

By: Representative Kinkade

To: Corrections; Judiciary B

HOUSE BILL NO. 56

1 AN ACT TO AMEND SECTION 47-7-18, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ONLY A NONVIOLENT PAROLE-ELIGIBLE INMATE CONVICTED ON
3 OR AFTER JULY 1, 2014, MAY BE RELEASED ON HIS OR HER PAROLE
4 ELIGIBILITY DATE FROM INCARCERATION TO PAROLE SUPERVISION WITHOUT
5 A HEARING BEFORE THE PAROLE BOARD, IF CERTAIN CONDITIONS ARE MET;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 47-7-18, Mississippi Code of 1972, is
9 amended as follows:

10 47-7-18. (1) Each inmate convicted on or after July 1,
11 2014, who is a nonviolent offender, as prescribed under Section
12 97-3-2, and is eligible for parole pursuant to Section
13 47-7-3, * * * may be released from incarceration to parole
14 supervision on the inmate's parole eligibility date, without a
15 hearing before the board, if:

16 (a) The inmate has met the requirements of the parole
17 case plan established pursuant to Section 47-7-3.1;

18 (b) A victim of the offense has not requested the board
19 conduct a hearing;



20 (c) The inmate has not received a serious or major
21 violation report within the past six (6) months;

22 (d) The inmate has agreed to the conditions of
23 supervision; and

24 (e) The inmate has a discharge plan approved by the
25 board.

26 (2) At least thirty (30) days prior to an inmate's parole
27 eligibility date, the department shall notify the board in writing
28 of the inmate's compliance or noncompliance with the case plan.
29 If an inmate fails to meet a requirement of the case plan, prior
30 to the parole eligibility date, he or she shall have a hearing
31 before the board to determine if completion of the case plan can
32 occur while in the community.

33 (3) Any inmate for whom there is insufficient information
34 for the department to determine compliance with the case plan
35 shall have a hearing with the board.

36 (4) A hearing shall be held with the board if requested by
37 the victim following notification of the inmate's parole release
38 date pursuant to Section 47-7-17.

39 (5) A hearing shall be held by the board if a law
40 enforcement official from the community to which the inmate will
41 return contacts the board or the department and requests a hearing
42 to consider information relevant to public safety risks posed by
43 the inmate if paroled at the initial parole eligibility date. The



44 law enforcement official shall submit an explanation documenting
45 these concerns for the board to consider.

46 (6) If a parole hearing is held, the board may determine the
47 inmate has sufficiently complied with the case plan or that the
48 incomplete case plan is not the fault of the inmate and that
49 granting parole is not incompatible with public safety, the board
50 may then parole the inmate with appropriate conditions. If the
51 board determines that the inmate has sufficiently complied with
52 the case plan but the discharge plan indicates that the inmate
53 does not have appropriate housing immediately upon release, the
54 board may parole the inmate to a transitional reentry center with
55 the condition that the inmate spends no more than six (6) months
56 in the center. If the board determines that the inmate has not
57 substantively complied with the requirement(s) of the case plan it
58 may deny parole. If the board denies parole, the board may
59 schedule a subsequent parole hearing and, if a new date is
60 scheduled, the board shall identify the corrective action the
61 inmate will need to take in order to be granted parole. Any
62 inmate not released at the time of the inmate's initial parole
63 date shall have a parole hearing at least every year.

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

