

By: Representative Hood

To: Corrections; Judiciary B

HOUSE BILL NO. 1554

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE PAROLE ELIGIBILITY FOR PERSONS SENTENCED TO LIFE
 3 IMPRISONMENT OR LIFE IMPRISONMENT WITHOUT PAROLE IF SUCH PERSONS
 4 WERE UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE COMMISSION OF
 5 THE OFFENSE FOR WHICH SUCH PERSONS WERE CONVICTED AND TO ESTABLISH
 6 FACTORS SENTENCING COURTS MUST CONSIDER IN DETERMINING WHETHER
 7 SUCH PERSONS SHOULD NOT BE ELIGIBLE FOR PAROLE; TO EXTEND THE DATE
 8 OF REPEAL ON THIS SECTION FROM JULY 1, 2024, TO JULY 1, 2025; AND
 9 FOR RELATED PURPOSES.

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

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

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



22 (a) **Habitual offenders.** Except as provided by Sections
23 99-19-81 through 99-19-87, no person sentenced as a confirmed and
24 habitual criminal shall be eligible for parole;

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

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

31 (i) Capital murder committed on or after July 1,
32 1994, as defined in Section 97-3-19(2);

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

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

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

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



46 (f) **Drug trafficking.** No person sentenced for
47 trafficking and aggravated trafficking, as defined in Section
48 41-29-139(f) through (g), shall be eligible for parole;

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

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

56 1. **Nonviolent crimes.** All persons sentenced
57 for a nonviolent offense shall be eligible for parole only after
58 they have served twenty-five percent (25%) or ten (10) years,
59 whichever is less, of the sentence or sentences imposed by the
60 trial court. For purposes of this paragraph, "nonviolent crime"
61 means a felony not designated as a crime of violence in Section
62 97-3-2.

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



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

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

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

82 (ii) **Parole hearing required.** All persons
83 eligible for parole under subparagraph (i) of this paragraph (h)
84 who are serving a sentence or sentences for a crime of violence,
85 as defined in Section 97-3-2, or persons eligible for parole
86 pursuant to subsections (10) and (11), shall be required to have a
87 parole hearing before the Parole Board pursuant to Section
88 47-7-17, prior to parole release.

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



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

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

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

102 3. The inmate is sentenced for an offense
103 that specifically prohibits parole release;

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

106 5. The inmate is sentenced for a sex crime;
107 or

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

110 (iv) **Parole consideration as authorized by the**
111 **trial court.** Notwithstanding the provisions of paragraph (a) of
112 this subsection, any offender who has not committed a crime of
113 violence under Section 97-3-2 and has served twenty-five percent
114 (25%) or more of his sentence may be paroled by the State Parole
115 Board if, after the sentencing judge or if the sentencing judge is
116 retired, disabled or incapacitated, the senior circuit judge
117 authorizes the offender to be eligible for parole consideration;
118 or if the senior circuit judge must be recused, another circuit
119 judge of the same district or a senior status judge may hear and
120 decide the matter. A petition for parole eligibility



121 consideration pursuant to this subparagraph (iv) shall be filed in
122 the original criminal cause or causes, and the offender shall
123 serve an executed copy of the petition on the District Attorney.
124 The court may, in its discretion, require the District Attorney to
125 respond to the petition.

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

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

141 (4) Any inmate within forty-eight (48) months of his parole
142 eligibility date and who meets the criteria established by the
143 classification board shall receive priority for placement in any
144 educational development and job-training programs that are part of
145 his or her parole case plan. Any inmate refusing to participate



146 in an educational development or job-training program, including,
147 but not limited to, programs required as part of the case plan,
148 shall be in jeopardy of noncompliance with the case plan and may
149 be denied parole.

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

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

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

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

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



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

173 (10) Notwithstanding provisions to the contrary in this
174 section or with any other statute previously enacted, a person who
175 has been sentenced to life imprisonment and was under
176 eighteen (18) years of age at the time of the commission of the
177 offense for which the person was convicted, shall be eligible for
178 parole consideration after serving forty (40) years of his or her
179 sentence.

180 (11) Notwithstanding provisions to the contrary in this
181 section or with any other statute previously enacted, a person who
182 has been sentenced to life imprisonment without parole and
183 was under eighteen (18) years of age at the time of the commission
184 of the offense for which the person was convicted, shall be
185 eligible for parole consideration when such person reaches the age
186 of sixty-five (65).

187 (12) Notwithstanding subsections (10) and (11) of this
188 section, a person who has been sentenced to life imprisonment or
189 life imprisonment without parole and was under eighteen (18) years
190 of age at the time of the commission of the offense for which the
191 person was convicted, shall not be eligible for parole
192 consideration if the court at the time of sentencing makes a
193 finding that the person shall not be eligible for parole. Factors
194 the sentencing court shall consider in determining whether the
195 person shall be eligible for parole after consideration of the



196 factors based on the evidence presented at the sentencing hearing
197 are as follows: (i) the person's chronological age and its
198 hallmark features among them being immaturity, impetuosity, and
199 failure to appreciate risks and consequences; (ii) the person's
200 family and the home environment that surrounds him or her and from
201 which he or she cannot usually extricate himself no matter how
202 brutal or dysfunctional; (iii) the circumstances of the criminal
203 offense, including the extent of the person's participation in the
204 conduct and the way familial and peer pressures may have affected
205 such person; (iv) the possibility that the person might have been
206 charged and convicted of a lesser offense if not for
207 incompetencies associated with youth; and (v) the possibility of
208 rehabilitation.

209 (* * *13) This section shall stand repealed on July
210 1, * * * 2025.

211 **SECTION 2.** This act shall take effect and be in force from
212 and after July 1, 2024.

