

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



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

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

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

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

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

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

(iii) Any offense to which an offender is sentenced to life imprisonment without eligibility for parole under the provisions of Section 99-19-101, whose crime was 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.

2. **Violent crimes.** A person who is sentenced
for a violent offense as defined in Section 97-3-2, except robbery
with a deadly weapon as defined in Section 97-3-79, drive-by



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.

104 **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



and who has served no less than ten (10) years of the sentence or sentences imposed by the trial court shall be eligible for parole. Any person eligible for parole under this subparagraph (iii) shall 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 unless such inmate has served ten (10) years of a sentence of forty (40) years or more;

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

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

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

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

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

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

(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



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.

