



2024 Update of Parker's Law Convictions



Joint Legislative Committee on Performance
Evaluation and Expenditure Review

Issue Brief #714
December 9, 2024

PEER Committee

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About PEER:

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker of the House and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, the agency examined, and the general public.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

Scope and Authority

As required by MISS. CODE ANN. Section 41-29-139.1 (1972), otherwise known as Parker's Law, the PEER Committee prepared the following:

- an overview of Parker's Law, and similar provisions of law in the United States; and,
- the number of convictions that have occurred under Parker's Law since its adoption.

This is the third annual update prepared by PEER. It includes the total number of convictions from July 1, 2022, to November 1, 2024.

Background

The Requirements of Parker's Law

In 2022, the Mississippi Legislature adopted *Chapter 401, Laws of 2022*, otherwise known as Parker's Law. Section 2 of this legislation provides:

(1) A person who delivers or causes the delivery of fentanyl with knowledge of the fentanyl commits the crime of "fentanyl delivery resulting in death" when as a result of the unlawful delivery of fentanyl in exchange for anything of value to another person, death to a person results from the proximate cause of injection, oral ingestion or inhalation of the fentanyl. Upon conviction for violating the provisions of this section, the person shall be sentenced to imprisonment no less than twenty (20) years to a term of life in the custody of the Mississippi Department of Corrections.

(2) For purposes of this act only, any person, who, in good faith, without malice and in the absence of evidence of an intent to defraud, seeks medical assistance for someone experiencing a fentanyl overdose shall not be charged or prosecuted for a violation of this section, if the evidence for the charge was gained as a result of the seeking of medical assistance.

(3) For purposes of this act:

(a) "Fentanyl" means fentanyl and any fentanyl-related substances, to include fentanyl analogs, as set forth in Article 3, Chapter 29 of Title 41 of the Mississippi Code of 1972.

(b) "In exchange for anything of value" does not apply to the act of sharing fentanyl when the sharing results in the proximate cause of a person's death under this section.

(4) The legislative intent for this bill is to assist in prosecuting any person who sells or otherwise profits from the sale of unlawful fentanyl, which causes the death of another person. It is not the intent of this Legislature for the provisions of this section to be used

to prosecute a drug user or drug addict who has shared fentanyl with a friend or associate and the friend or associate dies as a result of the sharing.

(5) The provisions of this section shall not be construed to limit, restrict or otherwise prohibit an indictment or conviction for any other crime that may be related to a violation of this section.

(6) The Joint Legislative Committee on Performance Evaluation and Expenditure Review shall create an annual report of the number of persons convicted under the provisions of this act; and shall provide the report to the House and Senate Judiciary B committees by January 5, of each year.

(7) This section shall stand repealed from and after July 1, 2025.

This provision of law was codified as MISS. CODE ANN. Section 41-29-139.1.

Convictions Under Parker's Law

PEER staff contacted the Administrative Office of the Courts (AOC) to determine how many convictions have occurred under Parker's Law since its adoption. The staff of AOC reviewed court records in their possession, including filings maintained in Mississippi Electronic Courts (MEC). In the first PEER review, *A Review of Parker's Law Convictions*, Issue Brief #680 (December 13, 2022), AOC reported no convictions.

In the second PEER review, *2023 Update of Parker's Law Convictions*, Issue Brief #699 (December 12, 2023), AOC recorded three convictions under Parker's Law from December 1, 2022, through October 31, 2023. However, these records erroneously referenced Parker's Law as originally entered into the MEC system. On December 23, 2025, AOC staff confirmed that the above-noted convictions had been corrected in the MEC system and no longer reference Parker's Law in the records. Therefore, no convictions have been reported under Parker's Law.

From November 1, 2023, through November 1, 2024, AOC reported no convictions under Parker's Law.

AOC and PEER emphasize that the provisions have only been in effect since July 1, 2022.

James F. (Ted) Booth, Executive Director

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