

## HOUSE BILL NO. 111

1       AN ACT TO PROVIDE THAT ANY PERSON WHO IS CONVICTED OF A DRUG  
2 OFFENSE OR A NONVIOLENT CRIME AND IS SENTENCED TO FIVE YEARS OR  
3 LESS AND IS HELD IN THE PHYSICAL CUSTODY OF THE DEPARTMENT OF  
4 CORRECTIONS SHALL HAVE HIS OR HER SENTENCE COMMUTED TO TIME  
5 SERVED; TO BRING FORWARD SECTION 47-7-3, MISSISSIPPI CODE OF 1972,  
6 FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

8       **SECTION 1.** Notwithstanding any other provision of law to the  
9 contrary, any person who is convicted of a drug offense or a  
10 nonviolent crime, as defined under Section 47-7-3, and is  
11 sentenced to five (5) years or less and is held in the physical  
12 custody of the Department of Corrections shall have his or her  
13 sentence commuted to time served.

14       **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is  
15 brought forward as follows:

16       47-7-3. (1) Every prisoner who has been convicted of any  
17 offense against the State of Mississippi, and is confined in the  
18 execution of a judgment of such conviction in the Mississippi  
19 Department of Corrections for a definite term or terms of one (1)  
20 year or over, or for the term of his or her natural life, whose

21 record of conduct shows that such prisoner has observed the rules  
22 of the department, and who has served the minimum required time  
23 for parole eligibility, may be released on parole as set forth  
24 herein:

25 (a) **Habitual offenders.** Except as provided by Sections  
26 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
27 habitual criminal shall be eligible for parole;

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

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

34 (i) Capital murder committed on or after July 1,  
35 1994, as defined in Section 97-3-19(2);

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

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

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



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

49 (f) **Drug trafficking.** No person sentenced for  
50 trafficking and aggravated trafficking, as defined in Section  
51 41-29-139(f) through (g), shall be eligible for parole;

52 (g) Offenses specifically prohibiting parole release.

53 No person shall be eligible for parole who is convicted of any  
54 offense that specifically prohibits parole release;

55 (h) (i) **Offenders eligible for parole consideration**

56 **for offenses committed after June 30, 1995.** Except as provided in  
57 paragraphs (a) through (g) of this subsection, offenders may be  
58 considered eligible for parole release as follows:



71 having served fifty percent (50%) or twenty (20) years, whichever  
72 is less, of the sentence or sentences imposed by the trial court.  
73 Those persons sentenced for robbery with a deadly weapon as  
74 defined in Section 97-3-79, drive-by shooting as defined in  
75 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
76 shall be eligible for parole only after having served sixty  
77 percent (60%) or twenty-five (25) years, whichever is less, of the  
78 sentence or sentences imposed by the trial court.

### 3. Nonviolent and nonhabitual drug offenses.

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

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



96 Any person eligible for parole under this subparagraph (iii) shall  
97 be required to have a parole hearing before the board prior to  
98 parole release. No inmate shall be eligible for parole under this  
99 subparagraph (iii) of this paragraph (h) if:

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

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

104 3. The inmate is sentenced for an offense  
105 that specifically prohibits parole release;

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

108 5. The inmate is sentenced for a sex crime;  
109 or

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

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



121 judge of the same district or a senior status judge may hear and  
122 decide the matter. A petition for parole eligibility  
123 consideration pursuant to this subparagraph (iv) shall be filed in  
124 the original criminal cause or causes, and the offender shall  
125 serve an executed copy of the petition on the District Attorney.  
126 The court may, in its discretion, require the District Attorney to  
127 respond to the petition.

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

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

143 (4) Any inmate within forty-eight (48) months of his parole  
144 eligibility date and who meets the criteria established by the  
145 classification board shall receive priority for placement in any



146 educational development and job-training programs that are part of  
147 his or her parole case plan. Any inmate refusing to participate  
148 in an educational development or job-training program, including,  
149 but not limited to, programs required as part of the case plan,  
150 shall be in jeopardy of noncompliance with the case plan and may  
151 be denied parole.

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

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

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

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



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

175 (10) This section shall stand repealed on July 1, 2027.

176       **SECTION 3.** This act shall take effect and be in force from  
177       and after July 1, 2026.

