

Parole Eligibility in Mississippi Under SB 2795

WHY SB 2795 WAS NEEDED

Mississippi has the second highest imprisonment rate in the country, driven by long sentences and restrictive parole laws that require many people to serve every day of their sentence behind bars. SB 2795, signed into law in April 2021, will help change this by expanding parole eligibility to more people. The law will go into effect on July 1, 2021.

Previously, two-thirds of people in prison were not eligible for parole based on their crime of conviction. With the new law, many people who were convicted of certain offenses classified as violent will now be eligible for parole consideration after serving a portion of their sentence. It also creates earlier opportunities for parole for people serving very long sentences for nonviolent crimes. This reform restores hope to thousands of incarcerated people by giving them an opportunity to return home to their families and communities sooner.

ELIGIBILITY

CHANGES TO PAROLE ELIGIBILITY IN MISSISSIPPI

	Law Before July 1, 2021	Law as of July 1, 2021 (SB 2795)
Crimes classified as nonviolent offenses	25% of sentence(s)	25% or 10 years, whichever is less, of sentence(s)
Armed Robbery, Drive-By Shooting, Carjacking	Not eligible for parole	60% or 25 years, whichever is less, of sentence(s)
Other crimes classified as violent, excluding those specified as not eligible	Not eligible for parole	50% or 20 years, whichever is less, of sentence(s)

IMPACT

SB 2795 will help safely reduce Mississippi's prison population and save millions of taxpayer dollars on prison spending.

- When SB 2795 goes into effect on July 1, hundreds of people who were previously not eligible for parole will be immediately eligible for parole. Thousands more people will become eligible for parole in the coming years.
- SB 2795 will help address the racial disparities in Mississippi's prison system. It is estimated that two-thirds of people impacted by this law are Black men.

WHO IS NOT ELIGIBLE FOR PAROLE UNDER SB 2795

While a majority of the prison population will now be eligible for parole, people convicted of the following offenses will remain ineligible for parole:

- Drug trafficking
- Human trafficking
- Capital murder
- First and second degree murder
- Sex offenses
- Crimes that specifically prohibit parole release (including possession of a controlled substance in a correctional facility)
- People sentenced under habitual sentencing laws

Frequently Asked Questions

DOES THIS REFORM APPLY TO PEOPLE CURRENTLY IN PRISON?

Yes. The reform applies to people currently in prison and people who are sent to prison in the future. Prior to SB 2795, only 1/3 of the prison population was eligible for parole. Now, 2/3 of the prison population will be eligible.

DOES SOMEONE WHO IS CONVICTED OF AN ELIGIBLE CRIME NEED TO TAKE ANY ACTION TO BE CONSIDERED FOR PAROLE?

No. If someone is eligible under SB 2795, they do not need to file anything to be eligible for parole. Law requires MDOC to calculate the minimum portion of a person's sentence(s) they must serve based on the specific offense and to establish parole eligibility dates. MDOC is also required to calculate their new parole eligibility date. A list of people with an upcoming parole eligibility date is generated monthly and sent to the Parole Board.

HOW DOES SOMEONE WHO IS PAROLE ELIGIBLE GET RELEASED?

The Parole Board is required by law to conduct an individual review to determine if someone can be released on parole. Current law allows for people convicted of nonviolent offenses to be automatically released if they meet certain criteria. The Parole Board does not have to conduct a hearing and may review information provided by MDOC and other submissions to the Board to decide whether or not to grant parole. The new law requires people serving a sentence for offenses classified as violent to have a parole hearing. Then, the Parole Board will decide whether or not to grant parole.

HOW DOES SOMEONE KNOW WHEN THE PAROLE BOARD IS CONSIDERING THEIR CASE?

The Parole Board typically schedules its review before a person's parole eligibility date. Because hundreds of newly eligible people are expected to reach their parole eligibility date on July 1, there may be delays in generating a complete list of people eligible for parole and scheduling hearings.

WHAT HAPPENS WHEN A PERSON IS GRANTED PAROLE?

When someone is granted parole, MDOC will verify that they have an approved address to go to, and they will be released from prison and placed under supervision for the duration of their sentence. If they commit another crime while on parole, they can be sent immediately back to prison.

WILL VICTIMS BE INVOLVED IN THE PAROLE PROCESS?

Yes. During the parole process, a crime victim or a designated family member has the opportunity to provide information to the Parole Board.