

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

HOUSE BILL NO. 572

1 AN ACT TO AMEND SECTIONS 99-19-81, 99-19-83 AND 47-7-3,  
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A HABITUAL OFFENDER MAY  
3 BE ELIGIBLE FOR PAROLE IF THE OFFENDER SERVES TEN YEARS OF A  
4 SENTENCE OF 40 YEARS OR MORE; AND FOR RELATED PURPOSES.

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

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

8 99-19-81. Every person convicted in this state of a felony  
9 who shall have been convicted twice previously of any felony or  
10 federal crime upon charges separately brought and arising out of  
11 separate incidents at different times and who shall have been  
12 sentenced to separate terms of one (1) year or more in any state  
13 and/or federal penal institution, whether in this state or  
14 elsewhere, shall be sentenced to the maximum term of imprisonment  
15 prescribed for such felony unless the court provides an  
16 explanation in its sentencing order setting forth the cause for  
17 deviating from the maximum sentence, and such sentence shall not  
18 be reduced or suspended nor shall such person be eligible for



19 parole or probation unless such person has served ten (10) years  
20 of a sentence of forty (40) years or more.

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

23 99-19-83. Every person convicted in this state of a felony  
24 who shall have been convicted twice previously of any felony or  
25 federal crime upon charges separately brought and arising out of  
26 separate incidents at different times and who shall have been  
27 sentenced to and served separate terms of one (1) year or more,  
28 whether served concurrently or not, in any state and/or federal  
29 penal institution, whether in this state or elsewhere, and where  
30 any one (1) of such felonies shall have been a crime of violence,  
31 as defined by Section 97-3-2, shall be sentenced to life  
32 imprisonment, and such sentence shall not be reduced or suspended  
33 nor shall such person be eligible for parole, probation or any  
34 other form of early release from actual physical custody within  
35 the Department of Corrections unless such person has served ten  
36 (10) years of a sentence of forty (40) years or more.

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

39 47-7-3. (1) Every prisoner who has been convicted of any  
40 offense against the State of Mississippi, and is confined in the  
41 execution of a judgment of such conviction in the Mississippi  
42 Department of Corrections for a definite term or terms of one (1)  
43 year or over, or for the term of his or her natural life, whose



44 record of conduct shows that such prisoner has observed the rules  
45 of the department, and who has served the minimum required time  
46 for parole eligibility, may be released on parole as set forth  
47 herein:

48 (a) **Habitual offenders.** Except as provided by Sections  
49 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
50 habitual criminal shall be eligible for parole unless such  
51 prisoner has served ten (10) years of a sentence of forty (40)  
52 years or more;

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

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

59 (i) Capital murder committed on or after July 1,  
60 1994, as defined in Section 97-3-19(2);

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

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

67 (d) **Murder.** No person sentenced for murder in the  
68 first degree, whose crime was committed on or after June 30, 1995,



69 or murder in the second degree, as defined in Section 97-3-19,  
70 shall be eligible for parole;

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

74 (f) **Drug trafficking.** No person sentenced for  
75 trafficking and aggravated trafficking, as defined in Section  
76 41-29-139(f) through (g), shall be eligible for parole;

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

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

84 1. **Nonviolent crimes.** All persons sentenced  
85 for a nonviolent offense shall be eligible for parole only after  
86 they have served twenty-five percent (25%) or ten (10) years,  
87 whichever is less, of the sentence or sentences imposed by the  
88 trial court. For purposes of this paragraph, "nonviolent crime"  
89 means a felony not designated as a crime of violence in Section  
90 97-3-2.

91 2. **Violent crimes.** A person who is sentenced  
92 for a violent offense as defined in Section 97-3-2, except robbery  
93 with a deadly weapon as defined in Section 97-3-79, drive-by



94 shooting as defined in Section 97-3-109, and carjacking as defined  
95 in Section 97-3-117, shall be eligible for parole only after  
96 having served fifty percent (50%) or twenty (20) years, whichever  
97 is less, of the sentence or sentences imposed by the trial court.  
98 Those persons sentenced for robbery with a deadly weapon as  
99 defined in Section 97-3-79, drive-by shooting as defined in  
100 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
101 shall be eligible for parole only after having served sixty  
102 percent (60%) or twenty-five (25) years, whichever is less, of the  
103 sentence or sentences imposed by the trial court.

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

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

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

116 (iii) **Geriatric parole.** Notwithstanding the  
117 provisions in subparagraph (i) of this paragraph (h), a person  
118 serving a sentence who has reached the age of sixty (60) or older



119 and who has served no less than ten (10) years of the sentence or  
120 sentences imposed by the trial court shall be eligible for parole.  
121 Any person eligible for parole under this subparagraph (iii) shall  
122 be required to have a parole hearing before the board prior to  
123 parole release. No inmate shall be eligible for parole under this  
124 subparagraph (iii) of this paragraph (h) if:

125           1. The inmate is sentenced as a habitual  
126 offender under Sections 99-19-81 through 99-19-87 unless such  
127 inmate has served ten (10) years of a sentence of forty (40) years  
128 or more;

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

131           3. The inmate is sentenced for an offense  
132 that specifically prohibits parole release;

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

135           5. The inmate is sentenced for a sex crime;  
136 or

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

139           (iv) **Parole consideration as authorized by the**  
140 **trial court.** Notwithstanding the provisions of paragraph (a) of  
141 this subsection, any offender who has not committed a crime of  
142 violence under Section 97-3-2 and has served twenty-five percent  
143 (25%) or more of his sentence may be paroled by the State Parole



144 Board if, after the sentencing judge or if the sentencing judge is  
145 retired, disabled or incapacitated, the senior circuit judge  
146 authorizes the offender to be eligible for parole consideration;  
147 or if the senior circuit judge must be recused, another circuit  
148 judge of the same district or a senior status judge may hear and  
149 decide the matter. A petition for parole eligibility  
150 consideration pursuant to this subparagraph (iv) shall be filed in  
151 the original criminal cause or causes, and the offender shall  
152 serve an executed copy of the petition on the District Attorney.  
153 The court may, in its discretion, require the District Attorney to  
154 respond to the petition.

155 (2) The State Parole Board shall, by rules and regulations,  
156 establish a method of determining a tentative parole hearing date  
157 for each eligible offender taken into the custody of the  
158 Department of Corrections. The tentative parole hearing date  
159 shall be determined within ninety (90) days after the department  
160 has assumed custody of the offender. Except as provided in  
161 Section 47-7-18, the parole hearing date shall occur when the  
162 offender is within thirty (30) days of the month of his parole  
163 eligibility date. Any parole eligibility date shall not be  
164 earlier than as required in this section.

165 (3) Notwithstanding any other provision of law, an inmate  
166 shall not be eligible to receive earned time, good time or any  
167 other administrative reduction of time which shall reduce the time



168 necessary to be served for parole eligibility as provided in  
169 subsection (1) of this section.

170 (4) Any inmate within forty-eight (48) months of his parole  
171 eligibility date and who meets the criteria established by the  
172 classification board shall receive priority for placement in any  
173 educational development and job-training programs that are part of  
174 his or her parole case plan. Any inmate refusing to participate  
175 in an educational development or job-training program, including,  
176 but not limited to, programs required as part of the case plan,  
177 shall be in jeopardy of noncompliance with the case plan and may  
178 be denied parole.

179 (5) In addition to other requirements, if an offender is  
180 convicted of a drug or driving under the influence felony, the  
181 offender must complete a drug and alcohol rehabilitation program  
182 prior to parole, or the offender shall be required to complete a  
183 postrelease drug and alcohol program as a condition of parole.

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

190 (7) The Corrections and Criminal Justice Oversight Task  
191 Force established in Section 47-5-6 shall develop and submit  
192 recommendations to the Governor and to the Legislature annually on





193 or before December 1st concerning issues relating to juvenile and  
194 habitual offender parole reform and to review and monitor the  
195 implementation of Chapter 479, Laws of 2021.

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

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

202 (10) This section shall stand repealed on July 1, \* \* \*  
203 2027.

204 **SECTION 4.** This act shall take effect and be in force from  
205 and after July 1, 2024.

