

By: Representatives Johnson, Porter, Clark

To: Judiciary B

HOUSE BILL NO. 571

1 AN ACT TO CREATE "THE JUVENILE OFFENDER PAROLE AND
 2 REHABILITATION ACT"; TO AMEND SECTION 47-7-2, MISSISSIPPI CODE OF
 3 1972, TO REVISE THE DEFINITION OF THE TERMS "ADULT", "JUVENILE",
 4 "MINOR" AND "YOUTHFUL" UNDER THE PROBATION AND PAROLE LAW; TO
 5 AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF
 6 A PERSON WAS UNDER THE AGE OF EIGHTEEN AT THE TIME HE OR SHE
 7 COMMITTED AN OFFENSE AND SUCH PERSON IS NOT OTHERWISE ELIGIBLE FOR
 8 PAROLE AT AN EARLIER DATE, THEN THE PERSON SHALL BE ELIGIBLE FOR
 9 PAROLE AFTER SERVING TWENTY YEARS OF HIS OR HER SENTENCE, AND TO
 10 EXTEND THE DATE OF REPEAL ON THIS SECTION; TO AMEND SECTION
 11 47-7-3.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
 12 SECTION; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** This act shall be known and may be cited as "The
 15 Juvenile Offender Parole and Rehabilitation Act."

16 **SECTION 2.** Section 47-7-2, Mississippi Code of 1972, is
 17 amended as follows:

18 47-7-2. For purposes of this chapter, the following words
 19 shall have the meaning ascribed herein unless the context shall
 20 otherwise require:

21 (a) "Adult" means a person who is * * * eighteen (18)
 22 years of age or older, or any person convicted of any crime not
 23 subject to the provisions of the youth court law, or any person



24 "certified" to be tried as an adult by any youth court in the
25 state.

26 (b) "Board" means the State Parole Board.

27 (c) "Parole case plan" means an individualized, written
28 accountability and behavior change strategy developed by the
29 department in collaboration with the parole board to prepare
30 offenders for release on parole at the parole eligibility date.
31 The case plan shall focus on the offender's criminal risk factors
32 that, if addressed, reduce the likelihood of reoffending.

33 (d) "Commissioner" means the Commissioner of
34 Corrections.

35 (e) "Correctional system" means the facilities,
36 institutions, programs and personnel of the department utilized
37 for adult offenders who are committed to the custody of the
38 department.

39 (f) "Criminal risk factors" means characteristics that
40 increase a person's likelihood of reoffending. These
41 characteristics include: antisocial behavior; antisocial
42 personality; criminal thinking; criminal associates; dysfunctional
43 family; low levels of employment or education; poor use of leisure
44 and recreation; and substance abuse.

45 (g) "Department" means the Mississippi Department of
46 Corrections.

47 (h) "Detention" means the temporary care of juveniles
48 and adults who require secure custody for their own or the



49 community's protection in a physically restricting facility prior
50 to adjudication, or retention in a physically restricting facility
51 upon being taken into custody after an alleged parole or probation
52 violation.

53 (i) "Discharge plan" means an individualized written
54 document that provides information to support the offender in
55 meeting the basic needs identified in the pre-release assessment.
56 This information shall include, but is not limited to: contact
57 names, phone numbers, and addresses of referrals and resources.

58 (j) "Evidence-based practices" means supervision
59 policies, procedures, and practices that scientific research
60 demonstrates reduce recidivism.

61 (k) "Facility" or "institution" means any facility for
62 the custody, care, treatment and study of offenders which is under
63 the supervision and control of the department.

64 (l) "Juvenile," "minor" or "youthful" means a person
65 less than * * * eighteen (18) years of age.

66 (m) "Offender" means any person convicted of a crime or
67 offense under the laws and ordinances of the state and its
68 political subdivisions.

69 (n) "Pre-release assessment" means a determination of
70 an offender's ability to attend to basic needs, including, but not
71 limited to, transportation, clothing and food, financial
72 resources, personal identification documents, housing, employment,
73 education, and health care, following release.



74 (o) "Special meetings" means those meetings called by
75 the chairman with at least twenty-four (24) hours' notice or a
76 unanimous waiver of notice.

77 (p) "Supervision plan" means a plan developed by the
78 community corrections department to manage offenders on probation
79 and parole in a way that reduces the likelihood they will commit a
80 new criminal offense or violate the terms of supervision and that
81 increases the likelihood of obtaining stable housing, employment
82 and skills necessary to sustain positive conduct.

83 (q) "Technical violation" means an act or omission by
84 the probationer that violates a condition or conditions of
85 probation placed on the probationer by the court or the probation
86 officer.

87 (r) "Transitional reentry center" means a
88 state-operated or state-contracted facility used to house
89 offenders leaving the physical custody of the Department of
90 Corrections on parole, probation or post-release supervision who
91 are in need of temporary housing and services that reduce their
92 risk to reoffend.

93 (s) "Unit of local government" means a county, city,
94 town, village or other general purpose political subdivision of
95 the state.

96 (t) "Risk and needs assessment" means the determination
97 of a person's risk to reoffend using an actuarial assessment tool



98 validated on Mississippi corrections populations and the needs
99 that, when addressed, reduce the risk to reoffend.

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

102 47-7-3. (1) Every prisoner who has been convicted of any
103 offense against the State of Mississippi, and is confined in the
104 execution of a judgment of such conviction in the Mississippi
105 Department of Corrections for a definite term or terms of one (1)
106 year or over, or for the term of his or her natural life, whose
107 record of conduct shows that such prisoner has observed the rules
108 of the department, and who has served the minimum required time
109 for parole eligibility, may be released on parole as set forth
110 herein:

111 (a) **Habitual offenders.** Except as provided by Sections
112 99-19-81 through 99-19-87, no person sentenced as a confirmed and
113 habitual criminal shall be eligible for parole;

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

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

120 (i) Capital murder committed on or after July 1,
121 1994, as defined in Section 97-3-19(2);



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

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

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

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

135 (f) **Drug trafficking.** No person sentenced for
136 trafficking and aggravated trafficking, as defined in Section
137 41-29-139(f) through (g), shall be eligible for parole;

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

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

145 1. **Nonviolent crimes.** All persons sentenced
146 for a nonviolent offense shall be eligible for parole only after



147 they have served twenty-five percent (25%) or ten (10) years,
148 whichever is less, of the sentence or sentences imposed by the
149 trial court. For purposes of this paragraph, "nonviolent crime"
150 means a felony not designated as a crime of violence in Section
151 97-3-2.

152 2. **Violent crimes.** A person who is sentenced
153 for a violent offense as defined in Section 97-3-2, except robbery
154 with a deadly weapon as defined in Section 97-3-79, drive-by
155 shooting as defined in Section 97-3-109, and carjacking as defined
156 in Section 97-3-117, shall be eligible for parole only after
157 having served fifty percent (50%) or twenty (20) years, whichever
158 is less, of the sentence or sentences imposed by the trial court.
159 Those persons sentenced for robbery with a deadly weapon as
160 defined in Section 97-3-79, drive-by shooting as defined in
161 Section 97-3-109, and carjacking as defined in Section 97-3-117,
162 shall be eligible for parole only after having served sixty
163 percent (60%) or twenty-five (25) years, whichever is less, of the
164 sentence or sentences imposed by the trial court.

165 3. **Nonviolent and nonhabitual drug offenses.**
166 A person who has been sentenced to a drug offense pursuant to
167 Section 41-29-139(a) through (d), whose crime was committed after
168 June 30, 1995, shall be eligible for parole only after he has
169 served twenty-five percent (25%) or ten (10) years, whichever is
170 less, of the sentence or sentences imposed.



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

177 (iii) **Geriatric parole.** Notwithstanding the
178 provisions in subparagraph (i) of this paragraph (h), a person
179 serving a sentence who has reached the age of sixty (60) or older
180 and who has served no less than ten (10) years of the sentence or
181 sentences imposed by the trial court shall be eligible for parole.
182 Any person eligible for parole under this subparagraph (iii) shall
183 be required to have a parole hearing before the board prior to
184 parole release. No inmate shall be eligible for parole under this
185 subparagraph (iii) of this paragraph (h) if:

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

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

190 3. The inmate is sentenced for an offense
191 that specifically prohibits parole release;

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

194 5. The inmate is sentenced for a sex crime;

195 or



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

198 (iv) **Parole consideration as authorized by the**
199 **trial court.** Notwithstanding the provisions of paragraph (a) of
200 this subsection, any offender who has not committed a crime of
201 violence under Section 97-3-2 and has served twenty-five percent
202 (25%) or more of his sentence may be paroled by the State Parole
203 Board if, after the sentencing judge or if the sentencing judge is
204 retired, disabled or incapacitated, the senior circuit judge
205 authorizes the offender to be eligible for parole consideration;
206 or if the senior circuit judge must be recused, another circuit
207 judge of the same district or a senior status judge may hear and
208 decide the matter. A petition for parole eligibility
209 consideration pursuant to this subparagraph (iv) shall be filed in
210 the original criminal cause or causes, and the offender shall
211 serve an executed copy of the petition on the District Attorney.
212 The court may, in its discretion, require the District Attorney to
213 respond to the petition.

214 (i) **Juvenile offenders.** Notwithstanding any other
215 provision of law, a person who was under the age of eighteen (18)
216 years at the time of his or her offense(s), and who is not
217 otherwise eligible for parole at an earlier date, shall be
218 eligible for parole after serving twenty (20) years of the
219 sentence or sentences imposed by the trial court. All persons
220 eligible for parole under this paragraph (i) shall be required to



221 have a parole hearing before the State Parole Board, pursuant to
222 Section 47-1-17, prior to release.

223 (2) The State Parole Board shall, by rules and regulations,
224 establish a method of determining a tentative parole hearing date
225 for each eligible offender taken into the custody of the
226 Department of Corrections. The tentative parole hearing date
227 shall be determined within ninety (90) days after the department
228 has assumed custody of the offender. Except as provided in
229 Section 47-7-18, the parole hearing date shall occur when the
230 offender is within thirty (30) days of the month of his parole
231 eligibility date. Any parole eligibility date shall not be
232 earlier than as required in this section.

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

238 (4) Any inmate within forty-eight (48) months of his parole
239 eligibility date and who meets the criteria established by the
240 classification board shall receive priority for placement in any
241 educational development and job-training programs that are part of
242 his or her parole case plan. Any inmate refusing to participate
243 in an educational development or job-training program, including,
244 but not limited to, programs required as part of the case plan,



245 shall be in jeopardy of noncompliance with the case plan and may
246 be denied parole.

247 (5) In addition to other requirements, if an offender is
248 convicted of a drug or driving under the influence felony, the
249 offender must complete a drug and alcohol rehabilitation program
250 prior to parole, or the offender shall be required to complete a
251 postrelease drug and alcohol program as a condition of parole.

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

258 (7) The Corrections and Criminal Justice Oversight Task
259 Force established in Section 47-5-6 shall develop and submit
260 recommendations to the Governor and to the Legislature annually on
261 or before December 1st concerning issues relating to * * *
262 habitual offender parole reform and to review and monitor the
263 implementation of Chapter 479, Laws of 2021.

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

266 (9) Notwithstanding provisions to the contrary in this
267 section, a person who was sentenced before July 1, 2021, may be
268 considered for parole if the person's sentence would have been
269 parole eligible before July 1, 2021.



270 (10) This section shall stand repealed on July 1, * * *
271 2027.

272 **SECTION 4.** Section 47-7-3.2, Mississippi Code of 1972, is
273 amended as follows:

274 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
275 47-5-138.1 or 47-5-142, and except as provided under Section
276 47-7-3(1)(i), no person convicted of a criminal offense on or
277 after July 1, 2014, shall be released by the department until he
278 or she has served no less than the percentage of the sentence or
279 sentences imposed by the court as set forth below:

280 (a) Twenty-five percent (25%) or ten (10) years,
281 whichever is less, for a nonviolent crime;

282 (b) Fifty percent (50%) or twenty (20) years, whichever
283 is less, for a crime of violence pursuant to Section 97-3-2,
284 except for robbery with a deadly weapon as defined in Section
285 97-3-79, drive-by shooting as defined in Section 97-3-109, or
286 carjacking as defined in Section 97-3-117;

287 (c) Sixty percent (60%) or twenty-five (25) years,
288 whichever is less, for robbery with a deadly weapon as defined in
289 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,
290 or carjacking as defined in Section 97-3-117.

291 (2) This section shall not apply to:

292 (a) Offenders sentenced to life imprisonment;

293 (b) Offenders convicted as habitual offenders pursuant
294 to Sections 99-19-81 through 99-19-87;



295 (c) Offenders serving a sentence for a sex offense; or
296 (d) Offenders serving a sentence for trafficking
297 pursuant to Section 41-29-139(f).

298 **SECTION 5.** This act shall take effect and be in force from
299 and after July 1, 2024.

