

By: Representative Fillingane

To: Corrections

HOUSE BILL NO. 879

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT PAROLE OF A PRISONER WHO HAS BEEN SENTENCED TO LIFE
3 IMPRISONMENT REGARDLESS OF THE PRISONER'S HEALTH STATUS; AND FOR
4 RELATED PURPOSES.

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

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

8 47-7-3. (1) Every prisoner who has been convicted of any
9 offense against the State of Mississippi, and is confined in the
10 execution of a judgment of such conviction in the Mississippi
11 State Penitentiary for a definite term or terms of one (1) year or
12 over, except for a sentence for the term of his or her natural
13 life, whose record of conduct shows that such prisoner has
14 observed the rules of the Penitentiary, and who has served not
15 less than one-fourth (1/4) of the total of such term or terms for
16 which such prisoner was sentenced, or, if sentenced to serve a
17 term or terms of thirty (30) years or more, except if sentenced
18 for the term of the natural life of such prisoner, has served not
19 less than ten (10) years of such life sentence, may be released on
20 parole as hereinafter provided, except that:

21 (a) No prisoner convicted as a confirmed and habitual
22 criminal under the provisions of Sections 99-19-81 through
23 99-19-87 shall be eligible for parole;

24 (b) Any person who shall have been convicted of a sex
25 crime shall not be released on parole except for a person under
26 the age of nineteen (19) who has been convicted under Section
27 97-3-67;

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

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

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

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

61 life imprisonment without eligibility for parole under the
62 provisions of Section 99-19-101 regardless of the health status of
63 such person;

64 (f) No person shall be eligible for parole who is
65 charged, tried, convicted and sentenced to life imprisonment under
66 the provisions of Section 99-19-101 regardless of the health
67 status of such person;

68 (g) No person shall be eligible for parole who is
69 convicted or whose suspended sentence is revoked after June 30,
70 1995, except that a first offender convicted of a nonviolent crime
71 after January 1, 2000, may be eligible for parole if the offender
72 meets the requirements in subsection (1) and this paragraph. In
73 addition to other requirements, if a first offender is convicted
74 of a drug or driving under the influence felony, the offender must
75 complete a drug and alcohol rehabilitation program prior to parole
76 or the offender may be required to complete a post-release drug
77 and alcohol program as a condition of parole. For purposes of
78 this paragraph, "nonviolent crime" means a felony other than
79 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
80 occupied dwelling, aggravated assault, kidnapping, felonious abuse
81 of vulnerable adults, felonies with enhanced penalties, the sale
82 or manufacture of a controlled substance under the Uniform
83 Controlled Substances Law, felony child abuse and a violation of
84 Section 63-11-30(5) resulting in death, or serious bodily injury
85 resulting in the loss of a limb or dismemberment, loss of
86 eyesight, a coma, permanent dysfunction of any vital organ,
87 paralysis or resulting in an individual's permanent bedridden
88 state. For purposes of this paragraph, "first offender" means a
89 person who at the time of sentencing has not been convicted of a
90 felony on a previous occasion in any court or courts of the United
91 States or in any state or territory thereof.

92 (2) Notwithstanding any other provision of law, an inmate
93 shall not be eligible to receive earned time, good time or any

94 other administrative reduction of time which shall reduce the time
95 necessary to be served for parole eligibility as provided in
96 subsection (1) of this section; however, this subsection shall not
97 apply to the advancement of parole eligibility dates pursuant to
98 the Prison Overcrowding Emergency Powers Act. Moreover,
99 meritorious earned time allowances may be used to reduce the time
100 necessary to be served for parole eligibility as provided in
101 paragraph (c) of subsection (1) of this section.

102 (3) (a) The State Parole Board shall by rules and
103 regulations establish a method of determining a tentative parole
104 hearing date for each eligible offender taken into the custody of
105 the Department of Corrections. The tentative parole hearing date
106 shall be determined within ninety (90) days after the department
107 has assumed custody of the offender. Such tentative parole
108 hearing date shall be calculated by a formula taking into account
109 the offender's age upon first commitment, number of prior
110 incarcerations, prior probation or parole failures, the severity
111 and the violence of the offense committed, employment history and
112 other criteria which in the opinion of the board tend to validly
113 and reliably predict the length of incarceration necessary before
114 the offender can be successfully paroled.

115 (b) If an application for parole from an eligible
116 offender is rejected, the Parole Board shall reconsider the
117 application from that offender no later than one (1) year after
118 the initial application for parole is rejected, unless the crime
119 for which the offender was convicted is defined as a violent crime
120 under subsection (2)(g) of this section.

121 This paragraph shall stand repealed on July 1, 2005.

122 (4) Any inmate within twenty-four (24) months of his parole
123 eligibility date and who meets the criteria established by the
124 classification board shall receive priority for placement in any
125 educational development and job training programs. Any inmate

126 refusing to participate in an educational development or job
127 training program may be ineligible for parole.

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