

By: Representative Harness

To: Judiciary B

HOUSE BILL NO. 341

1 AN ACT TO AMEND SECTIONS 99-19-81 AND 99-19-83, MISSISSIPPI  
2 CODE OF 1972, TO EXCLUDE NONVIOLENT OFFENDERS FROM HABITUAL  
3 OFFENDER PENALTIES; TO REPEAL SECTION 41-29-147, MISSISSIPPI CODE  
4 OF 1972, WHICH PROVIDES THE PENALTIES FOR SECOND OR SUBSEQUENT  
5 DRUG OFFENSES; 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 that is defined as a crime of violence in Section 97-3-2 who shall  
11 have been convicted twice previously of any felony that is defined  
12 as a crime of violence in Section 97-3-2 or federal crime that  
13 would be considered a crime of violence under Section 97-3-2 if  
14 the crime was prosecuted under state law upon charges separately  
15 brought and arising out of separate incidents at different times  
16 and who shall have been sentenced to separate terms of one (1)  
17 year or more in any state and/or federal penal institution,  
18 whether in this state or elsewhere, shall be sentenced to the  
19 maximum term of imprisonment prescribed for such felony unless the



20 court provides an explanation in its sentencing order setting  
21 forth the cause for deviating from the maximum sentence, and such  
22 sentence shall not be reduced or suspended nor shall such person  
23 be eligible for parole or probation.

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

26 99-19-83. Every person convicted in this state of a felony  
27 that is defined as a crime of violence in Section 97-3-2 who shall  
28 have been convicted twice previously of any felony that is defined  
29 as a crime of violence in Section 97-3-2 or federal crime that  
30 would be considered a crime of violence under Section 97-3-2 if  
31 the crime was prosecuted under state law upon charges separately  
32 brought and arising out of separate incidents at different times  
33 and who shall have been sentenced to and served separate terms of  
34 one (1) year or more, whether served concurrently or not, in any  
35 state and/or federal penal institution, whether in this state or  
36 elsewhere, and where any one (1) of such felonies shall have been  
37 a crime of violence, as defined by Section 97-3-2, shall be  
38 sentenced to life imprisonment, and such sentence shall not be  
39 reduced or suspended nor shall such person be eligible for parole,  
40 probation or any other form of early release from actual physical  
41 custody within the Department of Corrections.

42 **SECTION 3.** Section 41-29-147, Mississippi Code of 1972,  
43 which provides the penalties for second or subsequent drug  
44 offenses, is repealed.



45           **SECTION 4.** This act shall take effect and be in force from  
46 and after July 1, 2023.

