

By: Representative Kinkade

To: Corrections

HOUSE BILL NO. 58

1 AN ACT TO AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CASE PLANS FOR PAROLE-ELIGIBLE INMATES SHALL BE FOR
3 NONVIOLENT OFFENDERS CONVICTED ON OR AFTER JULY 1, 2014; TO AMEND
4 SECTION 47-7-2, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
5 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 47-7-3.1, Mississippi Code of 1972, is
8 amended as follows:

9 47-7-3.1. (1) In consultation with the Parole Board, the
10 department shall develop a case plan for all parole-eligible
11 inmates who are nonviolent, as prescribed under Section 97-3-2,
12 and who are convicted on or after July 1, 2014, to guide an
13 inmate's rehabilitation while in the department's custody and to
14 reduce the likelihood of recidivism after release.

15 (2) Within ninety (90) days of admission, the department
16 shall complete a case plan on all inmates which shall include, but
17 not limited to:

18 (a) Programming and treatment requirements based on the
19 results of a risk and needs assessment;



20 (b) Any programming or treatment requirements contained
21 in the sentencing order; and

22 (c) General behavior requirements in accordance with
23 the rules and policies of the department.

24 (3) The department shall provide the inmate with a written
25 copy of the case plan and the inmate's caseworker shall explain
26 the conditions set forth in the case plan.

27 (a) Within ninety (90) days of admission, the
28 caseworker shall notify the inmate of their parole eligibility
29 date as calculated in accordance with Section 47-7-3(3);

30 (b) At the time a parole-eligible inmate receives the
31 case plan, the department shall send the case plan to the Parole
32 Board for approval.

33 (4) The department shall ensure that the case plan is
34 achievable prior to inmate's parole eligibility date.

35 (5) The caseworker shall meet with the inmate every eight
36 (8) weeks from the date the offender received the case plan to
37 review the inmate's case plan progress.

38 (6) Every four (4) months the department shall
39 electronically submit a progress report on each parole-eligible
40 inmate's case plan to the Parole Board. The board may meet to
41 review an inmate's case plan and may provide written input to the
42 caseworker on the inmate's progress toward completion of the case
43 plan.



44 (7) The Parole Board shall provide semiannually to the
45 Oversight Task Force the number of parole hearings held, the
46 number of prisoners released to parole without a hearing and the
47 number of parolees released after a hearing.

48 **SECTION 2.** Section 47-7-2, Mississippi Code of 1972, is
49 amended as follows:

50 47-7-2. For purposes of this chapter, the following words
51 shall have the meaning ascribed herein unless the context shall
52 otherwise require:

53 (a) "Adult" means a person who is seventeen (17) years
54 of age or older, or any person convicted of any crime not subject
55 to the provisions of the youth court law, or any person
56 "certified" to be tried as an adult by any youth court in the
57 state.

58 (b) "Board" means the State Parole Board.

59 (c) "Parole case plan" means an individualized, written
60 accountability and behavior change strategy developed by the
61 department for nonviolent offenders who are convicted on or after
62 July 1, 2014, in collaboration with the parole board to prepare
63 offenders for release on parole at the parole eligibility date.
64 The case plan shall focus on the offender's criminal risk factors
65 that, if addressed, reduce the likelihood of reoffending.

66 (d) "Commissioner" means the Commissioner of
67 Corrections.



68 (e) "Correctional system" means the facilities,
69 institutions, programs and personnel of the department utilized
70 for adult offenders who are committed to the custody of the
71 department.

72 (f) "Criminal risk factors" means characteristics that
73 increase a person's likelihood of reoffending. These
74 characteristics include: antisocial behavior; antisocial
75 personality; criminal thinking; criminal associates; dysfunctional
76 family; low levels of employment or education; poor use of leisure
77 and recreation; and substance abuse.

78 (g) "Department" means the Mississippi Department of
79 Corrections.

80 (h) "Detention" means the temporary care of juveniles
81 and adults who require secure custody for their own or the
82 community's protection in a physically restricting facility prior
83 to adjudication, or retention in a physically restricting facility
84 upon being taken into custody after an alleged parole or probation
85 violation.

86 (i) "Discharge plan" means an individualized written
87 document that provides information to support the offender in
88 meeting the basic needs identified in the pre-release assessment.
89 This information shall include, but is not limited to: contact
90 names, phone numbers, and addresses of referrals and resources.



91 (j) "Evidence-based practices" means supervision
92 policies, procedures, and practices that scientific research
93 demonstrates reduce recidivism.

94 (k) "Facility" or "institution" means any facility for
95 the custody, care, treatment and study of offenders which is under
96 the supervision and control of the department.

97 (l) "Juvenile," "minor" or "youthful" means a person
98 less than seventeen (17) years of age.

99 (m) "Offender" means any person convicted of a crime or
100 offense under the laws and ordinances of the state and its
101 political subdivisions.

102 (n) "Pre-release assessment" means a determination of
103 an offender's ability to attend to basic needs, including, but not
104 limited to, transportation, clothing and food, financial
105 resources, personal identification documents, housing, employment,
106 education, and health care, following release.

107 (o) "Special meetings" means those meetings called by
108 the chairman with at least twenty-four (24) hours' notice or a
109 unanimous waiver of notice.

110 (p) "Supervision plan" means a plan developed by the
111 community corrections department to manage offenders on probation
112 and parole in a way that reduces the likelihood they will commit a
113 new criminal offense or violate the terms of supervision and that
114 increases the likelihood of obtaining stable housing, employment
115 and skills necessary to sustain positive conduct.



116 (q) "Technical violation" means an act or omission by
117 the probationer that violates a condition or conditions of
118 probation placed on the probationer by the court or the probation
119 officer.

120 (r) "Transitional reentry center" means a
121 state-operated or state-contracted facility used to house
122 offenders leaving the physical custody of the Department of
123 Corrections on parole, probation or post-release supervision who
124 are in need of temporary housing and services that reduce their
125 risk to reoffend.

126 (s) "Unit of local government" means a county, city,
127 town, village or other general purpose political subdivision of
128 the state.

129 (t) "Risk and needs assessment" means the determination
130 of a person's risk to reoffend using an actuarial assessment tool
131 validated on Mississippi corrections populations and the needs
132 that, when addressed, reduce the risk to reoffend.

133 **SECTION 3.** This act shall take effect and be in force from
134 and after its passage.

