

By: Representatives Martinson, Gunn, Baker  
(8th), Staples, Mims, Ellington, Barnett,  
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Mayhall

To: Corrections

HOUSE BILL NO. 314

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THAT CERTAIN OFFENDERS, WHO ARE RELEASED ON PAROLE, WEAR  
3 FLUORESCENT YELLOW WRISTBANDS WHILE ON PAROLE; TO REQUIRE THE  
4 DEPARTMENT OF CORRECTIONS TO SELECT THE LOWEST PRICE AND BEST  
5 SOURCE FOR SUPPLYING SUCH WRISTBANDS; TO REQUIRE THAT SUCH SEX  
6 OFFENDERS BE RESPONSIBLE FOR THE COST OF SUCH WRISTBANDS; TO  
7 EXTEND THE DATE OF REPEAL WITHIN THIS SECTION FROM JULY 1, 2005,  
8 TO JULY 1, 2007; AND FOR RELATED PURPOSES.

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

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

12 47-7-3. (1) Every prisoner who has been convicted of any  
13 offense against the State of Mississippi, and is confined in the  
14 execution of a judgment of such conviction in the Mississippi  
15 State Penitentiary for a definite term or terms of one (1) year or  
16 over, or for the term of his or her natural life, whose record of  
17 conduct shows that such prisoner has observed the rules of the  
18 Penitentiary, and who has served not less than one-fourth (1/4) of  
19 the total of such term or terms for which such prisoner was  
20 sentenced, or, if sentenced to serve a term or terms of thirty  
21 (30) years or more, or, if sentenced for the term of the natural  
22 life of such prisoner, has served not less than ten (10) years of  
23 such life sentence, may be released on parole as hereinafter  
24 provided, except that:

25 (a) No prisoner convicted as a confirmed and habitual  
26 criminal under the provisions of Sections 99-19-81 through  
27 99-19-87 shall be eligible for parole;

28 (b) Any person who shall have been convicted of a sex  
29 crime shall not be released on parole except for a person under  
30 the age of nineteen (19) who has been convicted under Section

31 97-3-67, and such person who is released under this paragraph (b)  
32 shall be required to wear a fluorescent yellow wristband  
33 twenty-four (24) hours a day while he or she is on parole. The  
34 department shall select and approve the wristbands that shall be  
35 used and is authorized to select the lowest price and best source  
36 in supplying the wristbands. The department is authorized to  
37 establish any necessary rules and regulations pertaining to the  
38 wristbands, and pertaining to the requirement that the wristbands  
39 be worn twenty-four (24) hours a day by the parolees of this  
40 paragraph (b). The person who is on parole under this paragraph  
41 (b) shall be responsible for the cost of the wristband, and any  
42 intentional damage or any attempt to remove the wristband shall be  
43 a violation of his or her parole;

44 (c) No one shall be eligible for parole until he shall  
45 have served one (1) year of his sentence, unless such person has  
46 accrued any meritorious earned time allowances, in which case he  
47 shall be eligible for parole if he has served (i) nine (9) months  
48 of his sentence or sentences, when his sentence or sentences is  
49 two (2) years or less; (ii) ten (10) months of his sentence or  
50 sentences when his sentence or sentences is more than two (2)  
51 years but no more than five (5) years; and (iii) one (1) year of  
52 his sentence or sentences when his sentence or sentences is more  
53 than five (5) years;

54 (d) (i) No person shall be eligible for parole who  
55 shall, on or after January 1, 1977, be convicted of robbery or  
56 attempted robbery through the display of a firearm until he shall  
57 have served ten (10) years if sentenced to a term or terms of more  
58 than ten (10) years or if sentenced for the term of the natural  
59 life of such person. If such person is sentenced to a term or  
60 terms of ten (10) years or less, then such person shall not be  
61 eligible for parole. The provisions of this paragraph (d) shall  
62 also apply to any person who shall commit robbery or attempted  
63 robbery on or after July 1, 1982, through the display of a deadly

64 weapon. This subparagraph (d)(i) shall not apply to persons  
65 convicted after September 30, 1994;

66 (ii) No person shall be eligible for parole who  
67 shall, on or after October 1, 1994, be convicted of robbery,  
68 attempted robbery or carjacking as provided in Section 97-3-115 et  
69 seq., through the display of a firearm or drive-by shooting as  
70 provided in Section 97-3-109. The provisions of this subparagraph  
71 (d)(ii) shall also apply to any person who shall commit robbery,  
72 attempted robbery, carjacking or a drive-by shooting on or after  
73 October 1, 1994, through the display of a deadly weapon;

74 (e) No person shall be eligible for parole who, on or  
75 after July 1, 1994, is charged, tried, convicted and sentenced to  
76 life imprisonment without eligibility for parole under the  
77 provisions of Section 99-19-101;

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

81 (g) No person shall be eligible for parole who is  
82 convicted or whose suspended sentence is revoked after June 30,  
83 1995, except that a first offender convicted of a nonviolent crime  
84 after January 1, 2000, may be eligible for parole if the offender  
85 meets the requirements in subsection (1) and this paragraph. In  
86 addition to other requirements, if a first offender is convicted  
87 of a drug or driving under the influence felony, the offender must  
88 complete a drug and alcohol rehabilitation program prior to parole  
89 or the offender may be required to complete a post-release drug  
90 and alcohol program as a condition of parole. For purposes of  
91 this paragraph, "nonviolent crime" means a felony other than  
92 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
93 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
94 of vulnerable adults, felonies with enhanced penalties, the sale  
95 or manufacture of a controlled substance under the Uniform  
96 Controlled Substances Law, felony child abuse and a violation of

97 Section 63-11-30(5) resulting in death, or serious bodily injury  
98 resulting in the loss of a limb or dismemberment, loss of  
99 eyesight, a coma, permanent dysfunction of any vital organ,  
100 paralysis or resulting in an individual's permanent bedridden  
101 state. For purposes of this paragraph, "first offender" means a  
102 person who at the time of sentencing has not been convicted of a  
103 felony on a previous occasion in any court or courts of the United  
104 States or in any state or territory thereof.

105 (2) Notwithstanding any other provision of law, an inmate  
106 shall not be eligible to receive earned time, good time or any  
107 other administrative reduction of time which shall reduce the time  
108 necessary to be served for parole eligibility as provided in  
109 subsection (1) of this section; however, this subsection shall not  
110 apply to the advancement of parole eligibility dates pursuant to  
111 the Prison Overcrowding Emergency Powers Act. Moreover,  
112 meritorious earned time allowances may be used to reduce the time  
113 necessary to be served for parole eligibility as provided in  
114 paragraph (c) of subsection (1) of this section.

115 (3) (a) The State Parole Board shall by rules and  
116 regulations establish a method of determining a tentative parole  
117 hearing date for each eligible offender taken into the custody of  
118 the Department of Corrections. The tentative parole hearing date  
119 shall be determined within ninety (90) days after the department  
120 has assumed custody of the offender. Such tentative parole  
121 hearing date shall be calculated by a formula taking into account  
122 the offender's age upon first commitment, number of prior  
123 incarcerations, prior probation or parole failures, the severity  
124 and the violence of the offense committed, employment history and  
125 other criteria which in the opinion of the board tend to validly  
126 and reliably predict the length of incarceration necessary before  
127 the offender can be successfully paroled.

128 (b) If an application for parole from an eligible  
129 offender is rejected, the Parole Board shall reconsider the

130 application from that offender no later than one (1) year after  
131 the initial application for parole is rejected, unless the crime  
132 for which the offender was convicted is defined as a violent crime  
133 under subsection (2)(g) of this section.

134 This paragraph shall stand repealed on July 1, 2007.

135 (4) Any inmate within twenty-four (24) months of his parole  
136 eligibility date and who meets the criteria established by the  
137 classification board shall receive priority for placement in any  
138 educational development and job training programs. Any inmate  
139 refusing to participate in an educational development or job  
140 training program may be ineligible for parole.

141 **SECTION 2.** This act shall take effect and be in force from  
142 and after July 1, 2005.