

By: Representative Malone

To: Corrections

## HOUSE BILL NO. 428

1 AN ACT TO AMEND SECTION 47-5-177, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO GIVE ELECTRONIC  
3 NOTICE TO CERTAIN LAW ENFORCEMENT OFFICIALS WHENEVER CERTAIN  
4 OFFENDERS ARE BEING RELEASED FROM THE DEPARTMENT OF CORRECTIONS  
5 AND TO DELETE THE REQUIREMENT THAT SUCH NOTICE SHALL INCLUDE A  
6 COPY OF THE "RELEASE OFFENSE INVESTIGATION" AND THE "SOCIAL  
7 ADMISSION REPORT"; TO AMEND SECTIONS 47-7-17, 47-5-157 AND  
8 47-5-173, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR  
9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-5-177, Mississippi Code of 1972, is  
12 amended as follows:

13 47-5-177. Within forty-eight (48) hours prior to the release  
14 of an offender from the custody of the Department of Corrections  
15 because of discharge, parole, pardon, temporary personal leave or  
16 pass, or otherwise, except for sickness or death in the offender's  
17 family, the Director of Records of the Department of Corrections  
18 shall give written or electronic notice of such release \* \* \* to  
19 the sheriff of the county and to the chief of police of the  
20 municipality where the offender was convicted. If the offender is  
21 paroled to a county other than the county of conviction, the  
22 Director of Records shall give written or electronic notice of the  
23 release to the sheriff, district attorney and circuit judge of the  
24 county and to the chief of police of the municipality where the  
25 offender is paroled and to the sheriff of the county and to the  
26 chief of police of the municipality where the offender was  
27 convicted. The \* \* \* Department of Corrections shall notify the  
28 parole officer of the county where the offender is paroled or  
29 discharged to probation of any chronic mental disorder incurred by  
30 the offender, of any type of infectious disease for which the

31 offender has been examined and treated, and of any medications  
32 provided to the offender for such conditions.

33 The Commissioner of Corrections shall require the Director of  
34 Records to clearly identify the written notice of release of an  
35 offender who has been convicted of arson at any time. The fact  
36 that the offender to be released had been convicted of arson at  
37 any time shall appear prominently on the notice of release and the  
38 sheriff shall notify all officials who are responsible for  
39 investigation of arson within the county of such offender's  
40 release and the chief of police shall notify all such officials  
41 within the municipality of such offender's release.

42 **SECTION 2.** Section 47-7-17, Mississippi Code of 1972, is  
43 amended as follows:

44 47-7-17. Within one (1) year after his admission and at such  
45 intervals thereafter as it may determine, the board shall secure  
46 and consider all pertinent information regarding each offender,  
47 except any under sentence of death or otherwise ineligible for  
48 parole, including the circumstances of his offense, his previous  
49 social history, his previous criminal record, including any  
50 records of law enforcement agencies or of a youth court regarding  
51 that offender's juvenile criminal history, his conduct, employment  
52 and attitude while in the custody of the department, and the  
53 reports of such physical and mental examinations as have been  
54 made. The board shall furnish at least three (3) months' written  
55 notice to each such offender of the date on which he is eligible  
56 for parole.

57 Before ruling on the application for parole of any offender,  
58 the board may have the offender appear before it and interview  
59 him. The hearing shall be held two (2) months prior to the month  
60 of eligibility in order for the department to address any special  
61 conditions required by the board. No application for parole of a  
62 person convicted of a capital offense shall be considered by the  
63 board unless and until notice of the filing of such application

64 shall have been published at least once a week for two (2) weeks  
65 in a newspaper published in or having general circulation in the  
66 county in which the crime was committed. The board shall also  
67 give notice of the filing of the application for parole to the  
68 victim of the offense for which the prisoner is incarcerated and  
69 being considered for parole or, in case the offense be homicide, a  
70 designee of the immediate family of the victim, provided the  
71 victim or designated family member has furnished in writing a  
72 current address to the board for such purpose. A parole shall be  
73 ordered only for the best interest of society, not as an award of  
74 clemency; it shall not be considered to be a reduction of sentence  
75 or pardon. An offender shall be placed on parole only when  
76 arrangements have been made for his proper employment or for his  
77 maintenance and care, and when the board believes that he is able  
78 and willing to fulfill the obligations of a law-abiding citizen.  
79 Within forty-eight (48) hours prior to the release of an offender  
80 on parole, the Director of Records of the department shall give  
81 the written or electronic notice which is required pursuant to  
82 Section 47-5-177. Every offender while on parole shall remain in  
83 the legal custody of the department from which he was released and  
84 shall be amenable to the orders of the board. The board, upon  
85 rejecting the application for parole of any offender, shall within  
86 thirty (30) days following such rejection furnish that offender in  
87 general terms the reasons therefor in writing. Upon determination  
88 by the board that an offender is eligible for release by parole,  
89 notice shall also be given by the board to the victim of the  
90 offense or the victim's family member, as indicated above,  
91 regarding the date when the offender's release shall occur,  
92 provided a current address of the victim or the victim's family  
93 member has been furnished in writing to the board for such  
94 purpose.

95 Failure to provide notice to the victim or the victim's  
96 family member of the filing of the application for parole or of  
97 any decision made by the board regarding parole shall not  
98 constitute grounds for vacating an otherwise lawful parole  
99 determination nor shall it create any right or liability, civilly  
100 or criminally, against the board or any member thereof.

101 A letter of protest against granting an offender parole shall  
102 not be treated as the conclusive and only reason for not granting  
103 parole.

104 The board may adopt such other rules not inconsistent with  
105 law as it may deem proper or necessary with respect to the  
106 eligibility of offenders for parole, the conduct of parole  
107 hearings, or conditions to be imposed upon parolees, including a  
108 condition that the parolee submit, as provided in Section 47-5-601  
109 to any type of breath, saliva or urine chemical analysis test, the  
110 purpose of which is to detect the possible presence of alcohol or  
111 a substance prohibited or controlled by any law of the State of  
112 Mississippi or the United States. The board shall have the  
113 authority to adopt rules permitting certain offenders to be placed  
114 on unsupervised parole. However, in no case shall an offender be  
115 placed on unsupervised parole before he has served a minimum of  
116 three (3) years of supervised parole.

117 **SECTION 3.** Section 47-5-157, Mississippi Code of 1972, is  
118 amended as follows:

119 47-5-157. When an offender is entitled to a discharge from  
120 the custody of the department, or is released therefrom on parole,  
121 pardon, or otherwise, the commissioner or his designee shall  
122 prepare and deliver to him a written discharge or release, as the  
123 case may be, dated and signed by him with seal annexed, giving the  
124 offender's name, the name of the offense or offenses for which he  
125 was convicted, the term of sentence imposed and the date thereof,  
126 the county in which he was sentenced, the amount of commutation  
127 received, if any, the trade he has learned, if any, his

128 proficiency in same, and such description of the offender as may  
129 be practicable. Within forty-eight (48) hours prior to the  
130 release of an offender as described herein, the director of  
131 records of the department shall give the written or electronic  
132 notice which is required pursuant to Section 47-5-177. He shall  
133 be furnished, if needed, suitable civilian clothes, and all money  
134 held to his credit by any official of the correctional system  
135 shall be delivered to him.

136 The amount of money which an offender is entitled to receive  
137 from the State of Mississippi when he is discharged from the state  
138 correctional system shall be determined as follows:

139 (a) If he has continuously served his sentence in one  
140 (1) year or less flat time, he shall be given Fifteen Dollars  
141 (\$15.00).

142 (b) If he has served his sentence in more than one (1)  
143 year flat time and in less than ten (10) years flat time, he shall  
144 be given Twenty-five Dollars (\$25.00).

145 (c) If he has continuously served his sentence in ten  
146 (10) or more years flat time, he shall be given Seventy-five  
147 Dollars (\$75.00).

148 (d) If he has continuously served his sentence in  
149 twenty (20) or more years flat time, he shall be given One Hundred  
150 Dollars (\$100.00).

151 There shall be given in addition to the above specified  
152 moneys in subsections (a), (b), (c) and (d), a bus ticket to the  
153 county of conviction or to a state line of Mississippi.

154 **SECTION 4.** Section 47-5-173, Mississippi Code of 1972, is  
155 amended as follows:

156 47-5-173. The commissioner, or his designees, may grant  
157 leave to an offender and may take into consideration sickness or  
158 death in the offender's family or the seeking of employment by the  
159 offender in connection with application for parole, for a period  
160 of time not to exceed ten (10) days. Within forty-eight (48)

161 hours prior to the release of an offender on leave, the director  
162 of records of the department shall give the written or electronic  
163 notice required pursuant to Section 47-5-177. However, if an  
164 offender is granted leave because of sickness or death in the  
165 offender's family, written notice shall not be required but the  
166 inmate shall be accompanied by a correctional officer or a law  
167 enforcement officer. In all other cases the commissioner, or his  
168 designees, shall provide required security when deemed necessary.  
169 The commissioner, or his designees, in granting leave, shall take  
170 into consideration the conduct and work performance of the  
171 offender.

172         **SECTION 5.** This act shall take effect and be in force from  
173 and after July 1, 2007.