

By: Senator(s) Jackson (32nd)

To: Corrections

SENATE BILL NO. 2972

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 ALLOW FIRST-TIME OFFENDERS CONVICTED OF A NONVIOLENT CRIME
3 REGARDLESS OF DATE OF CONVICTION TO BE ELIGIBLE FOR PAROLE; AND
4 FOR 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, or for the term of his or her natural life, whose record of
13 conduct shows that such prisoner has observed the rules of the
14 Penitentiary, and who has served not less than one-fourth (1/4) of
15 the total of such term or terms for which such prisoner was
16 sentenced, or, if sentenced to serve a term or terms of thirty
17 (30) years or more, or, if sentenced for the term of the natural
18 life of such prisoner, has served not less than ten (10) years of
19 such life sentence, may be released on parole as hereinafter
20 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 or if sentenced for the term of the natural
43 life of such person. If such person is sentenced to a term or
44 terms of ten (10) years or less, then such person shall not be
45 eligible for parole. The provisions of this paragraph (d) shall
46 also apply to any person who shall commit robbery or attempted
47 robbery on or after July 1, 1982, through the display of a deadly
48 weapon. This subparagraph (d)(i) shall not apply to persons
49 convicted after September 30, 1994;

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

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

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

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

65 (g) No person shall be eligible for parole * * * except
66 that a first offender convicted of a nonviolent crime * * * may be
67 eligible for parole if the offender meets the requirements in
68 subsection (1) and this paragraph. In addition to other
69 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, the sale or
78 manufacture of a controlled substance under the Uniform Controlled
79 Substances Law, felony child abuse and a violation of Section
80 63-11-30(5) resulting in death, or serious bodily injury resulting
81 in the loss of a limb or dismemberment, loss of eyesight, a coma,
82 permanent dysfunction of any vital organ, paralysis or resulting
83 in an individual's permanent bedridden state. For purposes of
84 this paragraph, "first offender" means a person who at the time of
85 sentencing has not been convicted of a felony on a previous
86 occasion in any court or courts of the United States or in any
87 state or territory thereof.

88 (2) Notwithstanding any other provision of law, an inmate
89 shall not be eligible to receive earned time, good time or any
90 other administrative reduction of time which shall reduce the time
91 necessary to be served for parole eligibility as provided in
92 subsection (1) of this section; however, this subsection shall not

93 apply to the advancement of parole eligibility dates pursuant to
94 the Prison Overcrowding Emergency Powers Act. Moreover,
95 meritorious earned time allowances may be used to reduce the time
96 necessary to be served for parole eligibility as provided in
97 paragraph (c) of subsection (1) of this section.

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

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

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

118 (4) Any inmate within twenty-four (24) months of his parole
119 eligibility date and who meets the criteria established by the
120 classification board shall receive priority for placement in any
121 educational development and job training programs. Any inmate
122 refusing to participate in an educational development or job
123 training program may be ineligible for parole.

124 **SECTION 2.** This act shall take effect and be in force from
125 and after its passage.