

By: Representatives Porter, Hines, Johnson,
Mickens

To: Corrections; Judiciary B

HOUSE BILL NO. 357

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REPEALER ON THE PROVISION OF LAW PERTAINING TO THE
3 CONDITIONS FOR PAROLE ELIGIBILITY; TO AMEND SECTION 47-7-5,
4 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL FROM JULY
5 1, 2025, TO JULY 1, 2027, ON THE CREATION OF THE STATE PAROLE
6 BOARD; AND FOR RELATED PURPOSES.

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

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

10 47-7-3. (1) Every prisoner who has been convicted of any
11 offense against the State of Mississippi, and is confined in the
12 execution of a judgment of such conviction in the Mississippi
13 Department of Corrections for a definite term or terms of one (1)
14 year or over, or for the term of his or her natural life, whose
15 record of conduct shows that such prisoner has observed the rules
16 of the department, and who has served the minimum required time
17 for parole eligibility, may be released on parole as set forth
18 herein:



19 (a) **Habitual offenders.** Except as provided by Sections
20 99-19-81 through 99-19-87, no person sentenced as a confirmed and
21 habitual criminal shall be eligible for parole;

22 (b) **Sex offenders.** Any person who has been sentenced
23 for a sex offense as defined in Section 45-33-23(h) shall not be
24 released on parole except for a person under the age of nineteen
25 (19) who has been convicted under Section 97-3-67;

26 (c) **Capital offenders.** No person sentenced for the
27 following offenses shall be eligible for parole:

28 (i) Capital murder committed on or after July 1,
29 1994, as defined in Section 97-3-19(2);

30 (ii) Any offense to which an offender is sentenced
31 to life imprisonment under the provisions of Section 99-19-101; or

32 (iii) Any offense to which an offender is
33 sentenced to life imprisonment without eligibility for parole
34 under the provisions of Section 99-19-101, whose crime was
35 committed on or after July 1, 1994;

36 (d) **Murder.** No person sentenced for murder in the
37 first degree, whose crime was committed on or after June 30, 1995,
38 or murder in the second degree, as defined in Section 97-3-19,
39 shall be eligible for parole;

40 (e) **Human trafficking.** No person sentenced for human
41 trafficking, as defined in Section 97-3-54.1, whose crime was
42 committed on or after July 1, 2014, shall be eligible for parole;



43 (f) **Drug trafficking.** No person sentenced for
44 trafficking and aggravated trafficking, as defined in Section
45 41-29-139(f) through (g), shall be eligible for parole;

46 (g) **Offenses specifically prohibiting parole release.**
47 No person shall be eligible for parole who is convicted of any
48 offense that specifically prohibits parole release;

49 (h) (i) **Offenders eligible for parole consideration**
50 **for offenses committed after June 30, 1995.** Except as provided in
51 paragraphs (a) through (g) of this subsection, offenders may be
52 considered eligible for parole release as follows:

53 1. **Nonviolent crimes.** All persons sentenced
54 for a nonviolent offense shall be eligible for parole only after
55 they have served twenty-five percent (25%) or ten (10) years,
56 whichever is less, of the sentence or sentences imposed by the
57 trial court. For purposes of this paragraph, "nonviolent crime"
58 means a felony not designated as a crime of violence in Section
59 97-3-2.

60 2. **Violent crimes.** A person who is sentenced
61 for a violent offense as defined in Section 97-3-2, except robbery
62 with a deadly weapon as defined in Section 97-3-79, drive-by
63 shooting as defined in Section 97-3-109, and carjacking as defined
64 in Section 97-3-117, shall be eligible for parole only after
65 having served fifty percent (50%) or twenty (20) years, whichever
66 is less, of the sentence or sentences imposed by the trial court.
67 Those persons sentenced for robbery with a deadly weapon as



68 defined in Section 97-3-79, drive-by shooting as defined in
69 Section 97-3-109, and carjacking as defined in Section 97-3-117,
70 shall be eligible for parole only after having served sixty
71 percent (60%) or twenty-five (25) years, whichever is less, of the
72 sentence or sentences imposed by the trial court.

73 **3. Nonviolent and nonhabitual drug offenses.**

74 A person who has been sentenced to a drug offense pursuant to
75 Section 41-29-139(a) through (d), whose crime was committed after
76 June 30, 1995, shall be eligible for parole only after he has
77 served twenty-five percent (25%) or ten (10) years, whichever is
78 less, of the sentence or sentences imposed.

79 (ii) **Parole hearing required.** All persons
80 eligible for parole under subparagraph (i) of this paragraph (h)
81 who are serving a sentence or sentences for a crime of violence,
82 as defined in Section 97-3-2, shall be required to have a parole
83 hearing before the Parole Board pursuant to Section 47-7-17, prior
84 to parole release.

85 (iii) **Geriatric parole.** Notwithstanding the
86 provisions in subparagraph (i) of this paragraph (h), a person
87 serving a sentence who has reached the age of sixty (60) or older
88 and who has served no less than ten (10) years of the sentence or
89 sentences imposed by the trial court shall be eligible for parole.
90 Any person eligible for parole under this subparagraph (iii) shall
91 be required to have a parole hearing before the board prior to



92 parole release. No inmate shall be eligible for parole under this
93 subparagraph (iii) of this paragraph (h) if:

94 1. The inmate is sentenced as a habitual
95 offender under Sections 99-19-81 through 99-19-87;

96 2. The inmate is sentenced for a crime of
97 violence under Section 97-3-2;

98 3. The inmate is sentenced for an offense
99 that specifically prohibits parole release;

100 4. The inmate is sentenced for trafficking in
101 controlled substances under Section 41-29-139(f);

102 5. The inmate is sentenced for a sex crime;
103 or

104 6. The inmate has not served one-fourth (1/4)
105 of the sentence imposed by the court.

106 (iv) **Parole consideration as authorized by the**
107 **trial court.** Notwithstanding the provisions of paragraph (a) of
108 this subsection, any offender who has not committed a crime of
109 violence under Section 97-3-2 and has served twenty-five percent
110 (25%) or more of his sentence may be paroled by the State Parole
111 Board if, after the sentencing judge or if the sentencing judge is
112 retired, disabled or incapacitated, the senior circuit judge
113 authorizes the offender to be eligible for parole consideration;
114 or if the senior circuit judge must be recused, another circuit
115 judge of the same district or a senior status judge may hear and
116 decide the matter. A petition for parole eligibility



117 consideration pursuant to this subparagraph (iv) shall be filed in
118 the original criminal cause or causes, and the offender shall
119 serve an executed copy of the petition on the District Attorney.
120 The court may, in its discretion, require the District Attorney to
121 respond to the petition.

122 (2) The State Parole Board shall, by rules and regulations,
123 establish a method of determining a tentative parole hearing date
124 for each eligible offender taken into the custody of the
125 Department of Corrections. The tentative parole hearing date
126 shall be determined within ninety (90) days after the department
127 has assumed custody of the offender. Except as provided in
128 Section 47-7-18, the parole hearing date shall occur when the
129 offender is within thirty (30) days of the month of his parole
130 eligibility date. Any parole eligibility date shall not be
131 earlier than as required in this section.

132 (3) Notwithstanding any other provision of law, an inmate
133 shall not be eligible to receive earned time, good time or any
134 other administrative reduction of time which shall reduce the time
135 necessary to be served for parole eligibility as provided in
136 subsection (1) of this section.

137 (4) Any inmate within forty-eight (48) months of his parole
138 eligibility date and who meets the criteria established by the
139 classification board shall receive priority for placement in any
140 educational development and job-training programs that are part of
141 his or her parole case plan. Any inmate refusing to participate



142 in an educational development or job-training program, including,
143 but not limited to, programs required as part of the case plan,
144 shall be in jeopardy of noncompliance with the case plan and may
145 be denied parole.

146 (5) In addition to other requirements, if an offender is
147 convicted of a drug or driving under the influence felony, the
148 offender must complete a drug and alcohol rehabilitation program
149 prior to parole, or the offender shall be required to complete a
150 postrelease drug and alcohol program as a condition of parole.

151 (6) Except as provided in subsection (1)(a) through (h) of
152 this section, all other persons shall be eligible for parole after
153 serving twenty-five percent (25%) of the sentence or sentences
154 imposed by the trial court, or, if sentenced to thirty (30) years
155 or more, after serving ten (10) years of the sentence or sentences
156 imposed by the trial court.

157 (7) The Corrections and Criminal Justice Oversight Task
158 Force established in Section 47-5-6 shall develop and submit
159 recommendations to the Governor and to the Legislature annually on
160 or before December 1st concerning issues relating to juvenile and
161 habitual offender parole reform and to review and monitor the
162 implementation of Chapter 479, Laws of 2021.

163 (8) The amendments contained in Chapter 479, Laws of 2021,
164 shall apply retroactively from and after July 1, 1995.

165 (9) Notwithstanding provisions to the contrary in this
166 section, a person who was sentenced before July 1, 2021, may be



167 considered for parole if the person's sentence would have been
168 parole eligible before July 1, 2021.

169 * * *

170 **SECTION 2.** Section 47-7-5, Mississippi Code of 1972, is
171 amended as follows:

172 47-7-5. (1) The State Parole Board, created under former
173 Section 47-7-5, is hereby created, continued and reconstituted and
174 shall be composed of five (5) members. The Governor shall appoint
175 the members with the advice and consent of the Senate. All terms
176 shall be at the will and pleasure of the Governor. Any vacancy
177 shall be filled by the Governor, with the advice and consent of
178 the Senate. The Governor shall appoint a chairman of the board.

179 (2) Any person who is appointed to serve on the board shall
180 possess at least a bachelor's degree or a high school diploma and
181 four (4) years' work experience. Each member shall devote his
182 full time to the duties of his office and shall not engage in any
183 other business or profession or hold any other public office. A
184 member shall receive compensation or per diem in addition to his
185 or her salary. Each member shall keep such hours and workdays as
186 required of full-time state employees under Section 25-1-98.
187 Individuals shall be appointed to serve on the board without
188 reference to their political affiliations. Each board member,
189 including the chairman, may be reimbursed for actual and necessary
190 expenses as authorized by Section 25-3-41. Each member of the
191 board shall complete annual training developed based on guidance



192 from the National Institute of Corrections, the Association of
193 Paroling Authorities International, or the American Probation and
194 Parole Association. Each first-time appointee of the board shall,
195 within sixty (60) days of appointment, or as soon as practical,
196 complete training for first-time Parole Board members developed in
197 consideration of information from the National Institute of
198 Corrections, the Association of Paroling Authorities
199 International, or the American Probation and Parole Association.

200 (3) The board shall have exclusive responsibility for the
201 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
202 shall have exclusive authority for revocation of the same. The
203 board shall have exclusive responsibility for investigating
204 clemency recommendations upon request of the Governor.

205 (4) The board, its members and staff, shall be immune from
206 civil liability for any official acts taken in good faith and in
207 exercise of the board's legitimate governmental authority.

208 (5) The budget of the board shall be funded through a
209 separate line item within the general appropriation bill for the
210 support and maintenance of the department. Employees of the
211 department which are employed by or assigned to the board shall
212 work under the guidance and supervision of the board. There shall
213 be an executive secretary to the board who shall be responsible
214 for all administrative and general accounting duties related to
215 the board. The executive secretary shall keep and preserve all
216 records and papers pertaining to the board.



217 (6) The board shall have no authority or responsibility for
218 supervision of offenders granted a release for any reason,
219 including, but not limited to, probation, parole or executive
220 clemency or other offenders requiring the same through interstate
221 compact agreements. The supervision shall be provided exclusively
222 by the staff of the Division of Community Corrections of the
223 department.

224 (7) (a) The Parole Board is authorized to select and place
225 offenders in an electronic monitoring program under the conditions
226 and criteria imposed by the Parole Board. The conditions,
227 restrictions and requirements of Section 47-7-17 and Sections
228 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
229 any offender placed in an electronic monitoring program by the
230 Parole Board.

231 (b) Any offender placed in an electronic monitoring
232 program under this subsection shall pay the program fee provided
233 in Section 47-5-1013. The program fees shall be deposited in the
234 special fund created in Section 47-5-1007.

235 (c) The department shall have absolute immunity from
236 liability for any injury resulting from a determination by the
237 Parole Board that an offender be placed in an electronic
238 monitoring program.

239 (8) (a) The Parole Board shall maintain a central registry
240 of paroled inmates. The Parole Board shall place the following
241 information on the registry: name, address, photograph, crime for



242 which paroled, the date of the end of parole or flat-time date and
243 other information deemed necessary. The Parole Board shall
244 immediately remove information on a parolee at the end of his
245 parole or flat-time date.

246 (b) When a person is placed on parole, the Parole Board
247 shall inform the parolee of the duty to report to the parole
248 officer any change in address ten (10) days before changing
249 address.

250 (c) The Parole Board shall utilize an Internet website
251 or other electronic means to release or publish the information.

252 (d) Records maintained on the registry shall be open to
253 law enforcement agencies and the public and shall be available no
254 later than July 1, 2003.

255 (9) An affirmative vote of at least four (4) members of the
256 Parole Board shall be required to grant parole to an inmate
257 convicted of capital murder or a sex crime.

258 (10) This section shall stand repealed on July 1, * * *
259 2027.

260 **SECTION 3.** Section 1 of this act shall take effect and be in
261 force from and after its passage and the remainder of this act
262 shall take effect and be in force from and after July 1, 2025.

