

By: Representative Reeves

To: Corrections

## HOUSE BILL NO. 270

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE PERSONS CONVICTED UNDER SECTION 63-11-30(5), WHICH  
3 PROVIDES FOR PERSONS GUILTY OF CAUSING DEATH OR SERIOUS INJURY  
4 WHILE DRIVING UNDER THE INFLUENCE, SHALL NOT BE ELIGIBLE FOR  
5 PAROLE; AND FOR RELATED PURPOSES.

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

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

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

22 (a) No prisoner convicted as a confirmed and habitual  
23 criminal under the provisions of Sections 99-19-81 through  
24 99-19-87 shall be eligible for parole;

25 (b) Any person who shall have been convicted of a sex  
26 crime shall not be released on parole except for a person under  
27 the age of nineteen (19) who has been convicted under Section  
28 97-3-67;

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

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

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

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

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

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;

67 (g) No person shall be eligible for parole who is  
68 convicted or whose suspended sentence is revoked after June 30,  
69 1995, except that a first offender convicted of a nonviolent crime  
70 after January 1, 2000, may be eligible for parole if the offender  
71 meets the requirements in subsection (1) and this paragraph. In  
72 addition to other requirements, if a first offender is convicted  
73 of a drug or driving under the influence felony, the offender must  
74 complete a drug and alcohol rehabilitation program prior to parole  
75 or the offender may be required to complete a post-release drug  
76 and alcohol program as a condition of parole. For purposes of  
77 this paragraph, "nonviolent crime" means a felony other than  
78 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
79 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
80 of vulnerable adults, felonies with enhanced penalties, the sale  
81 or manufacture of a controlled substance under the Uniform  
82 Controlled Substances Law, felony child abuse, or any crime under  
83 Section 97-5-33 or Section 97-5-39(2) or a violation of Section  
84 63-11-30(5) resulting in death, or serious bodily injury resulting  
85 in the loss of a limb or dismemberment, loss of eyesight, a coma,  
86 permanent dysfunction of any vital organ, paralysis or resulting  
87 in an individual's permanent bedridden state. For purposes of  
88 this paragraph, "first offender" means a person who at the time of  
89 sentencing has not been convicted of a felony on a previous  
90 occasion in any court or courts of the United States or in any  
91 state or territory thereof. In addition, a first time offender  
92 incarcerated for committing the crime of possession of a  
93 controlled substance under the Uniform Controlled Substances Law

94 after July 1, 1995, shall be eligible for parole as provided for  
95 such offenders in this paragraph after July 1, 2000;

96 (h) No person shall be eligible for parole who is  
97 convicted under the provisions of Section 63-11-30(5).

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

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

121 (b) [Repealed].

122 (4) Any inmate within twenty-four (24) months of his or her  
123 parole eligibility date and who meets the criteria established by  
124 the classification board shall receive priority for placement in  
125 any 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, 2006.