

By: Representatives Kinkade, Hale

To: Corrections

HOUSE BILL NO. 107  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE LIST OF OFFENSES THAT RENDER AN OFFENDER CONVICTED  
3 BETWEEN 1995 AND 2014 INELIGIBLE FOR PAROLE; AND FOR RELATED  
4 PURPOSES.

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

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

8 47-7-3. (1) Every prisoner who has been convicted of any  
9 offense against the State of Mississippi, and is confined in the  
10 execution of a judgment of such conviction in the Mississippi  
11 Department of Corrections for a definite term or terms of one (1)  
12 year or over, or for the term of his or her natural life, whose  
13 record of conduct shows that such prisoner has observed the rules  
14 of the department, and who has served not less than one-fourth  
15 (1/4) of the total of such term or terms for which such prisoner  
16 was sentenced, or, if sentenced to serve a term or terms of thirty  
17 (30) years or more, or, if sentenced for the term of the natural  
18 life of such prisoner, has served not less than ten (10) years of



19 such life sentence, may be released on parole as hereinafter  
20 provided, except that:

21 (a) No prisoner convicted as a confirmed and habitual  
22 criminal under the provisions of Sections 99-19-81 through  
23 99-19-87 shall be eligible for parole;

24 (b) Any person who shall have been convicted of a sex  
25 crime shall not be released on parole except for a person under  
26 the age of nineteen (19) who has been convicted under Section  
27 97-3-67;

28 (c) (i) No person shall be eligible for parole who  
29 shall, on or after January 1, 1977, be convicted of robbery or  
30 attempted robbery through the display of a firearm until he shall  
31 have served ten (10) years if sentenced to a term or terms of more  
32 than ten (10) years or if sentenced for the term of the natural  
33 life of such person. If such person is sentenced to a term or  
34 terms of ten (10) years or less, then such person shall not be  
35 eligible for parole. The provisions of this paragraph (c)(i)  
36 shall also apply to any person who shall commit robbery or  
37 attempted robbery on or after July 1, 1982, through the display of  
38 a deadly weapon. This paragraph (c)(i) shall not apply to persons  
39 convicted after September 30, 1994;

40 (ii) No person shall be eligible for parole who  
41 shall, on or after October 1, 1994, be convicted of robbery,  
42 attempted robbery or carjacking as provided in Section 97-3-115 et  
43 seq., through the display of a firearm or drive-by shooting as



44 provided in Section 97-3-109. The provisions of this paragraph  
45 (c)(ii) shall also apply to any person who shall commit robbery,  
46 attempted robbery, carjacking or a drive-by shooting on or after  
47 October 1, 1994, through the display of a deadly weapon. This  
48 paragraph (c)(ii) shall not apply to persons convicted after July  
49 1, 2014;

50 (d) No person shall be eligible for parole who, on or  
51 after July 1, 1994, is charged, tried, convicted and sentenced to  
52 life imprisonment without eligibility for parole under the  
53 provisions of Section 99-19-101;

54 (e) No person shall be eligible for parole who is  
55 charged, tried, convicted and sentenced to life imprisonment under  
56 the provisions of Section 99-19-101;

57 (f) No person shall be eligible for parole who is  
58 convicted or whose suspended sentence is revoked after June 30,  
59 1995, except that an offender convicted of only nonviolent crimes  
60 after June 30, 1995, may be eligible for parole if the offender  
61 meets the requirements in subsection (1) and this paragraph. In  
62 addition to other requirements, if an offender is convicted of a  
63 drug or driving under the influence felony, the offender must  
64 complete a drug and alcohol rehabilitation program prior to parole  
65 or the offender may be required to complete a post-release drug  
66 and alcohol program as a condition of parole. For purposes of  
67 this paragraph, "nonviolent crime" means a felony other than  
68 homicide, robbery, manslaughter, sex crimes, arson, burglary of an



69 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
70 of vulnerable adults, felonies with enhanced penalties, the sale  
71 or manufacture of a controlled substance under the Uniform  
72 Controlled Substances Law, felony child abuse, or exploitation or  
73 any crime under Section 97-5-33 or Section 97-5-39(2) or  
74 97-5-39(1) (b), 97-5-39(1) (c) or a violation of Section  
75 63-11-30(5). \* \* \* In addition, an offender incarcerated for  
76 committing the crime of possession of a controlled substance under  
77 the Uniform Controlled Substances Law after July 1, 1995, shall be  
78 eligible for parole. An offender incarcerated for committing the  
79 crime of sale or manufacture of a controlled substance shall be  
80 eligible for parole after serving one-fourth (1/4) of the sentence  
81 imposed by the trial court. This paragraph (f) shall not apply to  
82 persons convicted on or after July 1, 2014;

83 (g) (i) No person who, on or after July 1, 2014, is  
84 convicted of a crime of violence pursuant to Section 97-3-2, a sex  
85 crime or an offense that specifically prohibits parole release,  
86 shall be eligible for parole. All persons convicted of any other  
87 offense on or after July 1, 2014, are eligible for parole after  
88 they have served one-fourth (1/4) of the sentence or sentences  
89 imposed by the trial court.

90 (ii) Notwithstanding the provisions in paragraph  
91 (i) of this subsection, a person serving a sentence who has  
92 reached the age of sixty (60) or older and who has served no less  
93 than ten (10) years of the sentence or sentences imposed by the



94 trial court shall be eligible for parole. Any person eligible for  
95 parole under this subsection shall be required to have a parole  
96 hearing before the board prior to parole release. No inmate shall  
97 be eligible for parole under this paragraph of this subsection 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 (iii) Notwithstanding the provisions of paragraph  
111 (1)(a) of this section, any offender who has not committed a crime  
112 of violence under Section 97-3-2 and has served twenty-five  
113 percent (25%) or more of his sentence may be paroled by the parole  
114 board if, after the sentencing judge or if the sentencing judge is  
115 retired, disabled or incapacitated, the senior circuit judge  
116 authorizes the offender to be eligible for parole consideration.

117 (2) Notwithstanding any other provision of law, an inmate  
118 shall not be eligible to receive earned time, good time or any



119 other administrative reduction of time which shall reduce the time  
120 necessary to be served for parole eligibility as provided in  
121 subsection (1) of this section.

122 (3) The State Parole Board shall, by rules and regulations,  
123 establish a method of determining a tentative parole hearing date  
124 for each eligible offender taken into the custody of the  
125 Department of Corrections. The tentative parole hearing date  
126 shall be determined within ninety (90) days after the department  
127 has assumed custody of the offender. The parole hearing date  
128 shall occur when the offender is within thirty (30) days of the  
129 month of his parole eligibility date. The parole eligibility date  
130 shall not be earlier than one-fourth (1/4) of the prison sentence  
131 or sentences imposed by the court.

132 (4) Any inmate within twenty-four (24) months of his parole  
133 eligibility date and who meets the criteria established by the  
134 classification board shall receive priority for placement in any  
135 educational development and job training programs that are part of  
136 his or her parole case plan. Any inmate refusing to participate  
137 in an educational development or job training program that is part  
138 of the case plan may be in jeopardy of noncompliance with the case  
139 plan and may be denied parole.

140 **SECTION 2.** This act shall take effect and be in force from  
141 and after its passage.

