

Senate Amendments to House Bill No. 668

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 **SECTION 1.** Section 47-7-3, Mississippi Code of 1972, is
10 amended as follows:

11 47-7-3. (1) Every prisoner who has been convicted of any
12 offense against the State of Mississippi, and is confined in the
13 execution of a judgment of such conviction in the Mississippi
14 State Penitentiary for a definite term or terms of one (1) year or
15 over, or for the term of his or her natural life, whose record of
16 conduct shows that such prisoner has observed the rules of the
17 penitentiary, and who has served not less than one-fourth (1/4) of
18 the total of such term or terms for which such prisoner was
19 sentenced, or, if sentenced to serve a term or terms of thirty
20 (30) years or more, or, if sentenced for the term of the natural
21 life of such prisoner, has served not less than ten (10) years of
22 such life sentence, may be released on parole as hereinafter
23 provided, except that:

24 (a) No prisoner convicted as a confirmed and habitual
25 criminal under the provisions of Sections 99-19-81 through
26 99-19-87 shall be eligible for parole;

27 (b) Any person who shall have been convicted of a sex
28 crime shall not be released on parole except for a person under
29 the age of nineteen (19) who has been convicted under Section
30 97-3-67;

31 (c) No one shall be eligible for parole until he shall
32 have served one (1) year of his sentence, unless such person has
33 accrued any meritorious earned time allowances, in which case he
34 shall be eligible for parole if he has served (i) nine (9) months

35 of his sentence or sentences, when his sentence or sentences is
36 two (2) years or less; (ii) ten (10) months of his sentence or
37 sentences when his sentence or sentences is more than two (2)
38 years but no more than five (5) years; and (iii) one (1) year of
39 his sentence or sentences when his sentence or sentences is more
40 than five (5) years;

41 (d) (i) No person shall be eligible for parole who
42 shall, on or after January 1, 1977, be convicted of robbery or
43 attempted robbery through the display of a firearm until he shall
44 have served ten (10) years if sentenced to a term or terms of more
45 than ten (10) years or if sentenced for the term of the natural
46 life of such person. If such person is sentenced to a term or
47 terms of ten (10) years or less, then such person shall not be
48 eligible for parole. The provisions of this paragraph (d) shall
49 also apply to any person who shall commit robbery or attempted
50 robbery on or after July 1, 1982, through the display of a deadly
51 weapon. This subparagraph (d)(i) shall not apply to persons
52 convicted after September 30, 1994;

53 (ii) No person shall be eligible for parole who
54 shall, on or after October 1, 1994, be convicted of robbery,
55 attempted robbery or carjacking as provided in Section 97-3-115 et
56 seq., through the display of a firearm or drive-by shooting as
57 provided in Section 97-3-109. The provisions of this subparagraph
58 (d)(ii) shall also apply to any person who shall commit robbery,
59 attempted robbery, carjacking or a drive-by shooting on or after
60 October 1, 1994, through the display of a deadly weapon;

61 (e) No person shall be eligible for parole who, on or
62 after July 1, 1994, is charged, tried, convicted and sentenced to
63 life imprisonment without eligibility for parole under the
64 provisions of Section 99-19-101;

65 (f) No person shall be eligible for parole who is
66 charged, tried, convicted and sentenced to life imprisonment under
67 the provisions of Section 99-19-101;

68 (g) No person shall be eligible for parole who is
69 convicted or whose suspended sentence is revoked after June 30,

70 1995, except that a first offender convicted of a nonviolent crime
71 after January 1, 2000, may be eligible for parole if the offender
72 meets the requirements in subsection (1) and this paragraph. In
73 addition to other requirements, if a first offender is convicted
74 of a drug or driving under the influence felony, the offender must
75 complete a drug and alcohol rehabilitation program prior to parole
76 or the offender may be required to complete a post-release drug
77 and alcohol program as a condition of parole. For purposes of
78 this paragraph, "nonviolent crime" means a felony other than
79 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
80 occupied dwelling, aggravated assault, kidnapping, felonious abuse
81 of vulnerable adults, felonies with enhanced penalties, the sale
82 or manufacture of a controlled substance under the Uniform
83 Controlled Substances Law, and felony child abuse.

84 (2) Notwithstanding any other provision of law, an inmate
85 shall not be eligible to receive earned time, good time or any
86 other administrative reduction of time which shall reduce the time
87 necessary to be served for parole eligibility as provided in
88 subsection (1) of this section; however, this subsection shall not
89 apply to the advancement of parole eligibility dates pursuant to
90 the Prison Overcrowding Emergency Powers Act. Moreover,
91 meritorious earned time allowances may be used to reduce the time
92 necessary to be served for parole eligibility as provided in
93 paragraph (c) of subsection (1) of this section.

94 (3) (a) The State Parole Board shall by rules and
95 regulations establish a method of determining a tentative parole
96 hearing date for each eligible offender taken into the custody of
97 the Department of Corrections. The tentative parole hearing date
98 shall be determined within ninety (90) days after the department
99 has assumed custody of the offender. Such tentative parole
100 hearing date shall be calculated by a formula taking into account
101 the offender's age upon first commitment, number of prior
102 incarcerations, prior probation or parole failures, the severity
103 and the violence of the offense committed, employment history and
104 other criteria which in the opinion of the board tend to validly

105 and reliably predict the length of incarceration necessary before
106 the offender can be successfully paroled.

107 (b) If an application for parole from an eligible
108 offender is rejected, the Parole Board shall reconsider the
109 application from that offender no later than one (1) year after
110 the initial application for parole is rejected, unless the crime
111 for which the offender was convicted is defined as a violent crime
112 under subsection (2)(g) of this section.

113 (4) Any inmate within twenty-four (24) months of his parole
114 eligibility date and who meets the criteria established by the
115 classification board shall receive priority for placement in any
116 educational development and job training programs. Any inmate
117 refusing to participate in an educational development or job
118 training program may be ineligible for parole.

119 **SECTION 2.** Section 47-7-5, Mississippi Code of 1972, is
120 amended as follows:

121 47-7-5. (1) The State Parole Board, created under former
122 Section 47-7-5, is hereby created, continued and reconstituted and
123 shall be composed of five (5) members. The Governor shall appoint
124 the members with the advice and consent of the Senate. All terms
125 shall be at the will and pleasure of the Governor. Any vacancy
126 shall be filled by the Governor, with the advice and consent of
127 the Senate. The Governor shall appoint a chairman of the board.

128 (2) Any person who is appointed to serve on the board shall
129 possess at least a bachelor's degree or a high school diploma and
130 four (4) years' work experience. Each member shall devote his
131 full time to the duties of his office and shall not engage in any
132 other business or profession or hold any other public office. A
133 member shall not receive compensation or per diem in addition to
134 his salary as prohibited under Section 25-3-38. Each member shall
135 keep such hours and workdays as required of full-time state
136 employees under Section 25-1-98. Individuals shall be appointed
137 to serve on the board without reference to their political
138 affiliations. Each board member, including the chairman, may be
139 reimbursed for actual and necessary expenses as authorized by

140 Section 25-3-41; but a member shall not be reimbursed for travel
141 expenses from his residence to the nearest State Penitentiary.

142 (3) The board shall have exclusive responsibility for the
143 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
144 shall have exclusive authority for revocation of the same. The
145 board shall have exclusive responsibility for investigating
146 clemency recommendations upon request of the Governor.

147 (4) The board, its members and staff, shall be immune from
148 civil liability for any official acts taken in good faith and in
149 exercise of the board's legitimate governmental authority.

150 (5) The budget of the board shall be funded through a
151 separate line item within the general appropriation bill for the
152 support and maintenance of the department. Employees of the
153 department which are employed by or assigned to the board shall
154 work under the guidance and supervision of the board. There shall
155 be an executive secretary to the board who shall be responsible
156 for all administrative and general accounting duties related to
157 the board. The executive secretary shall keep and preserve all
158 records and papers pertaining to the board.

159 (6) The board shall have no authority or responsibility for
160 supervision of offenders granted a release for any reason,
161 including, but not limited to, probation, parole or executive
162 clemency or other offenders requiring the same through interstate
163 compact agreements. The supervision shall be provided exclusively
164 by the staff of the Division of Community Corrections of the
165 department.

166 * * *

167 (7) (a) The Parole Board shall maintain a central registry
168 of paroled inmates. The Parole Board shall place the following
169 information on the registry: name, address, photograph, crime for
170 which paroled, the date of the end of parole or flat-time date and
171 other information deemed necessary. The Parole Board shall
172 immediately remove information on a parolee at the end of his
173 parole or flat-time date.

174 (b) When a person is placed on parole, the Parole Board
175 shall inform the parolee of the duty to report to the Parole
176 Officer any change in address ten (10) days before changing
177 address.

178 (c) The Parole Board shall utilize an Internet website
179 or other electronic means to release or publish the information.

180 (d) Records maintained on the registry shall be open to
181 law enforcement agencies and the public and shall be available no
182 later than July 1, 2003.

183 (8) This section shall stand repealed on July 1, 2006.

184 **SECTION 3.** Section 47-7-53, Mississippi Code of 1972, is
185 amended as follows:

186 47-7-53. If the Parole Board is abolished, the Department of
187 Corrections shall assume and exercise all the duties, powers and
188 responsibilities of the State Parole Board. The Commissioner of
189 Corrections may assign to the appropriate officers and divisions
190 any powers and duties deemed appropriate to carry out the duties
191 and powers of the Parole Board. Wherever the terms "State Parole
192 Board" or "Parole Board" appear in any state law, they shall mean
193 the Department of Corrections.

194 **SECTION 4.** This act shall take effect and be in force from
195 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE PAROLE BOARD SHALL RECONSIDER APPLICATIONS FOR
3 PAROLE FROM ELIGIBLE OFFENDERS NO LATER THAN ONE YEAR AFTER
4 REJECTION OF SUCH APPLICATIONS; TO AMEND SECTION 47-7-5,
5 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE
6 PAROLE BOARD; TO AMEND SECTION 47-7-53, MISSISSIPPI CODE OF 1972,
7 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

SS26\HB668A.J

John O. Gilbert
Secretary of the Senate