

By: Senator(s) DeBar, Barnett

To: Corrections

SENATE BILL NO. 2241

1 AN ACT TO AMEND SECTIONS 47-5-138 AND 47-7-3, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT AN INCARCERATED FELON MAY HAVE HIS
3 OR HER PAROLE ELIGIBILITY DATE REDUCED BY THE STATE PAROLE BOARD
4 BY THE NUMBER OF DAYS EQUAL TO THE OFFENDER'S EARNED-TIME
5 ALLOWANCE PROGRAM; AND FOR RELATED PURPOSES.

6 **SECTION 1.** Section 47-5-138, Mississippi Code of 1972, is
7 amended as follows:

8 47-5-138. (1) The department may promulgate rules and
9 regulations to carry out an Earned-Time Allowance Program based on
10 the good conduct and performance of an inmate. An inmate is
11 eligible to receive an earned-time allowance of one-half (1/2) of
12 the period of confinement imposed by the court except those
13 inmates excluded by law. When an inmate is committed to the
14 custody of the department, the department shall determine a
15 conditional earned-time release date by subtracting the
16 earned-time allowance from an inmate's term of sentence. This
17 subsection does not apply to any sentence imposed after June 30,
18 1995.



19 (2) An inmate may forfeit all or part of his earnedtime
20 allowance for a serious violation of rules. No forfeiture of the
21 earnedtime allowance shall be effective except upon approval of
22 the commissioner, or his designee, and forfeited earned time may
23 not be restored.

24 (3) (a) For the purposes of this subsection, "final order"
25 means an order of a state or federal court that dismisses a
26 lawsuit brought by an inmate while the inmate was in the custody
27 of the Department of Corrections as frivolous, malicious or for
28 failure to state a claim upon which relief could be granted.

29 (b) On receipt of a final order, the department shall
30 forfeit:

31 (i) Sixty (60) days of an inmate's accrued earned
32 time if the department has received one (1) final order as defined
33 herein;

34 (ii) One hundred twenty (120) days of an inmate's
35 accrued earned time if the department has received two (2) final
36 orders as defined herein;

37 (iii) One hundred eighty (180) days of an inmate's
38 accrued earned time if the department has received three (3) or
39 more final orders as defined herein.

40 (c) The department may not restore earned time
41 forfeited under this subsection.



42 (4) An inmate who meets the good conduct and performance
43 requirements of the earned_time allowance program may be released
44 on his conditional earned_time release date.

45 (5) For any sentence imposed after June 30, 1995, an inmate
46 may receive an earned_time allowance of four and one-half (4-1/2)
47 days for each thirty (30) days served if the department determines
48 that the inmate has complied with the good conduct and performance
49 requirements of the earned_time allowance program. The
50 earned_time allowance under this subsection shall not exceed
51 fifteen percent (15%) of an inmate's term of sentence; however,
52 beginning July 1, 2006, no person under the age of twenty-one (21)
53 who has committed a nonviolent offense, and who is under the
54 jurisdiction of the Department of Corrections, shall be subject to
55 the fifteen percent (15%) limitation for earned_time allowances as
56 described in this subsection (5). Beginning July 1, 2025, the
57 State Parole Board may reduce the parole eligibility date for any
58 offender who has committed a nonviolent offense by the number of
59 days of earned time which has been awarded to the offender under
60 this subsection (5).

61 (6) Any inmate, who is released before the expiration of his
62 term of sentence under this section, shall be placed under
63 earned-release supervision until the expiration of the term of
64 sentence. The inmate shall retain inmate status and remain under
65 the jurisdiction of the department. The period of earned-release
66 supervision shall be conducted in the same manner as a period of



67 supervised parole. The department shall develop rules, terms and
68 conditions for the earned-release supervision program. The
69 commissioner shall designate the appropriate hearing officer
70 within the department to conduct revocation hearings for inmates
71 violating the conditions of earned-release supervision.

72 (7) If the earned-release supervision is revoked, the inmate
73 shall serve the remainder of the sentence, but the time the inmate
74 served on earned-release supervision before revocation * * * shall
75 be applied to reduce his sentence.

76 **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is
77 amended as follows:

78 47-7-3. (1) Every prisoner who has been convicted of any
79 offense against the State of Mississippi, and is confined in the
80 execution of a judgment of such conviction in the Mississippi
81 Department of Corrections for a definite term or terms of one (1)
82 year or over, or for the term of his or her natural life, whose
83 record of conduct shows that such prisoner has observed the rules
84 of the department, and who has served the minimum required time
85 for parole eligibility, may be released on parole as set forth
86 herein:

87 (a) **Habitual offenders.** Except as provided by Sections
88 99-19-81 through 99-19-87, no person sentenced as a confirmed and
89 habitual criminal shall be eligible for parole;

90 (b) **Sex offenders.** Any person who has been sentenced
91 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 shooting as defined in Section 97-3-109, and carjacking as defined in Section 97-3-117, shall be eligible for parole only after having served fifty percent (50%) or twenty (20) years, whichever is less, of the sentence or sentences imposed by the trial court. Those persons sentenced for robbery with a deadly weapon as defined in Section 97-3-79, drive-by shooting as defined in Section 97-3-109, and carjacking as defined in Section 97-3-117, shall be eligible for parole only after having served sixty percent (60%) or twenty-five (25) years, whichever is less, of the sentence or sentences imposed by the trial court.



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

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

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

153 (iii) **Geriatric parole.** Notwithstanding the
154 provisions in subparagraph (i) of this paragraph (h), a person
155 serving a sentence who has reached the age of sixty (60) or older
156 and who has served no less than ten (10) years of the sentence or
157 sentences imposed by the trial court shall be eligible for parole.
158 Any person eligible for parole under this subparagraph (iii) shall
159 be required to have a parole hearing before the board prior to
160 parole release. No inmate shall be eligible for parole under this
161 subparagraph (iii) of this paragraph (h) if:

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

164 2. The inmate is sentenced for a crime of
165 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.



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

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

205 (4) Any inmate within forty-eight (48) months of his parole
206 eligibility date and who meets the criteria established by the
207 classification board shall receive priority for placement in any
208 educational development and job-training programs that are part of
209 his or her parole case plan. Any inmate refusing to participate
210 in an educational development or job-training program, including,
211 but not limited to, programs required as part of the case plan,
212 shall be in jeopardy of noncompliance with the case plan and may
213 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) Beginning July 1, 2025, the State Parole Board may reduce the parole eligibility date for any offender who has



239 committed a nonviolent offense by the number of days of earned
240 time which has been awarded to the offender under Section
241 47-5-138(5).

242 (* * *11) This section shall stand repealed on July 1,
243 2027.

244 **SECTION 3.** This act shall take effect and be in force from
245 and after July 1, 2025.

