MISSISSIPPI LEGISLATURE REGULAR SESSION 2013

By: Representatives Baria, Flaggs, Bain, Evans (91st), Horan, Lane, Moak, Nelson, Oberhousen, Steverson

To: Judiciary A

HOUSE BILL NO. 430

AN ACT TO REQUIRE THAT, WHEN A PERSON CONVICTED OF A VIOLENT FELONY CRIME PETITIONS THE GOVERNOR FOR A PARDON, THE PERSON SHALL ALSO NOTIFY THE STATE PAROLE BOARD; TO PROVIDE THAT THE PAROLE BOARD SHALL NOTIFY THE DISTRICT ATTORNEY AND THE SHERIFF OF THE COUNTY IN WHICH THE CRIME WAS COMMITTED AND SHALL REQUEST THAT THE DISTRICT ATTORNEY SCHEDULE A PUBLIC HEARING REGARDING THE POSSIBLE PARDON; TO DEFINE "VIOLENT FELONY CRIME" FOR PURPOSES OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. When a person convicted of a violent felony crime petitions the Governor for a pardon, the person shall also notify the Parole Board of such petition, at the same time that the person publishes his petition for pardon as required by Section 124 of the Mississippi Constitution of 1890.

Within seven (7) days of the notification, the board shall notify the district attorney and sheriff of the county in which the violent felony crime was committed, requesting the district attorney to schedule a public hearing in that county regarding the possible granting of a pardon. Any such public hearing shall occur within thirty (30) days after the convicted felon has published his petition for pardon. Notice of the public hearing

shall be published at the expense of the convicted felon for at least five (5) consecutive days before the date of the public hearing in a newspaper published or having general circulation in the county in which the violent felony crime was committed. After the public hearing, the district attorney shall forthwith make a brief report of the matters discussed at the public hearing to the Governor and to the board.

For purposes of this section, "violent felony crime" means a felony that is homicide, robbery, manslaughter, a sex crime, arson, burglary of an occupied dwelling while armed with a deadly weapon, aggravated assault, kidnapping, abuse of a vulnerable adult, child abuse or exploitation of a child or any crime as described in Section 97-5-33 or 97-5-39(1)(b) or 97-5-39(1)(c) or Section 97-5-39(2), or a violation of Section 63-11-30(5).

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

ST: Gubernatorial pardon; require applicant to notify parole board & public hearing held, if conviction was for violent felony crime.