

## 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:

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;

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

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

60 (f) **Drug trafficking.** No person sentenced for  
61 trafficking and aggravated trafficking, as defined in Section  
62 41-29-139(f) through (g), shall be eligible for parole;

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

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

### 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.

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

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

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

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

110 \* \* \*

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

187 (b) Fifty percent (50%) or twenty (20) years, whichever  
188 is less, for a crime of violence pursuant to Section 97-3-2,  
189 except for robbery with a deadly weapon as defined in Section  
190 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
191 carjacking as defined in Section 97-3-117;

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

196 \* \* \*

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

199           47-7-5. (1) Effective January 1, 2028, the State Parole  
200 Board, created under former Section 47-7-5, is hereby created,  
201 continued and reconstituted and shall be composed of five (5)  
202 members, one (1) appointed from each Mississippi Supreme Court  
203 District and two (2) from the state at large. The Governor shall  
204 appoint the members to serve at the will and pleasure of the  
205 Governor, with the advice and consent of the Senate, not less than  
206 every four (4) years, provided that three (3) members shall be  
207 appointed in 2028 to a term ending December 31, 2031, and two (2)  
208 members shall be appointed in 2030 to a term ending December 31,  
209 2033. Appointments made at the beginning of the four-year cycle  
210 shall be made to fill any member's term which actually expires  
211 that year and any member's term which expires next until the  
212 majority of the membership of the board or commission is reached.  
213 Appointments made at the beginning of the third year of the  
214 four-year cycle shall be made for the remainder of the membership  
215 positions irrespective of the time of their prior appointment.  
216 Any question regarding the order of appointments shall be  
217 determined by the Secretary of State in accordance with the  
218 specific statute. All appointment procedures, vacancy provisions,  
219 interim appointment provisions and removal provisions specifically  
220 provided for in Section 7-1-35, Mississippi Code of 1972, shall be  
221 fully applicable to appointments to the State Parole Board. Any  
222 vacancy shall be filled by the Governor, with the advice and



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

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

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



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

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

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

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

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



273 restrictions and requirements of Section 47-7-17 and Sections  
274 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
275 any offender placed in an electronic monitoring program by the  
276 Parole Board.

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

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

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

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

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



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

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

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

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

311 47-7-13. A majority of the board shall constitute a quorum  
312 for the transaction of all business. An affirmative vote of at  
313 least four (4) members of the Parole Board shall be required to  
314 grant parole to an inmate convicted of capital murder or a sex  
315 offense, as defined under Section 45-33-23(h). An affirmative  
316 vote of at least three (3) members of the Parole Board shall be  
317 required to grant parole to an inmate convicted after June 30,  
318 1995, of a crime of violence, as defined under Section  
319 97-3-2. \* \* \* The board shall maintain, in minute book form, a  
320 copy of each of its official actions with the reasons therefor.  
321 Suitable and sufficient office space and support resources and

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

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

326 47-7-15. The board shall adopt an official seal of which the  
327 courts shall take judicial notice. Decisions of the board shall  
328 be made by majority vote, except as provided in Sections 47-7-5(9)  
329 and 47-7-13.

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

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

337 47-7-17. (1) Within one (1) year after his admission and at  
338 such intervals thereafter as it may determine, the board shall  
339 secure and consider all pertinent information regarding each  
340 offender, except any under sentence of death or otherwise  
341 ineligible for parole, including the circumstances of his offense,  
342 his previous social history, his previous criminal record,  
343 including any records of law enforcement agencies or of a youth  
344 court regarding that offender's juvenile criminal history, his  
345 conduct, employment and attitude while in the custody of the  
346 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



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

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

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

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

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

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

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

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

