

By: Representatives Denton, Thompson

To: Judiciary B

HOUSE BILL NO. 887

1 AN ACT TO AMEND SECTION 99-19-81, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A TIME PERIOD FOR QUALIFICATION OF CERTAIN HABITUAL
3 OFFENDERS; TO AMEND SECTION 99-19-83, MISSISSIPPI CODE OF 1972, TO
4 REVISE PROVISIONS THAT REGULATE HABITUAL OFFENDERS; TO REMOVE
5 RESTRICTIONS FOR REDUCTION OF PAROLE; TO AMEND SECTION 47-7-3,
6 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING CHANGES; AND
7 FOR RELATED PURPOSES.

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

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

11 99-19-81. Every person convicted in this state of a felony
12 who shall have been convicted twice previously of any felony or
13 federal crime upon charges separately brought and arising out of
14 separate incidents at different times and who shall have been
15 sentenced to separate terms of one (1) year or more in any state
16 and/or federal penal institution, whether in this state or
17 elsewhere, within fifteen (15) years shall be sentenced to the
18 maximum term of imprisonment prescribed for such felony unless the
19 court provides an explanation in its sentencing order setting
20 forth the cause for deviating from the maximum sentence, and such



21 sentence shall not be reduced or suspended nor shall such person
22 be eligible for * * * probation.

23 For purposes of this section, fifteen (15) years shall be
24 counted:

25 (a) From the date of the conviction for the crime, if
26 the person was not incarcerated for the crime; or

27 (b) From the date that the person was physically
28 released from incarceration for the crime, if the person was
29 incarcerated for the crime.

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

32 99-19-83. Every person convicted in this state of a felony
33 that is defined as a crime of violence in Section 97-3-2 who shall
34 have been convicted twice previously of any felony or federal
35 crime upon charges separately brought and arising out of separate
36 incidents at different times and who shall have been sentenced to
37 and served separate terms of one (1) year or more, whether served
38 concurrently or not, in any state and/or federal penal
39 institution, whether in this state or elsewhere, and where any one
40 (1) of such felonies shall have been a crime of violence, as
41 defined by Section 97-3-2, shall be sentenced to life
42 imprisonment, and such sentence shall not be reduced or suspended
43 nor shall such person be eligible for * * * probation * * *.

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



46 47-7-3. (1) Every prisoner who has been convicted of any
47 offense against the State of Mississippi, and is confined in the
48 execution of a judgment of such conviction in the Mississippi
49 Department of Corrections for a definite term or terms of one (1)
50 year or over, or for the term of his or her natural life, whose
51 record of conduct shows that such prisoner has observed the rules
52 of the department, and who has served the minimum required time
53 for parole eligibility, may be released on parole as set forth
54 herein:

55 (a) **Habitual offenders.** Except as provided by Sections
56 99-19-81 through 99-19-87, no person sentenced as a confirmed and
57 habitual criminal shall be eligible for parole, unless the person
58 was convicted prior to the effective date of this act, in which
59 case the person may be considered for parole if their conviction
60 would result in a reduced sentence based on the changes in
61 Sections 1 and 2 of this act;

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

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

68 (i) Capital murder committed on or after July 1,
69 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



95 they have served twenty-five percent (25%) or ten (10) years,
96 whichever is less, of the sentence or sentences imposed by the
97 trial court. For purposes of this paragraph, "nonviolent crime"
98 means a felony not designated as a crime of violence in Section
99 97-3-2.

100 2. **Violent crimes.** A person who is sentenced
101 for a violent offense as defined in Section 97-3-2, except robbery
102 with a deadly weapon as defined in Section 97-3-79, drive-by
103 shooting as defined in Section 97-3-109, and carjacking as defined
104 in Section 97-3-117, shall be eligible for parole only after
105 having served fifty percent (50%) or twenty (20) years, whichever
106 is less, of the sentence or sentences imposed by the trial court.
107 Those persons sentenced for robbery with a deadly weapon as
108 defined in Section 97-3-79, drive-by shooting as defined in
109 Section 97-3-109, and carjacking as defined in Section 97-3-117,
110 shall be eligible for parole only after having served sixty
111 percent (60%) or twenty-five (25) years, whichever is less, of the
112 sentence or sentences imposed by the trial court.

113 3. **Nonviolent and nonhabitual drug offenses.**
114 A person who has been sentenced to a drug offense pursuant to
115 Section 41-29-139(a) through (d), whose crime was committed after
116 June 30, 1995, shall be eligible for parole only after he has
117 served twenty-five percent (25%) or ten (10) years, whichever is
118 less, of the sentence or sentences imposed.



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

(iii) **Geriatric parole.** Notwithstanding the provisions in subparagraph (i) of this paragraph (h), a person 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 the person was convicted prior to the effective date of this act, in which case the person may be considered for parole if their conviction would result in a reduced sentence based on the changes in Sections 1 and 2 of this act;

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;



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

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

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

150 (iv) **Parole consideration as authorized by the**
151 **trial court.** Notwithstanding the provisions of paragraph (a) of
152 this subsection, any offender who has not committed a crime of
153 violence under Section 97-3-2 and has served twenty-five percent
154 (25%) or more of his sentence may be paroled by the State Parole
155 Board if, after the sentencing judge or if the sentencing judge is
156 retired, disabled or incapacitated, the senior circuit judge
157 authorizes the offender to be eligible for parole consideration;
158 or if the senior circuit judge must be recused, another circuit
159 judge of the same district or a senior status judge may hear and
160 decide the matter. A petition for parole eligibility
161 consideration pursuant to this subparagraph (iv) shall be filed in
162 the original criminal cause or causes, and the offender shall
163 serve an executed copy of the petition on the District Attorney.
164 The court may, in its discretion, require the District Attorney to
165 respond to the petition.

166 (2) The State Parole Board shall, by rules and regulations,
167 establish a method of determining a tentative parole hearing date
168 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



193 prior to parole, or the offender shall be required to complete a
194 postrelease drug and alcohol program as a condition of parole.

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

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

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

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

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

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

