

By: Representative Owen

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1454

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL FROM JULY 1, 2024, TO JULY 1, 2027, ON
3 THE PROVISION OF LAW THAT PRESCRIBES CONDITIONS FOR PAROLE
4 ELIGIBILITY FOR OFFENDERS; AND FOR RELATED PURPOSES.

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

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

8 47-7-3. (1) Every prisoner who has been convicted of any
9 offense against the State of Mississippi, and is confined in the
10 execution of a judgment of such conviction in the Mississippi
11 Department of Corrections for a definite term or terms of one (1)
12 year or over, or for the term of his or her natural life, whose
13 record of conduct shows that such prisoner has observed the rules
14 of the department, and who has served the minimum required time
15 for parole eligibility, may be released on parole as set forth
16 herein:

17 (a) **Habitual offenders.** Except as provided by Sections
18 99-19-81 through 99-19-87, no person sentenced as a confirmed and
19 habitual criminal shall be eligible for parole;



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

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

26 (i) Capital murder committed on or after July 1,
27 1994, as defined in Section 97-3-19(2);

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

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

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

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

41 (f) **Drug trafficking.** No person sentenced for
42 trafficking and aggravated trafficking, as defined in Section
43 41-29-139(f) through (g), shall be eligible for parole;



44 (g) **Offenses specifically prohibiting parole release.**

45 No person shall be eligible for parole who is convicted of any
46 offense that specifically prohibits parole release;

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

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

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



69 percent (60%) or twenty-five (25) years, whichever is less, of the
70 sentence or sentences imposed by the trial court.

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

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

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

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

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



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

96 3. The inmate is sentenced for an offense
97 that specifically prohibits parole release;

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

100 5. The inmate is sentenced for a sex crime;
101 or

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

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



118 The court may, in its discretion, require the District Attorney to
119 respond to the petition.

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

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

135 (4) Any inmate within forty-eight (48) months of his parole
136 eligibility date and who meets the criteria established by the
137 classification board shall receive priority for placement in any
138 educational development and job-training programs that are part of
139 his or her parole case plan. Any inmate refusing to participate
140 in an educational development or job-training program, including,
141 but not limited to, programs required as part of the case plan,



142 shall be in jeopardy of noncompliance with the case plan and may
143 be denied parole.

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

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

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

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

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



167 (10) This section shall stand repealed on July 1, * * *
168 2026.

169 **SECTION 2.** This act shall take effect and be in force from
170 and after July 1, 2024.

