed the rules  
107 of the department, and who has served the minimum required time  
108 for parole eligibility, may be released on parole as set forth  
109 herein:

110           (a) **Habitual offenders.** Except as provided by Sections  
111 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
112 habitual criminal shall be eligible for parole;

113           (b) **Sex offenders.** Any person who has been sentenced  
114 for a sex offense as defined in Section 45-33-23(h) shall not be  
115 released on parole except for a person under the age of nineteen  
116 (19) who has been convicted under Section 97-3-67;

117           (c) **Capital offenders.** No person sentenced for the  
118 following offenses shall be eligible for parole:

119                   (i) Capital murder committed on or after July 1,  
120 1994, as defined in Section 97-3-19(2);



121 (ii) Any offense to which an offender is sentenced  
122 to life imprisonment under the provisions of Section 99-19-101; or

123 (iii) Any offense to which an offender is  
124 sentenced to life imprisonment without eligibility for parole  
125 under the provisions of Section 99-19-101, whose crime was  
126 committed on or after July 1, 1994;

127 (d) **Murder.** No person sentenced for murder in the  
128 first degree, whose crime was committed on or after June 30, 1995,  
129 or murder in the second degree, as defined in Section 97-3-19,  
130 shall be eligible for parole;

131 (e) **Human trafficking.** No person sentenced for human  
132 trafficking, as defined in Section 97-3-54.1, whose crime was  
133 committed on or after July 1, 2014, shall be eligible for parole;

134 (f) **Drug trafficking.** No person sentenced for  
135 trafficking and aggravated trafficking, as defined in Section  
136 41-29-139(f) through (g), shall be eligible for parole;

137 (g) **Offenses specifically prohibiting parole release.**  
138 No person shall be eligible for parole who is convicted of any  
139 offense that specifically prohibits parole release;

140 (h) (i) **Offenders eligible for parole consideration**  
141 **for offenses committed after June 30, 1995.** Except as provided in  
142 paragraphs (a) through (g) of this subsection, offenders may be  
143 considered eligible for parole release as follows:

144 1. **Nonviolent crimes.** All persons sentenced  
145 for a nonviolent offense shall be eligible for parole only after



146 they have served twenty-five percent (25%) or ten (10) years,  
147 whichever is less, of the sentence or sentences imposed by the  
148 trial court. For purposes of this paragraph, "nonviolent crime"  
149 means a felony not designated as a crime of violence in Section  
150 97-3-2.

151                   2. **Violent crimes.** A person who is sentenced  
152 for a violent offense as defined in Section 97-3-2, except robbery  
153 with a deadly weapon as defined in Section 97-3-79, drive-by  
154 shooting as defined in Section 97-3-109, and carjacking as defined  
155 in Section 97-3-117, shall be eligible for parole only after  
156 having served fifty percent (50%) or twenty (20) years, whichever  
157 is less, of the sentence or sentences imposed by the trial court.  
158 Those persons sentenced for robbery with a deadly weapon as  
159 defined in Section 97-3-79, drive-by shooting as defined in  
160 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
161 shall be eligible for parole only after having served sixty  
162 percent (60%) or twenty-five (25) years, whichever is less, of the  
163 sentence or sentences imposed by the trial court.

164                   3. **Nonviolent and nonhabitual drug offenses.**  
165 A person who has been sentenced to a drug offense pursuant to  
166 Section 41-29-139(a) through (d), whose crime was committed after  
167 June 30, 1995, shall be eligible for parole only after he has  
168 served twenty-five percent (25%) or ten (10) years, whichever is  
169 less, of the sentence or sentences imposed.



170 (ii) **Parole hearing required.** All persons  
171 eligible for parole under subparagraph (i) of this paragraph (h)  
172 who are serving a sentence or sentences for a crime of violence,  
173 as defined in Section 97-3-2, shall be required to have a parole  
174 hearing before the Parole Board pursuant to Section 47-7-17, prior  
175 to parole release.

176 (iii) **Geriatric parole.** Notwithstanding the  
177 provisions in subparagraph (i) of this paragraph (h), a person  
178 serving a sentence who has reached the age of sixty (60) or older  
179 and who has served no less than ten (10) years of the sentence or  
180 sentences imposed by the trial court shall be eligible for parole.  
181 Any person eligible for parole under this subparagraph (iii) shall  
182 be required to have a parole hearing before the board prior to  
183 parole release. No inmate shall be eligible for parole under this  
184 subparagraph (iii) of this paragraph (h) if:

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

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

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

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

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

194 or





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

197                   (iv) **Parole consideration as authorized by the**  
198 **trial court.** Notwithstanding the provisions of paragraph (a) of  
199 this subsection, any offender who has not committed a crime of  
200 violence under Section 97-3-2 and has served twenty-five percent  
201 (25%) or more of his sentence may be paroled by the State Parole  
202 Board if, after the sentencing judge or if the sentencing judge is  
203 retired, disabled or incapacitated, the senior circuit judge  
204 authorizes the offender to be eligible for parole consideration;  
205 or if the senior circuit judge must be recused, another circuit  
206 judge of the same district or a senior status judge may hear and  
207 decide the matter. A petition for parole eligibility  
208 consideration pursuant to this subparagraph (iv) shall be filed in  
209 the original criminal cause or causes, and the offender shall  
210 serve an executed copy of the petition on the District Attorney.  
211 The court may, in its discretion, require the District Attorney to  
212 respond to the petition.

213                   (i) **Juvenile offenders.** Notwithstanding any other  
214 provision of law, a person who was under the age of eighteen (18)  
215 years at the time of his or her offense(s), and who is not  
216 otherwise eligible for parole at an earlier date, shall be  
217 eligible for parole after serving twenty (20) years of the  
218 sentence or sentences imposed by the trial court. All persons  
219 eligible for parole under this paragraph (i) shall be required to



220 have a parole hearing before the State Parole Board, pursuant to  
221 Section 47-1-17, prior to release.

222 (2) The State Parole Board shall, by rules and regulations,  
223 establish a method of determining a tentative parole hearing date  
224 for each eligible offender taken into the custody of the  
225 Department of Corrections. The tentative parole hearing date  
226 shall be determined within ninety (90) days after the department  
227 has assumed custody of the offender. Except as provided in  
228 Section 47-7-18, the parole hearing date shall occur when the  
229 offender is within thirty (30) days of the month of his parole  
230 eligibility date. Any parole eligibility date shall not be  
231 earlier than as required in this section.

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

237 (4) Any inmate within forty-eight (48) months of his parole  
238 eligibility date and who meets the criteria established by the  
239 classification board shall receive priority for placement in any  
240 educational development and job-training programs that are part of  
241 his or her parole case plan. Any inmate refusing to participate  
242 in an educational development or job-training program, including,  
243 but not limited to, programs required as part of the case plan,



244 shall be in jeopardy of noncompliance with the case plan and may  
245 be denied parole.

246 (5) In addition to other requirements, if an offender is  
247 convicted of a drug or driving under the influence felony, the  
248 offender must complete a drug and alcohol rehabilitation program  
249 prior to parole, or the offender shall be required to complete a  
250 postrelease drug and alcohol program as a condition of parole.

251 (6) Except as provided in subsection (1)(a) through (h) of  
252 this section, all other persons shall be eligible for parole after  
253 serving twenty-five percent (25%) of the sentence or sentences  
254 imposed by the trial court, or, if sentenced to thirty (30) years  
255 or more, after serving ten (10) years of the sentence or sentences  
256 imposed by the trial court.

257 (7) The Corrections and Criminal Justice Oversight Task  
258 Force established in Section 47-5-6 shall develop and submit  
259 recommendations to the Governor and to the Legislature annually on  
260 or before December 1st concerning issues relating to \* \* \*  
261 habitual offender parole reform and to review and monitor the  
262 implementation of Chapter 479, Laws of 2021.

263 (8) The amendments contained in Chapter 479, Laws of 2021,  
264 shall apply retroactively from and after July 1, 1995.

265 (9) Notwithstanding provisions to the contrary in this  
266 section, a person who was sentenced before July 1, 2021, may be  
267 considered for parole if the person's sentence would have been  
268 parole eligible before July 1, 2021.



269 (10) This section shall stand repealed on July 1, 2024.

270 **SECTION 4.** Section 47-7-3.2, Mississippi Code of 1972, is  
271 amended as follows:

272 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,  
273 47-5-138.1 or 47-5-142, and except as provided under Section  
274 47-7-3(1)(i), no person convicted of a criminal offense on or  
275 after July 1, 2014, shall be released by the department until he  
276 or she has served no less than the percentage of the sentence or  
277 sentences imposed by the court as set forth below:

278 (a) Twenty-five percent (25%) or ten (10) years,  
279 whichever is less, for a nonviolent crime;

280 (b) Fifty percent (50%) or twenty (20) years, whichever  
281 is less, for a crime of violence pursuant to Section 97-3-2,  
282 except for robbery with a deadly weapon as defined in Section  
283 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
284 carjacking as defined in Section 97-3-117;

285 (c) Sixty percent (60%) or twenty-five (25) years,  
286 whichever is less, for robbery with a deadly weapon as defined in  
287 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,  
288 or carjacking as defined in Section 97-3-117.

289 (2) This section shall not apply to:

290 (a) Offenders sentenced to life imprisonment;

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

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



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

296 **SECTION 5.** This act shall take effect and be in force from  
297 and after July 1, 2022.

