

By: Representatives Johnson, Anthony

To: Judiciary B

HOUSE BILL NO. 285

1 AN ACT TO AMEND SECTIONS 99-19-81 AND 99-19-83, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT UNDER THE HABITUAL OFFENDER
3 SENTENCING LAW ANY CONVICTION FOR A DRUG OFFENSE OR A NONVIOLENT
4 CRIME SHALL NOT BE UTILIZED IN COMPUTING WHETHER A PERSON HAS TWO
5 PRIOR CONVICTIONS; AND FOR RELATED PURPOSES.

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

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

9 99-19-81. Every person convicted in this state of a felony
10 who shall have been convicted twice previously of any felony or
11 federal crime upon charges separately brought and arising out of
12 separate incidents at different times and who shall have been
13 sentenced to separate terms of one (1) year or more in any state
14 and/or federal penal institution, whether in this state or
15 elsewhere, shall be sentenced to the maximum term of imprisonment
16 prescribed for such felony unless the court provides an
17 explanation in its sentencing order setting forth the cause for
18 deviating from the maximum sentence, and such sentence shall not
19 be reduced or suspended nor shall such person be eligible for



20 parole or probation. Any conviction for a drug offense or a
21 nonviolent crime shall not be utilized in computing whether a
22 person has two (2) prior convictions. As utilized in this
23 section, nonviolent crime means any crime other than those
24 prescribed under Section 97-3-2.

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

27 99-19-83. Every person convicted in this state of a felony
28 who shall have been convicted twice previously of any felony or
29 federal crime upon charges separately brought and arising out of
30 separate incidents at different times and who shall have been
31 sentenced to and served separate terms of one (1) year or more,
32 whether served concurrently or not, in any state and/or federal
33 penal institution, whether in this state or elsewhere, and where
34 any one (1) of such felonies shall have been a crime of violence,
35 as defined by Section 97-3-2, shall be sentenced to life
36 imprisonment, and such sentence shall not be reduced or suspended
37 nor shall such person be eligible for parole, probation or any
38 other form of early release from actual physical custody within
39 the Department of Corrections. Any conviction for a drug offense
40 or a nonviolent crime shall not be utilized in computing whether a
41 person has two (2) prior convictions. As utilized in this
42 section, nonviolent crime means any crime other than those
43 prescribed under Section 97-3-2.



44 **SECTION 3.** This act shall take effect and be in force from
45 and after July 1, 2023.

