

By: Representatives Johnson, Hines, Harness, Porter, Clark To: Judiciary B

HOUSE BILL NO. 570

1 AN ACT TO AMEND SECTIONS 99-19-81 AND 99-19-83, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT UNDER THE HABITUAL OFFENDER
3 SENTENCING LAW ANY CONVICTION FOR A DRUG OFFENSE OR A NONVIOLENT
4 CRIME SHALL NOT BE UTILIZED IN COMPUTING WHETHER A PERSON HAS TWO
5 PRIOR CONVICTIONS; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 99-19-81, Mississippi Code of 1972, is
8 amended as follows:

9 99-19-81. Every person convicted in this state of a felony
10 who shall have been convicted twice previously of any felony or
11 federal crime upon charges separately brought and arising out of
12 separate incidents at different times and who shall have been
13 sentenced to separate terms of one (1) year or more in any state
14 and/or federal penal institution, whether in this state or
15 elsewhere, shall be sentenced to the maximum term of imprisonment
16 prescribed for such felony unless the court provides an
17 explanation in its sentencing order setting forth the cause for
18 deviating from the maximum sentence, and such sentence shall not
19 be reduced or suspended nor shall such person be eligible for



20 parole or probation. Any conviction for a drug offense or a  
21 nonviolent crime shall not be utilized in computing whether a  
22 person has two (2) prior convictions. As utilized in this  
23 section, nonviolent crime means any crime other than those  
24 prescribed under Section 97-3-2.

25 **SECTION 2.** Section 99-19-83, Mississippi Code of 1972, is  
26 amended as follows:

27 99-19-83. Every person convicted in this state of a felony  
28 who shall have been convicted twice previously of any felony or  
29 federal crime upon charges separately brought and arising out of  
30 separate incidents at different times and who shall have been  
31 sentenced to and served separate terms of one (1) year or more,  
32 whether served concurrently or not, in any state and/or federal  
33 penal institution, whether in this state or elsewhere, and where  
34 any one (1) of such felonies shall have been a crime of violence,  
35 as defined by Section 97-3-2, shall be sentenced to life  
36 imprisonment, and such sentence shall not be reduced or suspended  
37 nor shall such person be eligible for parole, probation or any  
38 other form of early release from actual physical custody within  
39 the Department of Corrections. Any conviction for a drug offense  
40 or a nonviolent crime shall not be utilized in computing whether a  
41 person has two (2) prior convictions. As utilized in this  
42 section, nonviolent crime means any crime other than those  
43 prescribed under Section 97-3-2.



44           **SECTION 3.** This act shall take effect and be in force from  
45 and after July 1, 2024.

