

By: Representative Johnson

To: Corrections; Judiciary B

## HOUSE BILL NO. 229

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT OFFENDERS WHO COMMITTED OFFENSES AFTER JUNE 30, 1995,  
3 AND SUCH OFFENDERS ARE SENTENCED FOR A VIOLENT OFFENSE MAY BE  
4 ELIGIBLE FOR PAROLE AFTER SERVING 25% OR TEN YEARS OF THEIR  
5 SENTENCES, WHICHEVER IS LESS, AND TO EXTEND THE DATE OF REPEAL ON  
6 THIS SECTION; TO AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972,  
7 TO PROVIDE THAT CERTAIN OFFENDERS MAY BE RELEASED BY THE  
8 DEPARTMENT OF CORRECTIONS AFTER SERVING A CERTAIN PERCENTAGE OF A  
9 SENTENCE IMPOSED BY THE COURT; TO AMEND SECTION 47-7-5,  
10 MISSISSIPPI CODE OF 1972, TO REQUIRE AN AFFIRMATIVE VOTE OF AT  
11 LEAST THREE MEMBERS OF THE PAROLE BOARD TO GRANT PAROLE TO AN  
12 INMATE CONVICTED OF A CRIME OF VIOLENCE AFTER JUNE 30, 1995; TO  
13 AMEND SECTION 47-7-13, MISSISSIPPI CODE OF 1972, TO REQUIRE AN  
14 AFFIRMATIVE VOTE OF AT LEAST FOUR MEMBERS OF THE PAROLE BOARD TO  
15 GRANT PAROLE TO CERTAIN INMATES CONVICTED OF CAPITAL MURDER OR A  
16 SEX OFFENSE; TO DELETE THE REQUIREMENT THAT THE PRINCIPAL PLACE  
17 FOR CONDUCTING PAROLE HEARINGS BY THE STATE PAROLE BOARD MUST BE  
18 AT THE STATE PENITENTIARY AT PARCHMAN; TO AMEND SECTION 47-7-15,  
19 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
20 AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
21 PAROLE BOARD TO ORDER A PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION  
22 WHEN THE BOARD DETERMINES SUCH EXAMINATION IS NEEDED TO MAKE A  
23 PAROLE DECISION; AND FOR RELATED PURPOSES.

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

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

27 47-7-3. (1) Every prisoner who has been convicted of any  
28 offense against the State of Mississippi, and is confined in the



29 execution of a judgment of such conviction in the Mississippi  
30 Department of Corrections for a definite term or terms of one (1)  
31 year or over, or for the term of his or her natural life, whose  
32 record of conduct shows that such prisoner has observed the rules  
33 of the department, and who has served the minimum required time  
34 for parole eligibility, may be released on parole as set forth  
35 herein:

36           (a) **Habitual offenders.** Except as provided by Sections  
37 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
38 habitual criminal shall be eligible for parole;

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

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

45                   (i) Capital murder committed on or after July 1,  
46 1994, as defined in Section 97-3-19(2);

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

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



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

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

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

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

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

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



77                   2. **Violent crimes.** A person who is sentenced  
78 for a violent offense as defined in Section 97-3-2, \* \* \* shall  
79 be eligible for parole only after having served \* \* \* twenty-five  
80 percent (25%) or ten (10) years, whichever is less, of the  
81 sentence or sentences imposed by the trial court. \* \* \*

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

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

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

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



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

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

2. The inmate is sentenced \* \* \* to life imprisonment without eligibility for parole under the provisions of Section 99-19-10; or

3. The inmate is sentenced for an offense that specifically prohibits parole release \* \* \*.

\* \* \*

(iv) **Parole consideration as authorized by the trial court.** Notwithstanding \* \* \* any other provision of law, any offender who has \* \* \* served twenty-five percent (25%) \* \* \* of the sentence or sentences imposed by the trial court or ten (10) years, whichever is less, may be paroled by the State Parole Board if, after the sentencing judge or if the sentencing judge is retired, disabled or incapacitated, the senior circuit judge authorizes the offender to be eligible for parole consideration; or if the senior circuit judge must be recused, another circuit judge of the same district or a senior status judge may hear and decide the matter. A petition for parole eligibility consideration pursuant to this subparagraph (iv) shall be filed in the original criminal cause or causes, and the offender shall serve an executed copy of the petition on the District Attorney. The court may, in its discretion, require the District Attorney to



respond to the petition. No inmate shall be eligible to petition the sentencing court for parole eligibility under this paragraph of this subsection if the inmate is serving a sentence for a crime of violence, as defined under Section 97-3-2.

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

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

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



but not limited to, programs required as part of the case plan, shall be in jeopardy of noncompliance with the case plan and may be denied parole.

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

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

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

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

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



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

(10) This section shall stand repealed on July 1, 2027.

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

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

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

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

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

\* \* \*

**SECTION 3.** Section 47-7-5, Mississippi Code of 1972, is  
amended as follows:



47-7-5. (1) Effective January 1, 2028, the State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted and shall be composed of five (5) members, one (1) appointed from each Mississippi Supreme Court District and two (2) from the state at large. The Governor shall appoint the members to serve at the will and pleasure of the Governor, with the advice and consent of the Senate, not less than every four (4) years, provided that three (3) members shall be appointed in 2028 to a term ending December 31, 2031, and two (2) members shall be appointed in 2030 to a term ending December 31, 2033. Appointments made at the beginning of the four-year cycle shall be made to fill any member's term which actually expires that year and any member's term which expires next until the majority of the membership of the board or commission is reached. Appointments made at the beginning of the third year of the four-year cycle shall be made for the remainder of the membership positions irrespective of the time of their prior appointment. Any question regarding the order of appointments shall be determined by the Secretary of State in accordance with the specific statute. All appointment procedures, vacancy provisions, interim appointment provisions and removal provisions specifically provided for in Section 7-1-35, Mississippi Code of 1972, shall be fully applicable to appointments to the State Parole Board. Any vacancy shall be filled by the Governor, with the advice and



consent of the Senate. The Governor shall appoint a chairman of the board.

(2) Any person who is appointed to serve on the board shall possess at least a bachelor's degree or a high school diploma and four (4) years' work experience. Each member shall devote his full time to the duties of his office and shall not engage in any other business or profession or hold any other public office. A member shall receive compensation or per diem in addition to his or her salary. Each member shall keep such hours and workdays as required of full-time state employees under Section 25-1-98. Individuals shall be appointed to serve on the board without reference to their political affiliations. Each board member, including the chairman, may be reimbursed for actual and necessary expenses as authorized by Section 25-3-41. Each member of the board shall complete annual training developed based on guidance from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association. Each first-time appointee of the board shall, within sixty (60) days of appointment, or as soon as practical, complete training for first-time Parole Board members developed in consideration of information from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

(3) The board shall have exclusive responsibility for the granting of parole as provided by Sections 47-7-3 and 47-7-17 and



shall have exclusive authority for revocation of the same. The board shall have exclusive responsibility for investigating clemency recommendations upon request of the Governor.

(4) The board, its members and staff, shall be immune from civil liability for any official acts taken in good faith and in exercise of the board's legitimate governmental authority.

(5) The budget of the board shall be funded through a separate line item within the general appropriation bill for the support and maintenance of the department. Employees of the department which are employed by or assigned to the board shall work under the guidance and supervision of the board. There shall be an executive secretary to the board who shall be responsible for all administrative and general accounting duties related to the board. The executive secretary shall keep and preserve all records and papers pertaining to the board.

(6) The board shall have no authority or responsibility for supervision of offenders granted a release for any reason, including, but not limited to, probation, parole or executive clemency or other offenders requiring the same through interstate compact agreements. The supervision shall be provided exclusively by the staff of the Division of Community Corrections of the department.

(7) (a) The Parole Board is authorized to select and place offenders in an electronic monitoring program under the conditions and criteria imposed by the Parole Board. The conditions,



restrictions and requirements of Section 47-7-17 and Sections 47-5-1001 through 47-5-1015 shall apply to the Parole Board and any offender placed in an electronic monitoring program by the Parole Board.

(b) Any offender placed in an electronic monitoring program under this subsection shall pay the program fee provided in Section 47-5-1013. The program fees shall be deposited in the special fund created in Section 47-5-1007.

(c) The department shall have absolute immunity from liability for any injury resulting from a determination by the Parole Board that an offender be placed in an electronic monitoring program.

(8) (a) The Parole Board shall maintain a central registry of paroled inmates. The Parole Board shall place the following information on the registry: name, address, photograph, crime for which paroled, the date of the end of parole or flat-time date and other information deemed necessary. The Parole Board shall immediately remove information on a parolee at the end of his parole or flat-time date.

(b) When a person is placed on parole, the Parole Board shall inform the parolee of the duty to report to the parole officer any change in address ten (10) days before changing address.

(c) The Parole Board shall utilize an Internet website or other electronic means to release or publish the information.



(d) Records maintained on the registry shall be open to law enforcement agencies and the public and shall be available no later than July 1, 2003.

(9) An affirmative vote of at least four (4) members of the Parole Board shall be required to grant parole to an inmate convicted of capital murder or a sex \* \* \* offense, as defined under Section 45-33-23(h). An affirmative vote of at least three (3) members of the Parole Board shall be required to grant parole to an inmate convicted after June 30, 1995, of a crime of violence, as defined under Section 97-3-2.

(10) This section shall stand repealed on July 1, 2027.

**SECTION 4.** Section 47-7-13, Mississippi Code of 1972, is amended as follows:

47-7-13. A majority of the board shall constitute a quorum for the transaction of all business. An affirmative vote of at least four (4) members of the Parole Board shall be required to grant parole to an inmate convicted of capital murder or a sex offense, as defined under Section 45-33-23(h). An affirmative vote of at least three (3) members of the Parole Board shall be required to grant parole to an inmate convicted after June 30, 1995, of a crime of violence, as defined under Section 97-3-2. \* \* \* The board shall maintain, in minute book form, a copy of each of its official actions with the reasons therefor. Suitable and sufficient office space and support resources and



staff necessary to conducting Parole Board business shall be provided by the Department of Corrections. \* \* \*

**SECTION 5.** Section 47-7-15, Mississippi Code of 1972, is amended as follows:

47-7-15. The board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the board shall be made by majority vote, except as provided in Sections 47-7-5(9) and 47-7-13.

The board shall keep a record of its acts and shall notify each institution of its decisions relating to the persons who are or have been confined therein. At the close of each fiscal year the board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.

**SECTION 6.** Section 47-7-17, Mississippi Code of 1972, is amended as follows:

47-7-17. (1) Within one (1) year after his admission and at such intervals thereafter as it may determine, the board shall secure and consider all pertinent information regarding each offender, except any under sentence of death or otherwise ineligible for parole, including the circumstances of his offense, his previous social history, his previous criminal record, including any records of law enforcement agencies or of a youth court regarding that offender's juvenile criminal history, his conduct, employment and attitude while in the custody of the department, the case plan created to prepare the offender for



347 parole, and the reports of such physical and mental examinations  
348 as have been made. The Parole Board may also order a psychiatric  
349 or psychological examination when it determines such examination  
350 is necessary in making a parole decision. The board shall furnish  
351 at least three (3) months' written notice to each such offender of  
352 the date on which he is eligible for parole.

353 (2) Except as provided in Section 47-7-18, the board \* \* \*  
354 may require a parole-eligible offender to have a hearing as  
355 required in this chapter before the board and to be interviewed.  
356 The hearing shall be held no later than thirty (30) days prior to  
357 the month of eligibility. No application for parole of a person  
358 convicted of a capital offense shall be considered by the board  
359 unless and until notice of the filing of such application shall  
360 have been published at least once a week for two (2) weeks in a  
361 newspaper published in or having general circulation in the county  
362 in which the crime was committed. The board shall, within thirty  
363 (30) days prior to the scheduled hearing, also give notice of the  
364 filing of the application for parole to the victim of the offense  
365 for which the prisoner is incarcerated and being considered for  
366 parole or, in case the offense be homicide, a designee of the  
367 immediate family of the victim, provided the victim or designated  
368 family member has furnished in writing a current address to the  
369 board for such purpose. Upon request, the victim or designated  
370 family member shall be provided an opportunity to be heard by the  
371 board before the board makes a decision regarding release on



372 parole. The board shall consider whether any restitution ordered  
373 has been paid in full. Parole release shall, at the hearing, be  
374 ordered only for the best interest of society, not as an award of  
375 clemency; it shall not be considered to be a reduction of sentence  
376 or pardon. An offender shall be placed on parole only when  
377 arrangements have been made for his proper employment or for his  
378 maintenance and care, and when the board believes that he is able  
379 and willing to fulfill the obligations of a law-abiding citizen.  
380 When the board determines that the offender will need transitional  
381 housing upon release in order to improve the likelihood of the  
382 offender becoming a law-abiding citizen, the board may parole the  
383 offender with the condition that the inmate spends no more than  
384 six (6) months in a transitional reentry center. At least fifteen  
385 (15) days prior to the release of an offender on parole, the  
386 director of records of the department shall give the written  
387 notice which is required pursuant to Section 47-5-177. Every  
388 offender while on parole shall remain in the legal custody of the  
389 department from which he was released and shall be amenable to the  
390 orders of the board. Upon determination by the board that an  
391 offender is eligible for release by parole, notice shall also be  
392 given within at least fifteen (15) days before release, by the  
393 board to the victim of the offense or the victim's family member,  
394 as indicated above, regarding the date when the offender's release  
395 shall occur, provided a current address of the victim or the



victim's family member has been furnished in writing to the board for such purpose.

(3) For any hearing where an offender has been convicted of a crime of violence, as set out under Section 97-3-2 or any offense set out under Section 47-7-3(1)(a) through (g), the board shall, within thirty (30) days prior to the scheduled hearing, solicit the written or oral recommendations of the Attorney General, the attorney who prosecuted the case, the judge who presided over the case, the chief of police of the municipality where the offender was convicted and the sheriff of the county where the offender was convicted.

(4) The board shall, within thirty (30) days prior to the scheduled hearing, also give written or electronic notice of the filing of the application for parole to the attorney who prosecuted the case, the judge who presided over the case, the chief of police of the municipality where the offender was convicted and the sheriff of the county where the offender was convicted.

(5) If the attorney who prosecuted the case or the judge who presided over the case is not living or serving, solicitation for recommendations under subsection (3) and notice under subsection (4) shall be given to the district attorney and one of the judges of the court in which the offender was convicted.



(6) Failure to provide notice to the victim or the victim's family member of the filing of the application for parole or of any decision made by the board regarding parole shall not constitute grounds for vacating an otherwise lawful parole determination nor shall it create any right or liability, civilly or criminally, against the board or any member thereof.

(7) A letter of protest against granting an offender parole shall not be treated as the conclusive and only reason for not granting parole.

(8) The board may adopt such other rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of offenders for parole, the conduct of parole hearings, or conditions to be imposed upon parolees, including a condition that the parolee submit, as provided in Section 47-5-601 to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or a substance prohibited or controlled by any law of the State of Mississippi or the United States. The board shall have the authority to adopt rules related to the placement of certain offenders on unsupervised parole and for the operation of transitional reentry centers. However, in no case shall an offender be placed on unsupervised parole before he has served a minimum of fifty percent (50%) of the period of supervised parole.

**SECTION 7.** This act shall take effect and be in force from and after July 1, 2025.

