



## Select Mississippi Mandatory Minimum Laws

**IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.**

### Drug Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 41-29-139(f)	A defendant age 21 or older, during the course of 12 consecutive months, sells, barter, transfers, manufactures, distributes, or dispenses: -10+ pounds of marijuana, OR -2+ ounces of heroin, OR -2+ ounces of cocaine, OR -2+ ounces of methamphetamine, OR -100+ dosage units of morphine, Demerol, Dilaudid, oxycodone hydrochloride, or MDMA	Life Without Parole*
§ 41-29-139(g)(1)	Trafficking in controlled substances: -Engaging in 3 or more offenses of selling, bartering, transferring, manufacturing, distributing, dispensing or possessing with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance -Within any 12 consecutive month period, AND -At least 2 of the offenses occurred in different counties	30 Years

\*This sentence can be reduced for individuals who furnish information that leads to the arrest or prosecution of others who commit this offense.

### Weapons Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 97-37-37(1)	Using or displaying a firearm during the commission of a felony	5 Years, added to the sentence for the underlying crime
§ 97-37-37(2)	Using or displaying a firearm during the commission of a felony, and defendant is a convicted felon	10 Years, added to the sentence for the underlying crime

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### Habitual Offenders

Code Section	Offense	Mandatory Minimum Sentence
§ 99-19-81	Committing a felony after having been convicted twice previously of any felony or federal crime, and those prior crimes were charged separately and arose out of separate incidents at different times, and the defendant was sentenced to separate terms of one year or more in any state and/or federal prison for each prior crime	Maximum Sentence for the Current Felony
§ 99-19-83	Committing a felony after having been convicted twice previously of a felony or federal crime, and those prior crimes were charged separately and arose out of separate incidents at different times, and the defendant was sentenced to separate terms of one year or more in any state and/or federal prison for each prior crime, and one of the prior crimes was a crime of violence*	Life Without Parole

\*Crime of violence is not defined by the statute, but courts have often relied on § 99-15-107, which describes crimes of violence as including, but not limited to murder, aggravated assault, rape, armed robbery, manslaughter or burglary of a dwelling house, as well as § 47-7-3(1)(g), which includes selling and manufacturing drugs. However, this is not an all-inclusive list of crimes of violence.

### Gang Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 97-44-19(1)	Directing, participating, conducting, furthering, or assisting in the commission of illegal gang activity*	1 Year, added to the sentence for the underlying crime**
§ 97-44-19(2)	Committing a felony for the benefit of, at the direction of, or in association with any criminal street gang,* with the intent to promote, further, or assist in the affairs of a criminal gang*	1 Year, added to the sentence for the underlying crime**
§ 97-44-19(4)	Knowingly and willfully selling or buying goods or performing services for a criminal street gang* in furtherance of illegal activity	1 Year, added to the sentence for the underlying crime**

\*Criminal street gang is defined in § 97-44-3(a) as: any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of three or more persons with an established hierarchy that, through its membership or through the agency of any member, engages in felonious criminal activity.

\*\*This sentence is subject to a safety valve under § 97-44-19(5). See <http://michie.com/mississippi/lpext.dll?f=templates&fn=main-h.htm&cp=>, or see Mississippi Safety Valves at FAMM's website, [www.famm.org](http://www.famm.org).

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**Miscellaneous/Other Offenses**

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
§ 99-19-18	Embezzlement or other unlawful conversion of \$10,000+ of public funds	1 Year