

By: Representative Harness

To: Corrections; Judiciary B

HOUSE BILL NO. 1065

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT IF A PERSON WAS UNDER THE AGE OF EIGHTEEN AT THE TIME
 3 HE OR SHE COMMITTED A VIOLENT OFFENSE AND SUCH PERSON IS NOT
 4 OTHERWISE ELIGIBLE FOR PAROLE AT AN EARLIER DATE, THEN THE PERSON
 5 SHALL BE ELIGIBLE FOR PAROLE ONCE HE OR SHE HAS REACHED TWENTY-ONE
 6 YEARS OF AGE; TO AMEND SECTION 47-7-3.2, TO CONFORM TO THE
 7 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

29 (i) Capital murder committed on or after July 1,
30 1994, as defined in Section 97-3-19(2);

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

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

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

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



44 (f) **Drug trafficking.** No person sentenced for
45 trafficking and aggravated trafficking, as defined in Section
46 41-29-139(f) through (g), shall be eligible for parole;

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

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

54 1. **Nonviolent crimes.** All persons sentenced
55 for a nonviolent offense shall be eligible for parole only after
56 they have served twenty-five percent (25%) or ten (10) years,
57 whichever is less, of the sentence or sentences imposed by the
58 trial court. For purposes of this paragraph, "nonviolent crime"
59 means a felony not designated as a crime of violence in Section
60 97-3-2.

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



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

75 b. Notwithstanding any other provision
76 of law to the contrary, a person who was under the age of eighteen
77 (18) years at the time of his or her offense(s), and who is not
78 otherwise eligible for parole at an earlier date and is sentenced
79 for a violent offense as defined in Section 97-3-2, except robbery
80 with a deadly weapon as defined in Section 97-3-79, drive-by
81 shooting as defined in Section 97-3-109, and carjacking as defined
82 in Section 97-3-117, shall be eligible for parole once such person
83 has reached the age of twenty-one (21). A person who was under
84 the age of eighteen (18) years at the time of his or her
85 offense(s), and who is not otherwise eligible for parole at an
86 earlier date and is sentenced for robbery with a deadly weapon as
87 defined in Section 97-3-79, drive-by shooting as defined in
88 Section 97-3-109, and carjacking as defined in Section 97-3-117,
89 shall be eligible for parole once such person has reached the age
90 of twenty-one (21). All persons eligible for parole under this
91 subparagraph shall be required to have a parole hearing before the
92 State Parole Board, pursuant to Section 47-1-17, prior to release.



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

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

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

105 (iii) **Geriatric parole.** Notwithstanding the
106 provisions in subparagraph (i) of this paragraph (h), a person
107 serving a sentence who has reached the age of sixty (60) or older
108 and who has served no less than ten (10) years of the sentence or
109 sentences imposed by the trial court shall be eligible for parole.
110 Any person eligible for parole under this subparagraph (iii) shall
111 be required to have a parole hearing before the board prior to
112 parole release. No inmate shall be eligible for parole under this
113 subparagraph (iii) of this paragraph (h) if:

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

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



118 3. The inmate is sentenced for an offense
119 that specifically prohibits parole release;

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

122 5. The inmate is sentenced for a sex crime;
123 or

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

126 (iv) **Parole consideration as authorized by the**
127 **trial court.** Notwithstanding the provisions of paragraph (a) of
128 this subsection, any offender who has not committed a crime of
129 violence under Section 97-3-2 and has served twenty-five percent
130 (25%) or more of his sentence may be paroled by the State Parole
131 Board if, after the sentencing judge or if the sentencing judge is
132 retired, disabled or incapacitated, the senior circuit judge
133 authorizes the offender to be eligible for parole consideration;
134 or if the senior circuit judge must be recused, another circuit
135 judge of the same district or a senior status judge may hear and
136 decide the matter. A petition for parole eligibility
137 consideration pursuant to this subparagraph (iv) shall be filed in
138 the original criminal cause or causes, and the offender shall
139 serve an executed copy of the petition on the District Attorney.
140 The court may, in its discretion, require the District Attorney to
141 respond to the petition.



142 (2) The State Parole Board shall, by rules and regulations,
143 establish a method of determining a tentative parole hearing date
144 for each eligible offender taken into the custody of the
145 Department of Corrections. The tentative parole hearing date
146 shall be determined within ninety (90) days after the department
147 has assumed custody of the offender. Except as provided in
148 Section 47-7-18, the parole hearing date shall occur when the
149 offender is within thirty (30) days of the month of his parole
150 eligibility date. Any parole eligibility date shall not be
151 earlier than as required in this section.

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

157 (4) Any inmate within forty-eight (48) months of his parole
158 eligibility date and who meets the criteria established by the
159 classification board shall receive priority for placement in any
160 educational development and job-training programs that are part of
161 his or her parole case plan. Any inmate refusing to participate
162 in an educational development or job-training program, including,
163 but not limited to, programs required as part of the case plan,
164 shall be in jeopardy of noncompliance with the case plan and may
165 be denied parole.



166 (5) In addition to other requirements, if an offender is
167 convicted of a drug or driving under the influence felony, the
168 offender must complete a drug and alcohol rehabilitation program
169 prior to parole, or the offender shall be required to complete a
170 postrelease drug and alcohol program as a condition of parole.

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

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

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

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

189 (10) This section shall stand repealed on July 1, * * *
190 2027.



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

193 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
194 47-5-138.1 or 47-5-142 and except as provided under Section 47-7-3
195 (1) (h) (i) 2. a., no person convicted of a criminal offense on or
196 after July 1, 2014, shall be released by the department until he
197 or she has served no less than the percentage of the sentence or
198 sentences imposed by the court as set forth below:

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

201 (b) Fifty percent (50%) or twenty (20) years, whichever
202 is less, for a crime of violence pursuant to Section 97-3-2,
203 except for robbery with a deadly weapon as defined in Section
204 97-3-79, drive-by shooting as defined in Section 97-3-109, or
205 carjacking as defined in Section 97-3-117;

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

210 (2) This section shall not apply to:

211 (a) Offenders sentenced to life imprisonment;

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

214 (c) Offenders serving a sentence for a sex offense; or



215 (d) Offenders serving a sentence for trafficking
216 pursuant to Section 41-29-139(f).

217 **SECTION 3.** This act shall take effect and be in force from
218 and after its passage.

