

By: Representative Shanks

To: Corrections

HOUSE BILL NO. 755  
(As Passed the House)

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE DATE OF THE REPEALER ON THE STATUTE PRESCRIBING  
3 CONDITIONS FOR PAROLE ELIGIBILITY FOR STATE PRISONERS; TO AMEND  
4 SECTION 47-7-40, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN  
5 OFFENDER WHO IS ON PROBATION AND PAROLE MAY BE AWARDED EARNED-  
6 DISCHARGE CREDIT IF HE OR SHE PARTICIPATES IN FAITH-BASED  
7 ACTIVITIES OR FAITH-BASED SPONSORED ACTIVITIES; TO REQUIRE CERTAIN  
8 REPORTING REQUIREMENTS IN ORDER FOR AN OFFENDER TO RECEIVE SUCH  
9 CREDIT; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

31 (i) Capital murder committed on or after July 1,  
32 1994, as defined in Section 97-3-19(2);

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

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

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

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



46 (f) **Drug trafficking.** No person sentenced for  
47 trafficking and aggravated trafficking, as defined in Section  
48 41-29-139(f) through (g), shall be eligible for parole;

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

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

56 1. **Nonviolent crimes.** All persons sentenced  
57 for a nonviolent offense shall be eligible for parole only after  
58 they have served twenty-five percent (25%) or ten (10) years,  
59 whichever is less, of the sentence or sentences imposed by the  
60 trial court. For purposes of this paragraph, "nonviolent crime"  
61 means a felony not designated as a crime of violence in Section  
62 97-3-2.

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

172 (10) This section shall stand repealed on July 1, \* \* \*  
173 2027.

174 **SECTION 2.** Section 47-7-40, Mississippi Code of 1972, is  
175 amended as follows:

176 47-7-40. (1) The commissioner shall establish rules and  
177 regulations for implementing the earned-discharge program that  
178 allows offenders on probation and parole to reduce the period of  
179 supervision for complying with conditions of probation. Such  
180 rules and regulations shall also be established for discharge  
181 credits earned pursuant to subsection (7) of this section. The  
182 department shall have the authority to award earned-discharge  
183 credits to all offenders placed on probation, parole, or  
184 post-release supervision who are in compliance with the terms and  
185 conditions of supervision. An offender serving a Mississippi  
186 sentence for an eligible offense in any jurisdiction under the  
187 Interstate Compact for Adult Offender Supervision shall be  
188 eligible for earned-discharge credits under this section.  
189 Offenders shall not be denied earned-discharge credits solely  
190 based on nonpayment of fees or fines if a hardship waiver has been  
191 granted as provided in Section 47-7-49.

192 (2) In addition to the deduction allowed under subsection  
193 (7) of this section, for each full calendar month of compliance  
194 with the conditions of supervision, earned-discharge credits equal





195 to the number of days in that month shall be deducted from the  
196 offender's sentence discharge date. Credits begin to accrue for  
197 eligible offenders after the first full calendar month of  
198 compliance supervision conditions. For the purposes of this  
199 section, an offender is deemed to be in compliance with the  
200 conditions of supervision if there was no violation of the  
201 conditions of supervision.

202 (3) No earned-discharge credits may accrue for a calendar  
203 month in which a violation report has been submitted, the offender  
204 has absconded from supervision, the offender is serving a term of  
205 imprisonment in a technical violation center, or for the months  
206 between the submission of the violation report and the final  
207 action on the violation report by the court or the board.

208 (4) Earned-discharge credits shall be applied to the  
209 sentence within thirty (30) days of the end of the month in which  
210 the credits were earned. At least every six (6) months, an  
211 offender who is serving a sentence eligible for earned-discharge  
212 credits shall be notified of the current sentence discharge date.

213 (5) Once the combination of time served on probation, parole  
214 or post-release supervision, and earned-discharge credits satisfy  
215 the term of probation, parole, or post-release supervision, the  
216 board or sentencing court shall order final discharge of the  
217 offender. No less than sixty (60) days prior to the date of final  
218 discharge, the department shall notify the sentencing court and  
219 the board of the impending discharge.



220 (6) The department shall provide semiannually to the  
221 Oversight Task Force the number and percentage of offenders who  
222 qualify for earned discharge in one or more months of the year and  
223 the average amount of credits earned within the year.

224 (7) (a) From and after July 1, 2024, any offender who is on  
225 probation and parole, which includes the intensive supervision  
226 program, may have his or her placement on probation and parole or  
227 intensive supervision, as the case maybe, reduced by participating  
228 in faith-based activities or faith-based sponsored activities. An  
229 offender may be awarded thirty (30) days' reduction of supervision  
230 for each thirty (30) days of participation in a faith-based  
231 activity or faith-based sponsored activity.

232 (b) An offender who earns earned-discharge credit  
233 pursuant to this section must have a designated leader of the  
234 faith-based entity where the offender is participating in the  
235 faith-based activity or faith-based sponsored activity to provide  
236 a monthly report by the 15th day of the month following the  
237 offender's participation in the faith-based activity. Such report  
238 must be provided to the community service division of the  
239 Department of Corrections who may apply the earned-discharged  
240 credits in the time provided under subsection (4) of this section.  
241 The department shall provide the time sheets necessary to be made  
242 available at the local parole office. The time sheets include the  
243 name of the participant, MDOC number, criminal cause number, date



244 of participation in activities and any other pertinent information  
245 needed to effectuate the process.

246       **SECTION 3.** This act shall take effect and be in force from  
247 and after July 1, 2024.

