

By: Representative Johnson

To: Corrections; Judiciary B

HOUSE BILL NO. 710

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT OFFENDERS WHO COMMITTED OFFENSES AFTER JUNE 30, 1995,  
 3 AND SUCH OFFENDERS ARE SENTENCED FOR A VIOLENT OFFENSE MAY BE  
 4 ELIGIBLE FOR PAROLE AFTER SERVING 25% OR TEN YEARS OF THEIR  
 5 SENTENCES, WHICHEVER IS LESS, AND TO EXTEND THE DATE OF REPEAL ON  
 6 THIS SECTION; TO AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972,  
 7 TO PROVIDE THAT CERTAIN OFFENDERS MAY BE RELEASED BY THE  
 8 DEPARTMENT OF CORRECTIONS AFTER SERVING A CERTAIN PERCENTAGE OF A  
 9 SENTENCE IMPOSED BY THE COURT; TO AMEND SECTION 47-7-5,  
 10 MISSISSIPPI CODE OF 1972, TO REQUIRE AN AFFIRMATIVE VOTE OF AT  
 11 LEAST THREE MEMBERS OF THE PAROLE BOARD TO GRANT PAROLE TO AN  
 12 INMATE CONVICTED OF A CRIME OF VIOLENCE AFTER JUNE 30, 1995; TO  
 13 AMEND SECTION 47-7-13, MISSISSIPPI CODE OF 1972, TO REQUIRE AN  
 14 AFFIRMATIVE VOTE OF AT LEAST FOUR MEMBERS OF THE PAROLE BOARD TO  
 15 GRANT PAROLE TO CERTAIN INMATES CONVICTED OF CAPITAL MURDER OR A  
 16 SEX OFFENSE; TO DELETE THE REQUIREMENT THAT THE PRINCIPAL PLACE  
 17 FOR CONDUCTING PAROLE HEARINGS BY THE STATE PAROLE BOARD MUST BE  
 18 AT THE STATE PENITENTIARY AT PARCHMAN; TO AMEND SECTION 47-7-15,  
 19 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
 20 AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
 21 PAROLE BOARD TO ORDER A PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION  
 22 WHEN THE BOARD DETERMINES SUCH EXAMINATION IS NEEDED TO MAKE A  
 23 PAROLE DECISION; AND FOR RELATED PURPOSES.

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

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

27 47-7-3. (1) Every prisoner who has been convicted of any  
 28 offense against the State of Mississippi, and is confined in the



29 execution of a judgment of such conviction in the Mississippi  
30 Department of Corrections for a definite term or terms of one (1)  
31 year or over, or for the term of his or her natural life, whose  
32 record of conduct shows that such prisoner has observed the rules  
33 of the department, and who has served the minimum required time  
34 for parole eligibility, may be released on parole as set forth  
35 herein:

36 (a) **Habitual offenders.** Except as provided by Sections  
37 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
38 habitual criminal shall be eligible for parole;

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

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

45 (i) Capital murder committed on or after July 1,  
46 1994, as defined in Section 97-3-19(2);

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

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



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

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

60 (f) **Drug trafficking.** No person sentenced for  
61 trafficking and aggravated trafficking, as defined in Section  
62 41-29-139(f) through (g), shall be eligible for parole;

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

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

70 1. **Nonviolent crimes.** All persons sentenced  
71 for a nonviolent offense shall be eligible for parole only after  
72 they have served twenty-five percent (25%) or ten (10) years,  
73 whichever is less, of the sentence or sentences imposed by the  
74 trial court. For purposes of this paragraph, "nonviolent crime"  
75 means a felony not designated as a crime of violence in Section  
76 97-3-2.



77                   2. **Violent crimes.** A person who is sentenced  
78 for a violent offense as defined in Section 97-3-2, \* \* \* shall be  
79 eligible for parole only after having served \* \* \* twenty-five  
80 percent (25%) or ten (10) years, whichever is less, of the  
81 sentence or sentences imposed by the trial court. \* \* \*

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

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

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



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

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

105 2. The inmate is sentenced \* \* \* to life  
106 imprisonment without eligibility for parole under the provisions  
107 of Section 99-19-10; or

108 3. The inmate is sentenced for an offense  
109 that specifically prohibits parole release \* \* \*.

110 \* \* \*

111 (iv) **Parole consideration as authorized by the**  
112 **trial court.** Notwithstanding \* \* \* any other provision of law,  
113 any offender who has \* \* \* served twenty-five percent (25%) \* \* \*  
114 of the sentence or sentences imposed by the trial court or ten  
115 (10) years, whichever is less, may be paroled by the State Parole  
116 Board if, after the sentencing judge or if the sentencing judge is  
117 retired, disabled or incapacitated, the senior circuit judge  
118 authorizes the offender to be eligible for parole consideration;  
119 or if the senior circuit judge must be recused, another circuit  
120 judge of the same district or a senior status judge may hear and  
121 decide the matter. A petition for parole eligibility  
122 consideration pursuant to this subparagraph (iv) shall be filed in  
123 the original criminal cause or causes, and the offender shall  
124 serve an executed copy of the petition on the District Attorney.  
125 The court may, in its discretion, require the District Attorney to



126 respond to the petition. No inmate shall be eligible to petition  
127 the sentencing court for parole eligibility under this paragraph  
128 of this subsection if the inmate is serving a sentence for a crime  
129 of violence, as defined under Section 97-3-2.

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

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

145 (4) Any inmate within forty-eight (48) months of his parole  
146 eligibility date and who meets the criteria established by the  
147 classification board shall receive priority for placement in any  
148 educational development and job-training programs that are part of  
149 his or her parole case plan. Any inmate refusing to participate  
150 in an educational development or job-training program, including,



151 but not limited to, programs required as part of the case plan,  
152 shall be in jeopardy of noncompliance with the case plan and may  
153 be denied parole.

154 (5) In addition to other requirements, if an offender is  
155 convicted of a drug or driving under the influence felony, the  
156 offender must complete a drug and alcohol rehabilitation program  
157 prior to parole, or the offender shall be required to complete a  
158 postrelease drug and alcohol program as a condition of parole.

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

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

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

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



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

177 (10) This section shall stand repealed on July 1, \* \* \*  
178 2027.

179 **SECTION 2.** Section 47-7-3.2, Mississippi Code of 1972, is  
180 amended as follows:

181 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,  
182 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
183 on or after July 1, 2014, shall be released by the department  
184 until he or she has served no less than the percentage of the  
185 sentence or sentences imposed by the court as set forth below:

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

188 (b) Fifty percent (50%) or twenty (20) years, whichever  
189 is less, for a crime of violence pursuant to Section 97-3-2,  
190 except for robbery with a deadly weapon as defined in Section  
191 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
192 carjacking as defined in Section 97-3-117;

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

197 \* \* \*

198 **SECTION 3.** Section 47-7-5, Mississippi Code of 1972, is  
199 amended as follows:





200           47-7-5. (1) The State Parole Board, created under former  
201 Section 47-7-5, is hereby created, continued and reconstituted and  
202 shall be composed of five (5) members. The Governor shall appoint  
203 the members with the advice and consent of the Senate. All terms  
204 shall be at the will and pleasure of the Governor. Any vacancy  
205 shall be filled by the Governor, with the advice and consent of  
206 the Senate. The Governor shall appoint a chairman of the board.

207           (2) Any person who is appointed to serve on the board shall  
208 possess at least a bachelor's degree or a high school diploma and  
209 four (4) years' work experience. Each member shall devote his  
210 full time to the duties of his office and shall not engage in any  
211 other business or profession or hold any other public office. A  
212 member shall receive compensation or per diem in addition to his  
213 or her salary. Each member shall keep such hours and workdays as  
214 required of full-time state employees under Section 25-1-98.  
215 Individuals shall be appointed to serve on the board without  
216 reference to their political affiliations. Each board member,  
217 including the chairman, may be reimbursed for actual and necessary  
218 expenses as authorized by Section 25-3-41. Each member of the  
219 board shall complete annual training developed based on guidance  
220 from the National Institute of Corrections, the Association of  
221 Paroling Authorities International, or the American Probation and  
222 Parole Association. Each first-time appointee of the board shall,  
223 within sixty (60) days of appointment, or as soon as practical,  
224 complete training for first-time Parole Board members developed in



225 consideration of information from the National Institute of  
226 Corrections, the Association of Paroling Authorities  
227 International, or the American Probation and Parole Association.

228 (3) The board shall have exclusive responsibility for the  
229 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
230 shall have exclusive authority for revocation of the same. The  
231 board shall have exclusive responsibility for investigating  
232 clemency recommendations upon request of the Governor.

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

236 (5) The budget of the board shall be funded through a  
237 separate line item within the general appropriation bill for the  
238 support and maintenance of the department. Employees of the  
239 department which are employed by or assigned to the board shall  
240 work under the guidance and supervision of the board. There shall  
241 be an executive secretary to the board who shall be responsible  
242 for all administrative and general accounting duties related to  
243 the board. The executive secretary shall keep and preserve all  
244 records and papers pertaining to the board.

245 (6) The board shall have no authority or responsibility for  
246 supervision of offenders granted a release for any reason,  
247 including, but not limited to, probation, parole or executive  
248 clemency or other offenders requiring the same through interstate  
249 compact agreements. The supervision shall be provided exclusively



250 by the staff of the Division of Community Corrections of the  
251 department.

252 (7) (a) The Parole Board is authorized to select and place  
253 offenders in an electronic monitoring program under the conditions  
254 and criteria imposed by the Parole Board. The conditions,  
255 restrictions and requirements of Section 47-7-17 and Sections  
256 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
257 any offender placed in an electronic monitoring program by the  
258 Parole Board.

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

263 (c) The department shall have absolute immunity from  
264 liability for any injury resulting from a determination by the  
265 Parole Board that an offender be placed in an electronic  
266 monitoring program.

267 (8) (a) The Parole Board shall maintain a central registry  
268 of paroled inmates. The Parole Board shall place the following  
269 information on the registry: name, address, photograph, crime for  
270 which paroled, the date of the end of parole or flat-time date and  
271 other information deemed necessary. The Parole Board shall  
272 immediately remove information on a parolee at the end of his  
273 parole or flat-time date.



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

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

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

283 (9) An affirmative vote of at least four (4) members of the  
284 Parole Board shall be required to grant parole to an inmate  
285 convicted of capital murder or a sex \* \* \* offense, as defined  
286 under Section 45-33-23 (h). An affirmative vote of at least three  
287 (3) members of the Parole Board shall be required to grant parole  
288 to an inmate convicted after June 30, 1995, of a crime of  
289 violence, as defined, under Section 97-3-2.

290 (10) This section shall stand repealed on July 1, 2025.

291 **SECTION 4.** Section 47-7-13, Mississippi Code of 1972, is  
292 amended as follows:

293 47-7-13. A majority of the board shall constitute a quorum  
294 for the transaction of all business. An affirmative vote of at  
295 least four (4) members of the Parole Board shall be required to  
296 grant parole to an inmate convicted of capital murder or a sex  
297 offense, as defined under Section 45-33-23(h). An affirmative  
298 vote of at least three (3) members of the Parole Board shall be



299 required to grant parole to an inmate convicted after June 30,  
300 1995, of a crime of violence, as defined under Section  
301 97-3-2. \* \* \* The board shall maintain, in minute book form, a  
302 copy of each of its official actions with the reasons therefor.  
303 Suitable and sufficient office space and support resources and  
304 staff necessary to conducting Parole Board business shall be  
305 provided by the Department of Corrections. \* \* \*

306 **SECTION 5.** Section 47-7-15, Mississippi Code of 1972, is  
307 amended as follows:

308 47-7-15. The board shall adopt an official seal of which the  
309 courts shall take judicial notice. Decisions of the board shall  
310 be made by majority vote, except as provided in Sections 47-7-5(9)  
311 and 47-7-13.

312 The board shall keep a record of its acts and shall notify  
313 each institution of its decisions relating to the persons who are  
314 or have been confined therein. At the close of each fiscal year  
315 the board shall submit to the Governor and to the Legislature a  
316 report with statistical and other data of its work.

317 **SECTION 6.** Section 47-7-17, Mississippi Code of 1972, is  
318 amended as follows:

319 47-7-17. (1) Within one (1) year after his admission and at  
320 such intervals thereafter as it may determine, the board shall  
321 secure and consider all pertinent information regarding each  
322 offender, except any under sentence of death or otherwise  
323 ineligible for parole, including the circumstances of his offense,



324 his previous social history, his previous criminal record,  
325 including any records of law enforcement agencies or of a youth  
326 court regarding that offender's juvenile criminal history, his  
327 conduct, employment and attitude while in the custody of the  
328 department, the case plan created to prepare the offender for  
329 parole, and the reports of such physical and mental examinations  
330 as have been made. The Parole Board may also order a psychiatric  
331 or psychological examination when it determines such examination  
332 is necessary to making a parole decision. The board shall furnish  
333 at least three (3) months' written notice to each such offender of  
334 the date on which he is eligible for parole.

335 (2) Except as provided in Section 47-7-18, the board \* \* \*  
336 may require a parole-eligible offender to have a hearing as  
337 required in this chapter before the board and to be interviewed.  
338 The hearing shall be held no later than thirty (30) days prior to  
339 the month of eligibility. No application for parole of a person  
340 convicted of a capital offense shall be considered by the board  
341 unless and until notice of the filing of such application shall  
342 have been published at least once a week for two (2) weeks in a  
343 newspaper published in or having general circulation in the county  
344 in which the crime was committed. The board shall, within thirty  
345 (30) days prior to the scheduled hearing, also give notice of the  
346 filing of the application for parole to the victim of the offense  
347 for which the prisoner is incarcerated and being considered for  
348 parole or, in case the offense be homicide, a designee of the



349 immediate family of the victim, provided the victim or designated  
350 family member has furnished in writing a current address to the  
351 board for such purpose. Upon request, the victim or designated  
352 family member shall be provided an opportunity to be heard by the  
353 board before the board makes a decision regarding release on  
354 parole. The board shall consider whether any restitution ordered  
355 has been paid in full. Parole release shall, at the hearing, be  
356 ordered only for the best interest of society, not as an award of  
357 clemency; it shall not be considered to be a reduction of sentence  
358 or pardon. An offender shall be placed on parole only when  
359 arrangements have been made for his proper employment or for his  
360 maintenance and care, and when the board believes that he is able  
361 and willing to fulfill the obligations of a law-abiding citizen.  
362 When the board determines that the offender will need transitional  
363 housing upon release in order to improve the likelihood of the  
364 offender becoming a law-abiding citizen, the board may parole the  
365 offender with the condition that the inmate spends no more than  
366 six (6) months in a transitional reentry center. At least fifteen  
367 (15) days prior to the release of an offender on parole, the  
368 director of records of the department shall give the written  
369 notice which is required pursuant to Section 47-5-177. Every  
370 offender while on parole shall remain in the legal custody of the  
371 department from which he was released and shall be amenable to the  
372 orders of the board. Upon determination by the board that an  
373 offender is eligible for release by parole, notice shall also be



374 given within at least fifteen (15) days before release, by the  
375 board to the victim of the offense or the victim's family member,  
376 as indicated above, regarding the date when the offender's release  
377 shall occur, provided a current address of the victim or the  
378 victim's family member has been furnished in writing to the board  
379 for such purpose.

380 (3) Failure to provide notice to the victim or the victim's  
381 family member of the filing of the application for parole or of  
382 any decision made by the board regarding parole shall not  
383 constitute grounds for vacating an otherwise lawful parole  
384 determination nor shall it create any right or liability, civilly  
385 or criminally, against the board or any member thereof.

386 (4) A letter of protest against granting an offender parole  
387 shall not be treated as the conclusive and only reason for not  
388 granting parole.

389 (5) The board may adopt such other rules not inconsistent  
390 with law as it may deem proper or necessary with respect to the  
391 eligibility of offenders for parole, the conduct of parole  
392 hearings, or conditions to be imposed upon parolees, including a  
393 condition that the parolee submit, as provided in Section 47-5-601  
394 to any type of breath, saliva or urine chemical analysis test, the  
395 purpose of which is to detect the possible presence of alcohol or  
396 a substance prohibited or controlled by any law of the State of  
397 Mississippi or the United States. The board shall have the  
398 authority to adopt rules related to the placement of certain





399 offenders on unsupervised parole and for the operation of  
400 transitional reentry centers. However, in no case shall an  
401 offender be placed on unsupervised parole before he has served a  
402 minimum of fifty percent (50%) of the period of supervised parole.

403         **SECTION 7.** This act shall take effect and be in force from  
404 and after July 1, 2024.

