

By: Representative Ford (73rd)

To: Judiciary B

HOUSE BILL NO. 1201

1 AN ACT TO AMEND SECTION 97-5-39, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE MANDATORY MINIMUM PENALTIES FOR FELONY CHILD ABUSE; TO  
 3 AMEND SECTION 97-5-42, MISSISSIPPI CODE OF 1972, TO INCREASE  
 4 PENALTIES FOR FELONY CHILD ABUSE WITH MANDATORY MINIMUMS; TO AMEND  
 5 SECTION 43-21-353, MISSISSIPPI CODE OF 1972, TO REQUIRE AN ARREST  
 6 OF SUSPECTED CHILD ABUSERS WITHIN A CERTAIN TIME; TO AMEND SECTION  
 7 47-7-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE FELONY CHILD ABUSE  
 8 FROM CERTAIN SENTENCE REDUCTIONS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 97-5-39, Mississippi Code of 1972, is  
 11 amended as follows:

12 97-5-39. (1) (a) Except as otherwise provided in this  
 13 section, any parent, guardian or other person who intentionally,  
 14 knowingly or recklessly commits any act or omits the performance  
 15 of any duty, which act or omission contributes to or tends to  
 16 contribute to the neglect or delinquency of any child or which act  
 17 or omission results in the abuse of any child, as defined in  
 18 Section 43-21-105(m) of the Youth Court Law, or who knowingly aids  
 19 any child in escaping or absenting himself from the guardianship  
 20 or custody of any person, agency or institution, or knowingly  
 21 harbors or conceals, or aids in harboring or concealing, any child



22 who has absented himself without permission from the guardianship  
23 or custody of any person, agency or institution to which the child  
24 shall have been committed by the youth court shall be guilty of a  
25 misdemeanor, and upon conviction shall be punished by a fine not  
26 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not  
27 to exceed one (1) year in jail, or by both such fine and  
28 imprisonment.

29 (b) For the purpose of this section, a child is a  
30 person who has not reached his eighteenth birthday. A child who  
31 has not reached his eighteenth birthday and is on active duty for  
32 a branch of the armed services, or who is married, is not  
33 considered a child for the purposes of this statute.

34 (c) If a child commits one (1) of the proscribed acts  
35 in subsection (2) (a), (b) or (c) of this section upon another  
36 child, then original jurisdiction of all such offenses shall be in  
37 youth court.

38 (d) If the child's deprivation of necessary clothing,  
39 shelter, health care or supervision appropriate to the child's age  
40 results in substantial harm to the child's physical, mental or  
41 emotional health, the person may be sentenced to imprisonment in  
42 custody of the Department of Corrections for not more than five  
43 (5) years or to payment of a fine of not more than Five Thousand  
44 Dollars (\$5,000.00), or both.

45 (e) A parent, legal guardian or other person who  
46 knowingly permits the continuing physical or sexual abuse of a



47 child is guilty of neglect of a child and \* \* \* shall be sentenced  
48 to imprisonment in the custody of the Department of Corrections  
49 for not more than ten (10) years or to payment of a fine of not  
50 more than Ten Thousand Dollars (\$10,000.00), or both.

51 (2) Any person shall be guilty of felonious child abuse in  
52 the following circumstances:

53 (a) Whether bodily harm results or not, if the person  
54 shall intentionally, knowingly or recklessly:

55 (i) Burn any child;

56 (ii) Physically torture any child;

57 (iii) Strangle, choke, smother or in any way  
58 interfere with any child's breathing;

59 (iv) Poison a child;

60 (v) Starve a child of nourishments needed to  
61 sustain life or growth;

62 (vi) Use any type of deadly weapon upon any child;

63 (b) If some bodily harm to any child actually occurs,  
64 and if the person shall intentionally, knowingly or recklessly:

65 (i) Throw, kick, bite, or cut any child;

66 (ii) Strike a child under the age of fourteen (14)  
67 about the face or head with a closed fist;

68 (iii) Strike a child under the age of five (5) in  
69 the face or head;



70 (iv) Kick, bite, cut or strike a child's genitals;  
71 circumcision of a male child is not a violation under this  
72 subparagraph (iv);

73 (c) If serious bodily harm to any child actually  
74 occurs, and if the person shall intentionally, knowingly or  
75 recklessly:

76 (i) Strike any child on the face or head;

77 (ii) Disfigure or scar any child;

78 (iii) Whip, strike or otherwise abuse any child;

79 (d) Any person, upon conviction under paragraph (a) or  
80 (c) of this subsection, shall be sentenced by the court to  
81 imprisonment in the custody of the Department of Corrections for a  
82 term of not less than five (5) years and up to life, as determined  
83 by the court. Any person, upon conviction under paragraph (b) of  
84 this subsection shall be sentenced by the court to imprisonment in  
85 the custody of the Department of Corrections for a term of not  
86 less than two (2) years nor more than ten (10) years, as  
87 determined by the court. For any second or subsequent conviction  
88 under this subsection (2), the person shall be sentenced to  
89 imprisonment for life.

90 (e) For the purposes of this subsection (2), "bodily  
91 harm" means any bodily injury to a child and includes, but is not  
92 limited to, bruising, bleeding, lacerations, soft tissue swelling,  
93 and external or internal swelling of any body organ.



94 (f) For the purposes of this subsection (2), "serious  
95 bodily harm" means any serious bodily injury to a child and  
96 includes, but is not limited to, the fracture of a bone, permanent  
97 disfigurement, permanent scarring, mutilation or any internal  
98 bleeding or internal trauma to any organ, any brain damage, any  
99 injury to the eye or ear of a child or other vital organ, and  
100 impairment of any bodily function.

101 (g) Nothing contained in paragraph (c) of this  
102 subsection shall preclude a parent or guardian from disciplining a  
103 child of that parent or guardian, or shall preclude a person in  
104 loco parentis to a child from disciplining that child, if done in  
105 a reasonable manner, and reasonable corporal punishment or  
106 reasonable discipline as to that parent or guardian's child or  
107 child to whom a person stands in loco parentis shall be a defense  
108 to any violation charged under paragraph (c) of this subsection.

109 (h) Reasonable discipline and reasonable corporal  
110 punishment shall not be a defense to acts described in paragraphs  
111 (a) and (b) of this subsection or if a child suffers serious  
112 bodily harm as a result of any act prohibited under paragraph (c)  
113 of this subsection.

114 (3) Nothing contained in this section shall prevent  
115 proceedings against the parent, guardian or other person under any  
116 statute of this state or any municipal ordinance defining any act  
117 as a crime or misdemeanor. Nothing in the provisions of this  
118 section shall preclude any person from having a right to trial by



119 jury when charged with having violated the provisions of this  
120 section.

121 (4) (a) A parent, legal guardian or caretaker who endangers  
122 a child's person or health by knowingly causing or permitting the  
123 child to be present where any person is selling, manufacturing or  
124 possessing immediate precursors or chemical substances with intent  
125 to manufacture, sell or possess a controlled substance as  
126 prohibited under Section 41-29-139 or 41-29-313, is guilty of  
127 child endangerment and may be sentenced to imprisonment for not  
128 less than three (3) nor more than ten (10) years or to payment of  
129 a fine of not more than Ten Thousand Dollars (\$10,000.00), or  
130 both.

131 (b) If the endangerment results in substantial harm to  
132 the child's physical, mental or emotional health, the person may  
133 be sentenced to imprisonment for not more than twenty (20) years  
134 or to payment of a fine of not more than Twenty Thousand Dollars  
135 (\$20,000.00), or both.

136 (5) Nothing contained in this section shall prevent  
137 proceedings against the parent, guardian or other person under any  
138 statute of this state or any municipal ordinance defining any act  
139 as a crime or misdemeanor. Nothing in the provisions of this  
140 section shall preclude any person from having a right to trial by  
141 jury when charged with having violated the provisions of this  
142 section.



143           (6) After consultation with the Department of Child  
144 Protection Services, a regional mental health center or an  
145 appropriate professional person, a judge may suspend imposition or  
146 execution of a sentence provided in subsections (1) and (2) of  
147 this section and in lieu thereof require treatment over a  
148 specified period of time at any approved public or private  
149 treatment facility. A person may be eligible for treatment in  
150 lieu of criminal penalties no more than one (1) time.

151           (7) In any proceeding resulting from a report made pursuant  
152 to Section 43-21-353 of the Youth Court Law, the testimony of the  
153 physician making the report regarding the child's injuries or  
154 condition or cause thereof shall not be excluded on the ground  
155 that the physician's testimony violates the physician-patient  
156 privilege or similar privilege or rule against disclosure. The  
157 physician's report shall not be considered as evidence unless  
158 introduced as an exhibit to his testimony.

159           (8) Any criminal prosecution arising from a violation of  
160 this section shall be tried in the circuit, county, justice or  
161 municipal court having jurisdiction; provided, however, that  
162 nothing herein shall abridge or dilute the contempt powers of the  
163 youth court.

164           **SECTION 2.** Section 97-5-42, Mississippi Code of 1972, is  
165 amended as follows:

166           97-5-42. (1) (a) For purposes of this section, a  
167 conviction of felony parental child sexual abuse shall include any



168 nolo contendere plea, guilty plea or conviction at trial to any  
169 offense enumerated in Section 93-15-121(h) or any other statute of  
170 the State of Mississippi whereby a parent may be penalized as a  
171 felon on account of sexual abuse of his or her own child; and  
172 shall include any conviction by plea or trial in any other state  
173 of the United States to an offense whereby a parent may be  
174 penalized as a felon for sexual abuse of his or her own child  
175 under the laws of that state, or which would be so penalized for  
176 such conduct had the act or acts been committed in the State of  
177 Mississippi.

178 (b) A certified copy of the court order or judgment  
179 evidencing such a conviction shall be accepted by any public  
180 office with responsibilities pursuant to this section, and by any  
181 court in the State of Mississippi, as conclusive evidence of the  
182 conviction.

183 (2) (a) No person who has been convicted of felony parental  
184 child sexual abuse shall contact or attempt to contact the victim  
185 child without the prior express written permission of the child's  
186 then legal custodian, who may be the other parent, a guardian,  
187 person in loco parentis or person with legal or physical custody  
188 of a child.

189 (b) No person who has been convicted of felony parental  
190 child sexual abuse shall harass, threaten, intimidate or by any  
191 other means menace the victim child or any legal custodian of the





192 child, who may be the other parent, a guardian, person in loco  
193 parentis or person with legal or physical custody of a child.

194 (c) Any person who believes that a person who has been  
195 convicted of felony parental child sexual abuse may violate the  
196 provisions of paragraph (a) or (b) of this subsection may register  
197 with the sheriff and any municipal law enforcement agency of the  
198 child's county and municipality of residence, setting forth the  
199 factual basis for that belief which shall include a certified copy  
200 of the court order or judgment evidencing the conviction of the  
201 child sexual abuse felon. The sheriff's office of each county and  
202 all municipal law enforcement agencies shall maintain a separate  
203 and distinct register for the purpose of recording the data  
204 required herein, and shall advise the reporting party of how  
205 emergency contact can be made with that office at any time with  
206 respect to a threatened violation of paragraph (a) or (b) of this  
207 subsection. Immediate response with police protection shall be  
208 provided to any emergency contact made pursuant to this section,  
209 which police protection shall be continued in such reasonable  
210 manner as to deter future violations and protect the child and any  
211 person with legal custody of the child.

212 (d) Any person who has been convicted of felony  
213 parental child sexual abuse who violates paragraph (a) of this  
214 subsection shall, upon conviction, be punished by imprisonment in  
215 the \* \* \* custody of the Department of Corrections for not  
216 less \* \* \* than one (1) year nor more than five (5) years. Any



217 person who has been convicted of felony parental child sexual  
218 abuse who violates paragraph (b) of this subsection shall, upon  
219 conviction, be punished by imprisonment in the State Penitentiary  
220 for not \* \* \* less than five (5) years, no more than seven (7)  
221 years.

222 (3) No person who has been convicted of felony parental  
223 child sexual abuse shall be entitled to have parental or other  
224 visitation rights as to that child who was the victim, unless he  
225 or she files a petition in the chancery court of the county in  
226 which the child resides, reciting the conviction, and joining as  
227 parties defendant any other parent, guardian, person standing in  
228 loco parentis or having legal or physical custody of the child. A  
229 guardian ad litem shall be appointed to represent the child at  
230 petitioner's expense. The court shall appoint a qualified  
231 psychologist or psychiatrist to conduct an independent examination  
232 of the petitioner to determine whether contact with that person  
233 poses a physical or emotional risk to the child, and report to the  
234 court. Such examination shall be at petitioner's expense. The  
235 court shall require any such petitioner to deposit with the court  
236 sufficient funds to pay expenses chargeable to a petitioner  
237 hereunder, the amount of such deposit to be within the discretion  
238 of the chancellor. Any defendant and the child through his or her  
239 guardian ad litem shall be entitled to a full evidentiary hearing  
240 on the petition. In no event shall a child be required to testify  
241 in court or by deposition, or be subjected to any psychological



242 examination, without the express consent of the child through his  
243 or her guardian ad litem. Such guardian ad litem shall consult  
244 with the child's legal guardian or custodians before consenting to  
245 such testimony or examination. At any hearing there is a  
246 rebuttable presumption that contact with the child poses a  
247 physical and emotional risk to the child. That presumption may be  
248 rebutted and visitation or contact allowed on such terms and  
249 conditions that the chancery court shall set only upon specific  
250 written findings by the court that:

251 (a) Contact between the child and the offending parent  
252 is appropriate and poses minimal risk to the child;

253 (b) If the child has received counseling, that the  
254 child's counselor believes such contact is in the child's best  
255 interest;

256 (c) The offending parent has successfully engaged in  
257 treatment for sex offenders or is engaged in such treatment and  
258 making progress; and

259 (d) The offending parent's treatment provider believes  
260 contact with the child is appropriate and poses minimal risk to  
261 the child. If the court, in its discretion, allows visitation or  
262 contact it may impose such conditions to the visitation or contact  
263 which it finds reasonable, including supervision of contact or  
264 visitation by a neutral and independent adult with a detailed plan  
265 for supervision of any such contact or visitation.



266           **SECTION 3.** Section 43-21-353, Mississippi Code of 1972, is  
267 amended as follows:

268           43-21-353. (1) Any attorney, physician, dentist, intern,  
269 resident, nurse, psychologist, social worker, family protection  
270 worker, family protection specialist, child caregiver, minister,  
271 law enforcement officer, public or private school employee or any  
272 other person having reasonable cause to suspect that a child is a  
273 neglected child, an abused child, or a victim of commercial sexual  
274 exploitation or human trafficking shall cause an oral report to be  
275 made immediately by telephone or otherwise and followed as soon  
276 thereafter as possible by a report in writing to the Department of  
277 Child Protection Services, and immediately a referral shall be  
278 made by the Department of Child Protection Services to the youth  
279 court intake unit, which unit shall promptly comply with Section  
280 43-21-357. In the course of an investigation, at the initial time  
281 of contact with the individual(s) about whom a report has been  
282 made under this Youth Court Act or with the individual(s)  
283 responsible for the health or welfare of a child about whom a  
284 report has been made under this chapter, the Department of Child  
285 Protection Services shall inform the individual of the specific  
286 complaints or allegations made against the individual. Consistent  
287 with subsection (4), the identity of the person who reported his  
288 or her suspicion shall not be disclosed at that point. Where  
289 appropriate, the Department of Child Protection Services shall  
290 additionally make a referral to the youth court prosecutor.



291           Upon receiving a report that a child has been sexually  
292 abused, is a victim of commercial sexual exploitation or human  
293 trafficking or has been burned, tortured, mutilated or otherwise  
294 physically abused in such a manner as to cause serious bodily  
295 harm, or upon receiving any report of abuse that would be a felony  
296 under state or federal law, the Department of Child Protection  
297 Services shall immediately notify the law enforcement agency in  
298 whose jurisdiction the abuse occurred. Within forty-eight (48)  
299 hours, the department must notify the appropriate prosecutor and  
300 the Statewide Human Trafficking Coordinator. If the child has  
301 been burned, tortured, mutilated or otherwise physically abused,  
302 the law enforcement agency shall arrest and detain the person  
303 suspected of such abuse no more than forty-eight (48) hours from  
304 learning about the abuse. The department shall have the duty to  
305 provide the law enforcement agency all the names and facts known  
306 at the time of the report; this duty shall be of a continuing  
307 nature. The law enforcement agency and the department shall begin  
308 to investigate the reported abuse immediately but in no less than  
309 forty-eight (48) hours and shall file a preliminary report with  
310 the appropriate prosecutor's office within twenty-four (24) hours  
311 and shall make additional reports as new or additional information  
312 or evidence becomes available. The department shall advise the  
313 clerk of the youth court and the youth court prosecutor of all  
314 cases of abuse reported to the department within seventy-two (72)  
315 hours and shall update such report as information becomes



316 available. In addition, if the Department of Child Protection  
317 Services determines that a parent or other person responsible for  
318 the care or welfare of an abused or neglected child maintains  
319 active duty status within the military, the department shall  
320 notify the applicable military installation family advocacy  
321 program that there is an allegation of abuse or neglect that  
322 relates to that child.

323 (2) Any report shall contain the names and addresses of the  
324 child and his parents or other persons responsible for his care,  
325 if known, the child's age, the nature and extent of the child's  
326 injuries, including any evidence of previous injuries, any other  
327 information that might be helpful in establishing the cause of the  
328 injury, and the identity of the perpetrator.

329 (3) The Department of Child Protection Services shall  
330 maintain a statewide incoming wide-area telephone service or  
331 similar service for the purpose of receiving reports of suspected  
332 cases of child abuse, commercial sexual exploitation or human  
333 trafficking; provided that any attorney, physician, dentist,  
334 intern, resident, nurse, psychologist, social worker, family  
335 protection worker, family protection specialist, child caregiver,  
336 minister, law enforcement officer or public or private school  
337 employee who is required to report under subsection (1) of this  
338 section shall report in the manner required in subsection (1).

339 (4) Reports of abuse, neglect and commercial sexual  
340 exploitation or human trafficking made under this chapter and the



341 identity of the reporter are confidential except when the court in  
342 which the investigation report is filed, in its discretion,  
343 determines the testimony of the person reporting to be material to  
344 a judicial proceeding or when the identity of the reporter is  
345 released to law enforcement agencies and the appropriate  
346 prosecutor pursuant to subsection (1). Reports made under this  
347 section to any law enforcement agency or prosecutorial officer are  
348 for the purpose of criminal investigation and prosecution only and  
349 no information from these reports may be released to the public  
350 except as provided by Section 43-21-261. Disclosure of any  
351 information by the prosecutor shall be according to the  
352 Mississippi Uniform Rules of Circuit and County Court Procedure.  
353 The identity of the reporting party shall not be disclosed to  
354 anyone other than law enforcement officers or prosecutors without  
355 an order from the appropriate youth court. Any person disclosing  
356 any reports made under this section in a manner not expressly  
357 provided for in this section or Section 43-21-261 shall be guilty  
358 of a misdemeanor and subject to the penalties prescribed by  
359 Section 43-21-267. Notwithstanding the confidentiality of the  
360 reporter's identity under this section, the Department of Child  
361 Protection Services may disclose a reporter's identity to the  
362 appropriate law enforcement agency or prosecutor if the department  
363 has reason to suspect the reporter has made a fraudulent report,  
364 and the Department of Child Protection Services must provide to



365 the subject of the alleged fraudulent report written notification  
366 of the disclosure.

367 (5) All final dispositions of law enforcement investigations  
368 described in subsection (1) of this section shall be determined  
369 only by the appropriate prosecutor or court. All final  
370 dispositions of investigations by the Department of Child  
371 Protection Services as described in subsection (1) of this section  
372 shall be determined only by the youth court. Reports made under  
373 subsection (1) of this section by the Department of Child  
374 Protection Services to the law enforcement agency and to the  
375 district attorney's office shall include the following, if known  
376 to the department:

- 377 (a) The name and address of the child;
- 378 (b) The names and addresses of the parents;
- 379 (c) The name and address of the suspected perpetrator;
- 380 (d) The names and addresses of all witnesses, including  
381 the reporting party if a material witness to the abuse;
- 382 (e) A brief statement of the facts indicating that the  
383 child has been abused, including whether the child experienced  
384 commercial sexual exploitation or human trafficking, and any other  
385 information from the agency files or known to the family  
386 protection worker or family protection specialist making the  
387 investigation, including medical records or other records, which  
388 may assist law enforcement or the district attorney in  
389 investigating and/or prosecuting the case; and





390 (f) What, if any, action is being taken by the  
391 Department of Child Protection Services.

392 (6) In any investigation of a report made under this chapter  
393 of the abuse or neglect of a child as defined in Section  
394 43-21-105(1) or (m), the Department of Child Protection Services  
395 may request the appropriate law enforcement officer with  
396 jurisdiction to accompany the department in its investigation, and  
397 in such cases the law enforcement officer shall comply with such  
398 request.

399 (7) Anyone who willfully violates any provision of this  
400 section shall be, upon being found guilty, punished by a fine not  
401 to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in  
402 jail not to exceed one (1) year, or both.

403 (8) If a report is made directly to the Department of Child  
404 Protection Services that a child has been abused or neglected or  
405 experienced commercial sexual exploitation or human trafficking in  
406 an out-of-home setting, a referral shall be made immediately to  
407 the law enforcement agency in whose jurisdiction the abuse  
408 occurred and the department shall notify the district attorney's  
409 office and the Statewide Human Trafficking Coordinator within  
410 forty-eight (48) hours of such report. The Department of Child  
411 Protection Services shall investigate the out-of-home setting  
412 report of abuse or neglect to determine whether the child who is  
413 the subject of the report, or other children in the same  
414 environment, comes within the jurisdiction of the youth court and



415 shall report to the youth court the department's findings and  
416 recommendation as to whether the child who is the subject of the  
417 report or other children in the same environment require the  
418 protection of the youth court. The law enforcement agency shall  
419 investigate the reported abuse immediately and shall file a  
420 preliminary report with the district attorney's office within  
421 forty-eight (48) hours and shall make additional reports as new  
422 information or evidence becomes available. If the out-of-home  
423 setting is a licensed facility, an additional referral shall be  
424 made by the Department of Child Protection Services to the  
425 licensing agency. The licensing agency shall investigate the  
426 report and shall provide the department, the law enforcement  
427 agency and the district attorney's office with their written  
428 findings from such investigation as well as that licensing  
429 agency's recommendations and actions taken.

430 (9) If a child protective investigation does not result in  
431 an out-of-home placement, a child protective investigator must  
432 provide information to the parent or guardians about community  
433 service programs that provide respite care, counseling and support  
434 for children who have experienced commercial sexual exploitation  
435 or human trafficking, voluntary guardianship or other support  
436 services for families in crisis.

437 **SECTION 4.** Section 47-7-3, Mississippi Code of 1972, is  
438 amended as follows:



439           47-7-3. (1) Every prisoner who has been convicted of any  
440 offense against the State of Mississippi, and is confined in the  
441 execution of a judgment of such conviction in the Mississippi  
442 Department of Corrections for a definite term or terms of one (1)  
443 year or over, or for the term of his or her natural life, whose  
444 record of conduct shows that such prisoner has observed the rules  
445 of the department, and who has served the minimum required time  
446 for parole eligibility, may be released on parole as set forth  
447 herein:

448                   (a) **Habitual offenders.** Except as provided by Sections  
449 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
450 habitual criminal shall be eligible for parole;

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

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

457                           (i) Capital murder committed on or after July 1,  
458 1994, as defined in Section 97-3-19(2);

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

461                           (iii) Any offense to which an offender is  
462 sentenced to life imprisonment without eligibility for parole



463 under the provisions of Section 99-19-101, whose crime was  
464 committed on or after July 1, 1994;

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

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

472 (f) **Drug trafficking.** No person sentenced for  
473 trafficking and aggravated trafficking, as defined in Section  
474 41-29-139(f) through (g), shall be eligible for parole;

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

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

482 1. **Nonviolent crimes.** All persons sentenced  
483 for a nonviolent offense shall be eligible for parole only after  
484 they have served twenty-five percent (25%) or ten (10) years,  
485 whichever is less, of the sentence or sentences imposed by the  
486 trial court, except for felony child abuse. For purposes of this



487 paragraph, "nonviolent crime" means a felony not designated as a  
488 crime of violence in Section 97-3-2.

489                   2. **Violent crimes.** A person who is sentenced  
490 for a violent offense as defined in Section 97-3-2, except robbery  
491 with a deadly weapon as defined in Section 97-3-79, drive-by  
492 shooting as defined in Section 97-3-109, and carjacking as defined  
493 in Section 97-3-117, shall be eligible for parole only after  
494 having served fifty percent (50%) or twenty (20) years, whichever  
495 is less, of the sentence or sentences imposed by the trial court.  
496 Those persons sentenced for robbery with a deadly weapon as  
497 defined in Section 97-3-79, drive-by shooting as defined in  
498 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
499 shall be eligible for parole only after having served sixty  
500 percent (60%) or twenty-five (25) years, whichever is less, of the  
501 sentence or sentences imposed by the trial court.

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

508                   (ii) **Parole hearing required.** All persons  
509 eligible for parole under subparagraph (i) of this paragraph (h)  
510 who are serving a sentence or sentences for a crime of violence,  
511 as defined in Section 97-3-2, shall be required to have a parole



512 hearing before the Parole Board pursuant to Section 47-7-17, prior  
513 to parole release.

514 (iii) **Geriatric parole.** Notwithstanding the  
515 provisions in subparagraph (i) of this paragraph (h), a person  
516 serving a sentence who has reached the age of sixty (60) or older  
517 and who has served no less than ten (10) years of the sentence or  
518 sentences imposed by the trial court shall be eligible for parole.  
519 Any person eligible for parole under this subparagraph (iii) shall  
520 be required to have a parole hearing before the board prior to  
521 parole release. No inmate shall be eligible for parole under this  
522 subparagraph (iii) of this paragraph (h) if:

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

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

527 3. The inmate is sentenced for an offense  
528 that specifically prohibits parole release;

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

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

532 or

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

535 (iv) **Parole consideration as authorized by the**  
536 **trial court.** Notwithstanding the provisions of paragraph (a) of



537 this subsection, any offender who has not committed a crime of  
538 violence under Section 97-3-2 and has served twenty-five percent  
539 (25%) or more of his sentence may be paroled by the State Parole  
540 Board if, after the sentencing judge or if the sentencing judge is  
541 retired, disabled or incapacitated, the senior circuit judge  
542 authorizes the offender to be eligible for parole consideration;  
543 or if the senior circuit judge must be recused, another circuit  
544 judge of the same district or a senior status judge may hear and  
545 decide the matter. A petition for parole eligibility  
546 consideration pursuant to this subparagraph (iv) shall be filed in  
547 the original criminal cause or causes, and the offender shall  
548 serve an executed copy of the petition on the District Attorney.  
549 The court may, in its discretion, require the District Attorney to  
550 respond to the petition.

551 (2) The State Parole Board shall, by rules and regulations,  
552 establish a method of determining a tentative parole hearing date  
553 for each eligible offender taken into the custody of the  
554 Department of Corrections. The tentative parole hearing date  
555 shall be determined within ninety (90) days after the department  
556 has assumed custody of the offender. Except as provided in  
557 Section 47-7-18, the parole hearing date shall occur when the  
558 offender is within thirty (30) days of the month of his parole  
559 eligibility date. Any parole eligibility date shall not be  
560 earlier than as required in this section.



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

566 (4) Any inmate within forty-eight (48) months of his parole  
567 eligibility date and who meets the criteria established by the  
568 classification board shall receive priority for placement in any  
569 educational development and job-training programs that are part of  
570 his or her parole case plan. Any inmate refusing to participate  
571 in an educational development or job-training program, including,  
572 but not limited to, programs required as part of the case plan,  
573 shall be in jeopardy of noncompliance with the case plan and may  
574 be denied parole.

575 (5) In addition to other requirements, if an offender is  
576 convicted of a drug or driving under the influence felony, the  
577 offender must complete a drug and alcohol rehabilitation program  
578 prior to parole, or the offender shall be required to complete a  
579 postrelease drug and alcohol program as a condition of parole.

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





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

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

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

598 (10) This section shall stand repealed on July 1, \* \* \*  
599 2027.

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

