

By: Senator(s) Jackson (32nd)

To: Corrections

SENATE BILL NO. 2512

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 THE DATE OF CONVICTION TO BE ELIGIBLE FOR PAROLE;
4 AND 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 Department of Corrections for a definite term or terms of one (1)
12 year or over, or for the term of his or her natural life, whose
13 record of conduct shows that such prisoner has observed the rules
14 of the department, and who has served not less than one-fourth
15 (1/4) of the total of such term or terms for which such prisoner
16 was 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 who is
66 convicted or whose suspended sentence is revoked after June 30,
67 1995, except that a first offender convicted of a nonviolent
68 crime * * * may be eligible for parole if the offender meets the
69 requirements in subsection (1) and this paragraph. In addition to
70 other requirements, if a first offender is convicted of a drug or
71 driving under the influence felony, the offender must complete a
72 drug and alcohol rehabilitation program prior to parole or the
73 offender may be required to complete a post-release drug and
74 alcohol program as a condition of parole. For purposes of this
75 paragraph, "nonviolent crime" means a felony other than homicide,
76 robbery, manslaughter, sex crimes, arson, burglary of an occupied
77 dwelling, aggravated assault, kidnapping, felonious abuse of
78 vulnerable adults, felonies with enhanced penalties, the sale or
79 manufacture of a controlled substance under the Uniform Controlled
80 Substances Law, felony child abuse, or any crime under Section
81 97-5-33 or Section 97-5-39(2) or a violation of Section
82 63-11-30(5) resulting in death, or serious bodily injury resulting
83 in the loss of a limb or dismemberment, loss of eyesight, a coma,
84 permanent dysfunction of any vital organ, paralysis or resulting
85 in an individual's permanent bedridden state. For purposes of
86 this paragraph, "first offender" means a person who at the time of
87 sentencing has not been convicted of a felony on a previous
88 occasion in any court or courts of the United States or in any
89 state or territory thereof. * * *

90 (2) Notwithstanding any other provision of law, an inmate
91 shall not be eligible to receive earned time, good time or any
92 other administrative reduction of time which shall reduce the time

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

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

113 * * *

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

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