

By: Representative Cummings

To: Corrections;
Appropriations

HOUSE BILL NO. 1203

1 AN ACT TO AMEND SECTION 47-7-27, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE DEPARTMENT OF CORRECTIONS TO REIMBURSE ANY COUNTY A
3 CERTAIN AMOUNT FOR RETURNING A PAROLED OFFENDER TO THE DEPARTMENT;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-7-27, Mississippi Code of 1972, is
7 amended as follows:

8 47-7-27. The board is hereby authorized at any time, in its
9 discretion, and upon a showing of probable violation of parole, to
10 issue a warrant for the return of any paroled offender to the
11 custody of the Mississippi Department of Corrections. Such
12 warrant shall authorize all persons named therein to return such
13 paroled offender to actual custody of the Department of
14 Corrections from which he was paroled. If a sheriff or any agent
15 of a county returns a paroled offender to the Department of
16 Corrections, the department shall reimburse such county in the
17 amount of Twenty Dollars (\$20.00) for each paroled offender
18 returned. Pending hearing, as hereinafter provided, upon any
19 charge of parole violation, the offender shall remain incarcerated
20 in any other place of detention designated by the department.

21 Any field supervisor may arrest an offender without a warrant
22 or may deputize any other person with power of arrest to do so by
23 giving him a written statement setting forth that the offender
24 has, in the judgment of that field supervisor, violated the
25 conditions of his parole or earned-release supervision. Such
26 written statement delivered with the offender by the arresting
27 officer to the official in charge of the department facility from
28 which the offender was released or other place of detention

29 designated by the department shall be sufficient warrant for the
30 detention of the offender.

31 The field supervisor, after making an arrest, shall present
32 to the detaining authorities a similar statement of the
33 circumstances of violation. The field supervisor shall at once
34 notify the board or department of the arrest and detention of the
35 offender and shall submit a written report showing in what manner
36 the offender has violated the conditions of parole or
37 earned-release supervision. An offender for whose return a
38 warrant has been issued by the board shall, after the issuance of
39 such warrant, be deemed a fugitive from justice.

40 The law now in effect concerning the right of the State of
41 Mississippi to extradite persons and return fugitives from
42 justice, from other states to this state, shall not be impaired by
43 this chapter and shall remain in full force and effect. An
44 offender convicted of a felony while on parole, whether in the
45 State of Mississippi or another state, shall immediately have his
46 parole revoked upon presentment of a certified copy of the
47 commitment order to the board.

48 At the next meeting of the board held after the issuance of a
49 warrant for the retaking of any offender, the board shall be
50 notified thereof; and if the offender shall have been taken into
51 custody, he shall then be given an opportunity to appeal to the
52 board in writing or in person why his parole should not be
53 revoked. The board may then, or at any time in its discretion,
54 terminate such parole or modify the terms and conditions thereof.
55 In the event the board shall revoke parole, the offender shall
56 serve the remainder of the sentence originally imposed unless at a
57 later date the board shall think it expedient to grant the
58 offender a second parole. In case a second parole shall not be
59 granted, then the offender shall serve the remainder of the
60 sentence originally imposed, and the time the offender was out on

61 parole shall not be taken into account to diminish the time for
62 which he was sentenced.

63 The chairman and each member of the board and the designated
64 parole revocation hearing officer, in the discharge of their
65 duties, are authorized to administer oaths, to summon and examine
66 witnesses, and take other steps as may be necessary to ascertain
67 the truth of any matter about which they may have the right to
68 inquire.

69 **SECTION 2.** This act shall take effect and be in force from
70 and after July 1, 2005.