

By: Senator(s) Turner-Ford

To: Corrections; Judiciary,
Division B

SENATE BILL NO. 2116

1 AN ACT TO AMEND SECTIONS 47-7-2, 47-7-3 AND 47-7-3.2,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE ALTERNATIVE SENTENCING AND
3 PAROLE OPTIONS FOR JUVENILE OFFENDERS IN COMPLIANCE WITH THE
4 UNITED STATES SUPREME COURT HOLDINGS IN THE CASES OF *MILLER V.*
5 *ALABAMA* AND *GRAHAM V. FLORIDA*; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 47-7-2, Mississippi Code of 1972, is
8 amended as follows:

9 47-7-2. For purposes of this chapter, the following words
10 shall have the meaning ascribed herein unless the context shall
11 otherwise require:

12 (a) "Adult" means a person who is * * * eighteen (18)
13 years of age or older, or any person convicted of any crime not
14 subject to the provisions of the youth court law, or any person
15 "certified" to be tried as an adult by any youth court in the
16 state.

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

18 (c) "Parole case plan" means an individualized, written
19 accountability and behavior change strategy developed by the



20 department in collaboration with the Parole Board to prepare
21 offenders for release on parole at the parole eligibility date.
22 The case plan shall focus on the offender's criminal risk factors
23 that, if addressed, reduce the likelihood of reoffending.

24 (d) "Commissioner" means the Commissioner of
25 Corrections.

26 (e) "Correctional system" means the facilities,
27 institutions, programs and personnel of the department utilized
28 for adult offenders who are committed to the custody of the
29 department.

30 (f) "Criminal risk factors" means characteristics that
31 increase a person's likelihood of reoffending. These
32 characteristics include: antisocial behavior; antisocial
33 personality; criminal thinking; criminal associates; dysfunctional
34 family; low levels of employment or education; poor use of leisure
35 and recreation; and substance abuse.

36 (g) "Department" means the Mississippi Department of
37 Corrections.

38 (h) "Detention" means the temporary care of juveniles
39 and adults who require secure custody for their own or the
40 community's protection in a physically restricting facility prior
41 to adjudication, or retention in a physically restricting facility
42 upon being taken into custody after an alleged parole or probation
43 violation.



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

49 (j) "Evidence-based practices" means supervision
50 policies, procedures, and practices that scientific research
51 demonstrates reduce recidivism.

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

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

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

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

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



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

74 (q) "Technical violation" means an act or omission by
75 the probationer that violates a condition or conditions of
76 probation placed on the probationer by the court or the probation
77 officer.

78 (r) "Transitional reentry center" means a
79 state-operated or state-contracted facility used to house
80 offenders leaving the physical custody of the Department of
81 Corrections on parole, probation or post-release supervision who
82 are in need of temporary housing and services that reduce their
83 risk to reoffend.

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

87 (t) "Risk and needs assessment" means the determination
88 of a person's risk to reoffend using an actuarial assessment tool
89 validated on Mississippi corrections populations and the needs
90 that, when addressed, reduce the risk to reoffend.

91 **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is
92 amended as follows:



93 47-7-3. (1) Every prisoner who has been convicted of any
94 offense against the State of Mississippi, and is confined in the
95 execution of a judgment of such conviction in the Mississippi
96 Department of Corrections for a definite term or terms of one (1)
97 year or over, or for the term of his or her natural life, whose
98 record of conduct shows that such prisoner has observed the rules
99 of the department, and who has served the minimum required time
100 for parole eligibility, may be released on parole as set forth
101 herein:

102 (a) **Habitual offenders.** Except as provided by Sections
103 99-19-81 through 99-19-87, no person sentenced as a confirmed and
104 habitual criminal shall be eligible for parole;

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

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

111 (i) Capital murder committed on or after July 1,
112 1994, as defined in Section 97-3-19(2);

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

115 (iii) Any offense to which an offender is
116 sentenced to life imprisonment without eligibility for parole



117 under the provisions of Section 99-19-101, whose crime was
118 committed on or after July 1, 1994;

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

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

126 (f) **Drug trafficking.** No person sentenced for
127 trafficking and aggravated trafficking, as defined in Section
128 41-29-139(f) through (g), shall be eligible for parole;

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

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

136 1. **Nonviolent crimes.** All persons sentenced
137 for a nonviolent offense shall be eligible for parole only after
138 they have served twenty-five percent (25%) or ten (10) years,
139 whichever is less, of the sentence or sentences imposed by the
140 trial court. For purposes of this paragraph, "nonviolent crime"



141 means a felony not designated as a crime of violence in Section
142 97-3-2.

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

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

162 (ii) **Parole hearing required.** All persons
163 eligible for parole under subparagraph (i) of this paragraph (h)
164 who are serving a sentence or sentences for a crime of violence,
165 as defined in Section 97-3-2, shall be required to have a parole



166 hearing before the Parole Board pursuant to Section 47-7-17, prior
167 to parole release.

168 (iii) **Geriatric parole.** Notwithstanding the
169 provisions in subparagraph (i) of this paragraph (h), a person
170 serving a sentence who has reached the age of sixty (60) or older
171 and who has served no less than ten (10) years of the sentence or
172 sentences imposed by the trial court shall be eligible for parole.
173 Any person eligible for parole under this subparagraph (iii) shall
174 be required to have a parole hearing before the board prior to
175 parole release. No inmate shall be eligible for parole under this
176 subparagraph (iii) of this paragraph (h) if:

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

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

181 3. The inmate is sentenced for an offense
182 that specifically prohibits parole release;

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

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

186 or

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

189 (iv) **Parole consideration as authorized by the**
190 **trial court.** Notwithstanding the provisions of paragraph (a) of



191 this subsection, any offender who has not committed a crime of
192 violence under Section 97-3-2 and has served twenty-five percent
193 (25%) or more of his sentence may be paroled by the State Parole
194 Board if, after the sentencing judge or if the sentencing judge is
195 retired, disabled or incapacitated, the senior circuit judge
196 authorizes the offender to be eligible for parole consideration;
197 or if the senior circuit judge must be recused, another circuit
198 judge of the same district or a senior status judge may hear and
199 decide the matter. A petition for parole eligibility
200 consideration pursuant to this subparagraph (iv) shall be filed in
201 the original criminal cause or causes, and the offender shall
202 serve an executed copy of the petition on the District Attorney.
203 The court may, in its discretion, require the District Attorney to
204 respond to the petition.

205 (i) **Juvenile offenders.** Notwithstanding any other
206 provision of law, a person who was under the age of eighteen (18)
207 at the time of his or her offense(s), and who is not otherwise
208 eligible for parole at an earlier date, shall be eligible for
209 parole after serving twenty (20) years of the sentence or
210 sentences imposed by the trial court. All persons eligible for
211 parole under this paragraph (i) shall be required to have a parole
212 hearing before the Parole Board, pursuant to Section 47-7-17,
213 prior to release.

214 (2) The State Parole Board shall, by rules and regulations,
215 establish a method of determining a tentative parole hearing date



216 for each eligible offender taken into the custody of the
217 Department of Corrections. The tentative parole hearing date
218 shall be determined within ninety (90) days after the department
219 has assumed custody of the offender. Except as provided in
220 Section 47-7-18, the parole hearing date shall occur when the
221 offender is within thirty (30) days of the month of his parole
222 eligibility date. Any parole eligibility date shall not be
223 earlier than as required in this section.

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

229 (4) Any inmate within forty-eight (48) months of his parole
230 eligibility date and who meets the criteria established by the
231 classification board shall receive priority for placement in any
232 educational development and job-training programs that are part of
233 his or her parole case plan. Any inmate refusing to participate
234 in an educational development or job-training program, including,
235 but not limited to, programs required as part of the case plan,
236 shall be in jeopardy of noncompliance with the case plan and may
237 be denied parole.

238 (5) In addition to other requirements, if an offender is
239 convicted of a drug or driving under the influence felony, the
240 offender must complete a drug and alcohol rehabilitation program



241 prior to parole, or the offender shall be required to complete a
242 postrelease drug and alcohol program as a condition of parole.

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

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

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

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

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

262 **SECTION 3.** Section 47-7-3.2, Mississippi Code of 1972, is
263 amended as follows:

264 47-7-3.2. (1) Excepted as provided in Section 47-7-3(1)(i)
265 and notwithstanding Sections 47-5-138, 47-5-139, 47-5-138.1 or



266 47-5-142, no person convicted of a criminal offense on or after
267 July 1, 2014, shall be released by the department until he or she
268 has served no less than the percentage of the sentence or
269 sentences imposed by the court as set forth below:

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

272 (b) Fifty percent (50%) or twenty (20) years, whichever
273 is less, for a crime of violence pursuant to Section 97-3-2,
274 except for robbery with a deadly weapon as defined in Section
275 97-3-79, drive-by shooting as defined in Section 97-3-109, or
276 carjacking as defined in Section 97-3-117;

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

281 (2) This section shall not apply to:

282 (a) Offenders sentenced to life imprisonment;

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

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

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

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

