



Bill Summary: Habitual Penalty Reform HB 1122, Rep. Clark

Bill Purpose: Mississippi’s “habitual offender” law requires the maximum sentence without the possibility of parole for people with two or more prior felony convictions, and mandatory life sentences if one of those prior felony convictions is for a crime of violence. HB 1122 would eliminate habitual offender penalties for people convicted of nonviolent offenses and extend parole eligibility to people currently serving habitual offender sentences for nonviolent crimes.

FAMM’s Position on the Bill: Support

Bill Status: *This bill is not a law yet.* To become law, this bill must go through the committee process, pass through both the Senate and House, and be signed by the governor.

What the Bill Would Do: If passed, HB 1122 would

1. Eliminate the habitual offender sentence for nonviolent offenses by:
 - a. Limiting the application of the mandatory maximum sentence to people whose current conviction is for a crime of violence and who have two prior felony convictions, one of which is for a crime of violence, and
 - b. Limiting the application of the mandatory life sentence to people whose current conviction is for a crime of violence and who have two prior crime of violence convictions.

2. Provide early release opportunities to people currently serving habitual offender sentences for nonviolent convictions by:
 - a. Creating parole eligibility after serving 25% of the sentence, or 10 years if the sentence is more than 40 years and up to life (with life sentences calculated as 50 years);
 - b. Allowing people to gain earned time allowances; and
 - c. Allowing people who are “trustee status” to earn trustee-time allowance.

