

By: Representative Williamson

To: Corrections

HOUSE BILL NO. 1106

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT CERTAIN OFFENDERS WHO HAVE BEEN CONVICTED OF A CRIME  
 3 OF VIOLENCE SHALL NOT BE ELIGIBLE FOR PAROLE; TO AMEND SECTION  
 4 47-7-3.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
 5 SECTION; TO PROVIDE THAT IF SUCH OFFENDERS VIOLATE DEPARTMENT OF  
 6 CORRECTIONS RULES AND VIOLATIONS, THEN SUCH OFFENDERS MAY HAVE  
 7 ADDITIONAL TIME ADDED TO THEIR SENTENCES; AND FOR RELATED  
 8 PURPOSES.

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

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

12 47-7-3. (1) Every prisoner who has been convicted of any  
 13 offense against the State of Mississippi, and is confined in the  
 14 execution of a judgment of such conviction in the Mississippi  
 15 Department of Corrections for a definite term or terms of one (1)  
 16 year or over, or for the term of his or her natural life, whose  
 17 record of conduct shows that such prisoner has observed the rules  
 18 of the department, and who has served the minimum required time  
 19 for parole eligibility, may be released on parole as set forth  
 20 herein:



21 (a) **Habitual offenders.** Except as provided by Sections  
22 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
23 habitual criminal shall be eligible for parole;

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

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

30 (i) Capital murder committed on or after July 1,  
31 1994, as defined in Section 97-3-19(2);

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

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

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

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



45 (f) **Drug trafficking.** No person sentenced for  
46 trafficking and aggravated trafficking, as defined in Section  
47 41-29-139(f) through (g), shall be eligible for parole;

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

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

55 1. **Nonviolent crimes.** All persons sentenced  
56 for a nonviolent offense shall be eligible for parole only after  
57 they have served twenty-five percent (25%) or ten (10) years,  
58 whichever is less, of the sentence or sentences imposed by the  
59 trial court. For purposes of this paragraph, "nonviolent crime"  
60 means a felony not designated as a crime of violence in Section  
61 97-3-2.

62 2. **Violent crimes.** A person who is sentenced  
63 for a violent offense as defined in Section 97-3-2, except robbery  
64 with a deadly weapon as defined in Section 97-3-79, drive-by  
65 shooting as defined in Section 97-3-109, and carjacking as defined  
66 in Section 97-3-117, shall be eligible for parole only after  
67 having served fifty percent (50%) or twenty (20) years, whichever  
68 is less, of the sentence or sentences imposed by the trial court.  
69 Those persons sentenced for robbery with a deadly weapon as



70 defined in Section 97-3-79, drive-by shooting as defined in  
71 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
72 shall be eligible for parole only after having served sixty  
73 percent (60%) or twenty-five (25) years, whichever is less, of the  
74 sentence or sentences imposed by the trial court.

75 **3. Nonviolent and nonhabitual drug offenses.**

76 A person who has been sentenced to a drug offense pursuant to  
77 Section 41-29-139(a) through (d), whose crime was committed after  
78 June 30, 1995, shall be eligible for parole only after he has  
79 served twenty-five percent (25%) or ten (10) years, whichever is  
80 less, of the sentence or sentences imposed.

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

87 (iii) **Geriatric parole.** Notwithstanding the  
88 provisions in subparagraph (i) of this paragraph (h), a person  
89 serving a sentence who has reached the age of sixty (60) or older  
90 and who has served no less than ten (10) years of the sentence or  
91 sentences imposed by the trial court shall be eligible for parole.  
92 Any person eligible for parole under this subparagraph (iii) shall  
93 be required to have a parole hearing before the board prior to



94 parole release. No inmate shall be eligible for parole under this  
95 subparagraph (iii) of this paragraph (h) if:

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

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

100 3. The inmate is sentenced for an offense  
101 that specifically prohibits parole release;

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

104 5. The inmate is sentenced for a sex crime;  
105 or

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

108 (iv) **Parole consideration as authorized by the**  
109 **trial court.** Notwithstanding the provisions of paragraph (a) of  
110 this subsection, any offender who has not committed a crime of  
111 violence under Section 97-3-2 and has served twenty-five percent  
112 (25%) or more of his sentence may be paroled by the State Parole  
113 Board if, after the sentencing judge or if the sentencing judge is  
114 retired, disabled or incapacitated, the senior circuit judge  
115 authorizes the offender to be eligible for parole consideration;  
116 or if the senior circuit judge must be recused, another circuit  
117 judge of the same district or a senior status judge may hear and  
118 decide the matter. A petition for parole eligibility



119 consideration pursuant to this subparagraph (iv) shall be filed in  
120 the original criminal cause or causes, and the offender shall  
121 serve an executed copy of the petition on the District Attorney.  
122 The court may, in its discretion, require the District Attorney to  
123 respond to the petition.

124 (2) The State Parole Board shall, by rules and regulations,  
125 establish a method of determining a tentative parole hearing date  
126 for each eligible offender taken into the custody of the  
127 Department of Corrections. The tentative parole hearing date  
128 shall be determined within ninety (90) days after the department  
129 has assumed custody of the offender. Except as provided in  
130 Section 47-7-18, the parole hearing date shall occur when the  
131 offender is within thirty (30) days of the month of his parole  
132 eligibility date. Any parole eligibility date shall not be  
133 earlier than as required in this section.

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

139 (4) Any inmate within forty-eight (48) months of his parole  
140 eligibility date and who meets the criteria established by the  
141 classification board shall receive priority for placement in any  
142 educational development and job-training programs that are part of  
143 his or her parole case plan. Any inmate refusing to participate



144 in an educational development or job-training program, including,  
145 but not limited to, programs required as part of the case plan,  
146 shall be in jeopardy of noncompliance with the case plan and may  
147 be denied parole.

148 (5) In addition to other requirements, if an offender is  
149 convicted of a drug or driving under the influence felony, the  
150 offender must complete a drug and alcohol rehabilitation program  
151 prior to parole, or the offender shall be required to complete a  
152 postrelease drug and alcohol program as a condition of parole.

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

159 (7) The Corrections and Criminal Justice Oversight Task  
160 Force established in Section 47-5-6 shall develop and submit  
161 recommendations to the Governor and to the Legislature annually on  
162 or before December 1st concerning issues relating to juvenile and  
163 habitual offender parole reform and to review and monitor the  
164 implementation of Chapter 479, Laws of 2021.

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

167 (9) Notwithstanding provisions to the contrary in this  
168 section, a person who was sentenced before July 1, 2021, may be



169 considered for parole if the person's sentence would have been  
170 parole eligible before July 1, 2021.

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

172 (11) Notwithstanding provisions to the contrary in this  
173 section or any other provision of law, no person sentenced for a  
174 violent crime, as defined in Section 97-3-2, and whose crime was  
175 committed on or after July 1, 2023, shall be eligible for parole.

176 **SECTION 2.** Section 47-7-3.2, Mississippi Code of 1972, is  
177 amended as follows:

178 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,  
179 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
180 on or after July 1, 2014, shall be released by the department  
181 until he or she has served no less than the percentage of the  
182 sentence or sentences imposed by the court as set forth below:

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

185 (b) Fifty percent (50%) or twenty (20) years, whichever  
186 is less, for a crime of violence pursuant to Section 97-3-2,  
187 except for robbery with a deadly weapon as defined in Section  
188 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
189 carjacking as defined in Section 97-3-117;

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





194           (2) This section shall not apply to:  
195                 (a) Offenders sentenced to life imprisonment;  
196                 (b) Offenders convicted as habitual offenders pursuant  
197 to Sections 99-19-81 through 99-19-87;  
198                 (c) Offenders serving a sentence for a sex offense; or  
199                 (d) Offenders serving a sentence for trafficking  
200 pursuant to Section 41-29-139(f).  
201                 (e) Offenders sentenced for a violent crime, as defined  
202 in Section 97-3-2, and whose crime was committed on or after July  
203 1, 2023, shall be eligible for parole.

204           **SECTION 3.** A violent offender sentenced for a crime of  
205 violence, as defined in Section 97-3-2, and whose crime was  
206 committed on or after July 1, 2023, and such offender violates any  
207 rules or regulations of the Department of Corrections, the  
208 sentencing judge is authorized to add additional time to the  
209 offender's sentence for such violations after a hearing is  
210 provided by the court. If the sentencing judge is retired,  
211 disabled or incapacitated, the senior circuit judge is authorized  
212 to add additional time to an offender's sentence as authorized  
213 under this section. If the senior circuit judge must be recused,  
214 another circuit judge of the same district or a senior status  
215 judge may hear and decide the matter.

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

