

By: Representative Johnson

To: Judiciary B

HOUSE BILL NO. 233

1 AN ACT TO AMEND SECTIONS 99-19-81, 99-19-83 AND 47-7-3,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A HABITUAL OFFENDER MAY
3 BE ELIGIBLE FOR PAROLE IF THE OFFENDER SERVES TEN YEARS OF A
4 SENTENCE OF 40 YEARS OR MORE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 99-19-81, Mississippi Code of 1972, is
7 amended as follows:

8 99-19-81. Every person convicted in this state of a felony
9 who shall have been convicted twice previously of any felony or
10 federal crime upon charges separately brought and arising out of
11 separate incidents at different times and who shall have been
12 sentenced to separate terms of one (1) year or more in any state
13 and/or federal penal institution, whether in this state or
14 elsewhere, shall be sentenced to the maximum term of imprisonment
15 prescribed for such felony unless the court provides an
16 explanation in its sentencing order setting forth the cause for
17 deviating from the maximum sentence, and such sentence shall not
18 be reduced or suspended nor shall such person be eligible for



19 parole or probation unless such person has served ten (10) years
20 of a sentence of forty (40) years or more.

21 **SECTION 2.** Section 99-19-83, Mississippi Code of 1972, is
22 amended as follows:

23 99-19-83. Every person convicted in this state of a felony
24 who shall have been convicted twice previously of any felony or
25 federal crime upon charges separately brought and arising out of
26 separate incidents at different times and who shall have been
27 sentenced to and served separate terms of one (1) year or more,
28 whether served concurrently or not, in any state and/or federal
29 penal institution, whether in this state or elsewhere, and where
30 any one (1) of such felonies shall have been a crime of violence,
31 as defined by Section 97-3-2, shall be sentenced to life
32 imprisonment, and such sentence shall not be reduced or suspended
33 nor shall such person be eligible for parole, probation or any
34 other form of early release from actual physical custody within
35 the Department of Corrections unless such person has served ten
36 (10) years of a sentence of forty (40) years or more.

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

39 47-7-3. (1) Every prisoner who has been convicted of any
40 offense against the State of Mississippi, and is confined in the
41 execution of a judgment of such conviction in the Mississippi
42 Department of Corrections for a definite term or terms of one (1)
43 year or over, or for the term of his or her natural life, whose



44 record of conduct shows that such prisoner has observed the rules
45 of the department, and who has served the minimum required time
46 for parole eligibility, may be released on parole as set forth
47 herein:

48 (a) **Habitual offenders.** Except as provided by Sections
49 99-19-81 through 99-19-87, no person sentenced as a confirmed and
50 habitual criminal shall be eligible for parole unless such
51 prisoner has served ten (10) years of a sentence of forty (40)
52 years or more;

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

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

59 (i) Capital murder committed on or after July 1,
60 1994, as defined in Section 97-3-19(2);

61 (ii) Any offense to which an offender is sentenced
62 to life imprisonment under the provisions of Section 99-19-101; or
63 (iii) Any offense to which an offender is
64 sentenced to life imprisonment without eligibility for parole
65 under the provisions of Section 99-19-101, whose crime was
66 committed on or after July 1, 1994;

67 (d) **Murder.** No person sentenced for murder in the
68 first degree, whose crime was committed on or after June 30, 1995,



69 or murder in the second degree, as defined in Section 97-3-19,
70 shall be eligible for parole;

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

74 (f) **Drug trafficking.** No person sentenced for
75 trafficking and aggravated trafficking, as defined in Section
76 41-29-139(f) through (g), shall be eligible for parole;

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

78 No person shall be eligible for parole who is convicted of any

79 offense that specifically prohibits parole release;

94 shooting as defined in Section 97-3-109, and carjacking as defined
95 in Section 97-3-117, shall be eligible for parole only after
96 having served fifty percent (50%) or twenty (20) years, whichever
97 is less, of the sentence or sentences imposed by the trial court.
98 Those persons sentenced for robbery with a deadly weapon as
99 defined in Section 97-3-79, drive-by shooting as defined in
100 Section 97-3-109, and carjacking as defined in Section 97-3-117,
101 shall be eligible for parole only after having served sixty
102 percent (60%) or twenty-five (25) years, whichever is less, of the
103 sentence or sentences imposed by the trial court.

3. Nonviolent and nonhabitual drug offenses.

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

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

116 (iii) **Geriatric parole.** Notwithstanding the
117 provisions in subparagraph (i) of this paragraph (h), a person
118 serving a sentence who has reached the age of sixty (60) or older



119 and who has served no less than ten (10) years of the sentence or
120 sentences imposed by the trial court shall be eligible for parole.
121 Any person eligible for parole under this subparagraph (iii) shall
122 be required to have a parole hearing before the board prior to
123 parole release. No inmate shall be eligible for parole under this
124 subparagraph (iii) of this paragraph (h) if:

125 1. The inmate is sentenced as a habitual
126 offender under Sections 99-19-81 through 99-19-87 unless such
127 inmate has served ten (10) years of a sentence of forty (40) years
128 or more;

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

131 3. The inmate is sentenced for an offense
132 that specifically prohibits parole release;

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

135 5. The inmate is sentenced for a sex crime;
136 or

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

139 (iv) **Parole consideration as authorized by the**
140 **trial court.** Notwithstanding the provisions of paragraph (a) of
141 this subsection, any offender who has not committed a crime of
142 violence under Section 97-3-2 and has served twenty-five percent
143 (25%) or more of his sentence may be paroled by the State Parole



144 Board if, after the sentencing judge or if the sentencing judge is
145 retired, disabled or incapacitated, the senior circuit judge
146 authorizes the offender to be eligible for parole consideration;
147 or if the senior circuit judge must be recused, another circuit
148 judge of the same district or a senior status judge may hear and
149 decide the matter. A petition for parole eligibility
150 consideration pursuant to this subparagraph (iv) shall be filed in
151 the original criminal cause or causes, and the offender shall
152 serve an executed copy of the petition on the District Attorney.
153 The court may, in its discretion, require the District Attorney to
154 respond to the petition.

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

165 (3) Notwithstanding any other provision of law, an inmate
166 shall not be eligible to receive earned time, good time or any
167 other administrative reduction of time which shall reduce the time



168 necessary to be served for parole eligibility as provided in
169 subsection (1) of this section.

170 (4) Any inmate within forty-eight (48) months of his parole
171 eligibility date and who meets the criteria established by the
172 classification board shall receive priority for placement in any
173 educational development and job-training programs that are part of
174 his or her parole case plan. Any inmate refusing to participate
175 in an educational development or job-training program, including,
176 but not limited to, programs required as part of the case plan,
177 shall be in jeopardy of noncompliance with the case plan and may
178 be denied parole.

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

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

190 (7) The Corrections and Criminal Justice Oversight Task
191 Force established in Section 47-5-6 shall develop and submit
192 recommendations to the Governor and to the Legislature annually on

193 or before December 1st concerning issues relating to juvenile and
194 habitual offender parole reform and to review and monitor the
195 implementation of Chapter 479, Laws of 2021.

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

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

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

203 **SECTION 4.** This act shall take effect and be in force from
204 and after July 1, 2025.

