

By: Senator(s) Hill, Tate, England

To: Corrections

SENATE BILL NO. 2244

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 MAKE INDIVIDUALS ENROLLED IN THE INTENSIVE SUPERVISION PROGRAM OR
3 HOME DETENTION INELIGIBLE FOR PAROLE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 47-7-3, Mississippi Code of 1972, is
6 amended as follows:

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

16 (a) **Habitual offenders.** Except as provided by Sections
17 99-19-81 through 99-19-87, no person sentenced as a confirmed and
18 habitual criminal shall be eligible for parole;



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

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

25 (i) Capital murder committed on or after July 1,
26 1994, as defined in Section 97-3-19(2);

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

29 (iii) Any offense to which an offender is
30 sentenced to life imprisonment without eligibility for parole
31 under the provisions of Section 99-19-101, whose crime was
32 committed on or after July 1, 1994;

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

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

40 (f) **Drug trafficking.** No person sentenced for
41 trafficking and aggravated trafficking, as defined in Section
42 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) **Offenders enrolled in the Intensive Supervision Program or Home Detention.** No person shall be eligible for parole who is enrolled in the Intensive Supervision Program or Home Detention as established in Sections 47-5-1001 through 47-5-1015;

(i) **Offenders eligible for parole consideration for offenses committed after June 30, 1995.** Except as provided in paragraphs (a) through (h) 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.

3. Nonviolent and nonhabitual drug offenses.

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



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

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

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

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

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

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

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

107 (iv) **Parole consideration as authorized by the**
108 **trial court.** Notwithstanding the provisions of paragraph (a) of
109 this subsection, any offender who has not committed a crime of
110 violence under Section 97-3-2 and has served twenty-five percent
111 (25%) or more of his sentence may be paroled by the State Parole
112 Board if, after the sentencing judge or if the sentencing judge is
113 retired, disabled or incapacitated, the senior circuit judge
114 authorizes the offender to be eligible for parole consideration;
115 or if the senior circuit judge must be recused, another circuit
116 judge of the same district or a senior status judge may hear and
117 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



143 in an educational development or job-training program, including,
144 but not limited to, programs required as part of the case plan,
145 shall be in jeopardy of noncompliance with the case plan and may
146 be denied parole.

147 (5) In addition to other requirements, if an offender is
148 convicted of a drug or driving under the influence felony, the
149 offender must complete a drug and alcohol rehabilitation program
150 prior to parole, or the offender shall be required to complete a
151 postrelease drug and alcohol program as a condition of parole.

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

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

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

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



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

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

171 **SECTION 2.** This act shall take effect and be in force from
172 and after July 1, 2025.

