

By: Representative Fleming

To: Corrections

HOUSE BILL NO. 518

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 REMOVE MANDATORY MINIMUM SENTENCES FOR NONVIOLENT OFFENDERS; AND  
3 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 State Penitentiary for a definite term or terms of one (1) year or  
11 over, or for the term of his or her natural life, whose record of  
12 conduct shows that such prisoner has observed the rules of the  
13 penitentiary, and who has served not less than one-fourth (1/4) of  
14 the total of such term or terms for which such prisoner was  
15 sentenced, or, if sentenced to serve a term or terms of thirty  
16 (30) years or more, or, if sentenced for the term of the natural  
17 life of such prisoner, has served not less than ten (10) years of  
18 such life sentence, may be released on parole as hereinafter  
19 provided, except that:

20 (a) No prisoner convicted as a confirmed and habitual  
21 criminal under the provisions of Sections 99-19-81 through  
22 99-19-87 shall be eligible for parole;

23 (b) Any person who shall have been convicted of a sex  
24 crime shall not be released on parole except for a person under  
25 the age of nineteen (19) who has been convicted under Section  
26 97-3-67;

27           (c) No one shall be eligible for parole until he shall  
28 have served one (1) year of his sentence, unless such person has  
29 accrued any meritorious earned time allowances, in which case he  
30 shall be eligible for parole if he has served (i) nine (9) months  
31 of his sentence or sentences, when his sentence or sentences is  
32 two (2) years or less; (ii) ten (10) months of his sentence or  
33 sentences when his sentence or sentences is more than two (2)  
34 years but no more than five (5) years; and (iii) one (1) year of  
35 his sentence or sentences when his sentence or sentences is more  
36 than five (5) years;

37           (d) (i) No person shall be eligible for parole who  
38 shall, on or after January 1, 1977, be convicted of robbery or  
39 attempted robbery through the display of a firearm until he shall  
40 have served ten (10) years if sentenced to a term or terms of more  
41 than ten (10) years or if sentenced for the term of the natural  
42 life of such person. If such person is sentenced to a term or  
43 terms of ten (10) years or less, then such person shall not be  
44 eligible for parole. The provisions of this paragraph (d) shall  
45 also apply to any person who shall commit robbery or attempted  
46 robbery on or after July 1, 1982, through the display of a deadly  
47 weapon. This subparagraph (d)(i) shall not apply to persons  
48 convicted after September 30, 1994;

49           (ii) No person shall be eligible for parole who  
50 shall, on or after October 1, 1994, be convicted of robbery,  
51 attempted robbery or carjacking as provided in Section 97-3-115 et  
52 seq., through the display of a firearm or drive-by shooting as  
53 provided in Section 97-3-109. The provisions of this subparagraph  
54 (d)(ii) shall also apply to any person who shall commit robbery,  
55 attempted robbery, carjacking or a drive-by shooting on or after  
56 October 1, 1994, through the display of a deadly weapon;

57           (e) No person shall be eligible for parole who, on or  
58 after July 1, 1994, is charged, tried, convicted and sentenced to

59 life imprisonment without eligibility for parole under the  
60 provisions of Section 99-19-101;

61 (f) No person shall be eligible for parole who is  
62 charged, tried, convicted and sentenced to life imprisonment under  
63 the provisions of Section 99-19-101;

64 (g) No person shall be eligible for parole who is  
65 convicted or whose suspended sentence is revoked after June 30,  
66 1995, except that a person convicted of a nonviolent crime after  
67 July 1, 2004, may be eligible for parole if the offender meets the  
68 requirements in subsection (1) and this paragraph. In addition to  
69 other requirements, if a first offender is convicted of a drug or  
70 driving under the influence felony, the offender must complete a  
71 drug and alcohol rehabilitation program prior to parole or the  
72 offender may be required to complete a post-release drug and  
73 alcohol program as a condition of parole. For purposes of this  
74 paragraph, "nonviolent crime" means a felony other than homicide,  
75 robbery, manslaughter, sex crimes, arson, burglary of an occupied  
76 dwelling, aggravated assault, kidnapping, felonious abuse of  
77 vulnerable adults, felonies with enhanced penalties \* \* \* and  
78 felony child abuse.

79 (2) Notwithstanding any other provision of law, an inmate  
80 shall not be eligible to receive earned time, good time or any  
81 other administrative reduction of time which shall reduce the time  
82 necessary to be served for parole eligibility as provided in  
83 subsection (1) of this section; however, this subsection shall not  
84 apply to the advancement of parole eligibility dates pursuant to  
85 the Prison Overcrowding Emergency Powers Act. Moreover,  
86 meritorious earned time allowances may be used to reduce the time  
87 necessary to be served for parole eligibility as provided in  
88 paragraph (c) of subsection (1) of this section.

89 (3) The State Parole Board shall by rules and regulations  
90 establish a method of determining a tentative parole hearing date  
91 for each eligible offender taken into the custody of the

92 Department of Corrections. The tentative parole hearing date  
93 shall be determined within ninety (90) days after the department  
94 has assumed custody of the offender. Such tentative parole  
95 hearing date shall be calculated by a formula taking into account  
96 the offender's age upon first commitment, number of prior  
97 incarcerations, prior probation or parole failures, the severity  
98 and the violence of the offense committed, employment history and  
99 other criteria which in the opinion of the board tend to validly  
100 and reliably predict the length of incarceration necessary before  
101 the offender can be successfully paroled.

102 (4) Any inmate within twenty-four (24) months of his parole  
103 eligibility date and who meets the criteria established by the  
104 classification board shall receive priority for placement in any  
105 educational development and job training programs. Any inmate  
106 refusing to participate in an educational development or job  
107 training program may be ineligible for parole.

108 **SECTION 2.** This act shall take effect and be in force from  
109 and after July 1, 2004.