

By: Representative DeLano

To: Corrections

HOUSE BILL NO. 232

1 AN ACT TO REQUIRE THAT AN INMATE BE GIVEN NOTIFICATION OF  
 2 CERTAIN TERMS UPON HIS OR HER RELEASE IF THE INMATE IS ELIGIBLE  
 3 FOR PAROLE, POST-RELEASE SUPERVISION OR PROBATION; TO PROVIDE THAT  
 4 THE NOTIFICATION MUST CONTAIN INFORMATION REGARDING THE TIME  
 5 PERIOD OF SUPERVISION, CONDITIONS FOR WHICH AN INMATE MAY BE  
 6 RETURNED TO PRISON AND CONDITIONS UPON WHICH AN INMATE'S PERSON,  
 7 RESIDENCE OR VEHICLE MAY BE SEARCHED BY ANY LAW ENFORCEMENT  
 8 OFFICER; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO LIST THE  
 9 RELEASED INMATE ON THE NATIONAL CRIME INDEX COMPUTER FOR CERTAIN  
 10 PURPOSES; TO AMEND SECTIONS 47-7-3, 47-7-33.1, 47-7-34, 47-7-35  
 11 AND 47-7-47, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND  
 12 FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) In addition to any other notice that is  
 15 required by state law, any person who is an inmate and is eligible  
 16 for release on parole, a post-release supervision program or  
 17 probation shall be given notice by the releasing entity that he or  
 18 she is subject to terms and conditions of his or her release from  
 19 prison. The notice shall include all of the following:

20 (a) The release date of the person and the maximum  
 21 period that the person may be subject to supervision;

22 (b) An advisement that if the person violates any law  
 23 or violates any condition of his or her release, he or she may be



24 incarcerated in a county jail or, if previously paroled, be  
25 returned to state prison, regardless of whether new charges are  
26 filed; and

27 (c) An advisement that he or she and his or her  
28 residence and vehicle are subject to search or seizure by a  
29 probation or parole officer or any other peace officer at any time  
30 of the day or night, with or without a search warrant or with or  
31 without cause.

32 The notice required under this subsection shall be provided  
33 in writing and read aloud to the inmate, and the inmate shall  
34 acknowledge receipt of the notice before he or she is released.

35 (2) This section shall only apply to an inmate who is  
36 eligible for release on parole, a post-release supervision program  
37 or probation on or after July 1, 2018.

38 (3) It is not the intent of the Legislature to authorize law  
39 enforcement officers to conduct searches, as authorized under this  
40 section, for the sole purpose of harassment.

41 (4) The Mississippi Department of Corrections shall list the  
42 parolee or probationer on the National Crime Index Computer, and  
43 the list shall indicate that the person is on probation or parole  
44 and the duration of that probation or parole for reference  
45 purposes due to the search conditions.

46 **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is  
47 amended as follows:



48           47-7-3. (1) Every prisoner who has been convicted of any  
49 offense against the State of Mississippi, and is confined in the  
50 execution of a judgment of such conviction in the Mississippi  
51 Department of Corrections for a definite term or terms of one (1)  
52 year or over, or for the term of his or her natural life, whose  
53 record of conduct shows that such prisoner has observed the rules  
54 of the department, and who has served not less than one-fourth  
55 (1/4) of the total of such term or terms for which such prisoner  
56 was sentenced, or, if sentenced to serve a term or terms of thirty  
57 (30) years or more, or, if sentenced for the term of the natural  
58 life of such prisoner, has served not less than ten (10) years of  
59 such life sentence, may be released on parole as hereinafter  
60 provided, except that:

61           (a) No prisoner convicted as a confirmed and habitual  
62 criminal under the provisions of Sections 99-19-81 through  
63 99-19-87 shall be eligible for parole;

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

68           (c) (i) No person shall be eligible for parole who  
69 shall, on or after January 1, 1977, be convicted of robbery or  
70 attempted robbery through the display of a firearm until he shall  
71 have served ten (10) years if sentenced to a term or terms of more  
72 than ten (10) years or if sentenced for the term of the natural



73 life of such person. If such person is sentenced to a term or  
74 terms of ten (10) years or less, then such person shall not be  
75 eligible for parole. The provisions of this paragraph (c)(i)  
76 shall also apply to any person who shall commit robbery or  
77 attempted robbery on or after July 1, 1982, through the display of  
78 a deadly weapon. This paragraph (c)(i) shall not apply to persons  
79 convicted after September 30, 1994;

80 (ii) No person shall be eligible for parole who  
81 shall, on or after October 1, 1994, be convicted of robbery,  
82 attempted robbery or carjacking as provided in Section 97-3-115 et  
83 seq., through the display of a firearm or drive-by shooting as  
84 provided in Section 97-3-109. The provisions of this paragraph  
85 (c)(ii) shall also apply to any person who shall commit robbery,  
86 attempted robbery, carjacking or a drive-by shooting on or after  
87 October 1, 1994, through the display of a deadly weapon. This  
88 paragraph (c)(ii) shall not apply to persons convicted after July  
89 1, 2014;

90 (d) No person shall be eligible for parole who, on or  
91 after July 1, 1994, is charged, tried, convicted and sentenced to  
92 life imprisonment without eligibility for parole under the  
93 provisions of Section 99-19-101;

94 (e) No person shall be eligible for parole who is  
95 charged, tried, convicted and sentenced to life imprisonment under  
96 the provisions of Section 99-19-101;



97 (f) No person shall be eligible for parole who is  
98 convicted or whose suspended sentence is revoked after June 30,  
99 1995, except that an offender convicted of only nonviolent crimes  
100 after June 30, 1995, may be eligible for parole if the offender  
101 meets the requirements in subsection (1) and this paragraph. In  
102 addition to other requirements, if an offender is convicted of a  
103 drug or driving under the influence felony, the offender must  
104 complete a drug and alcohol rehabilitation program prior to parole  
105 or the offender may be required to complete a post-release drug  
106 and alcohol program as a condition of parole. For purposes of  
107 this paragraph, "nonviolent crime" means a felony other than  
108 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
109 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
110 of vulnerable adults, felonies with enhanced penalties, the sale  
111 or manufacture of a controlled substance under the Uniform  
112 Controlled Substances Law, felony child abuse, or exploitation or  
113 any crime under Section 97-5-33 or Section 97-5-39(2) or  
114 97-5-39(1) (b), 97-5-39(1) (c) or a violation of Section  
115 63-11-30(5). In addition, an offender incarcerated for committing  
116 the crime of possession of a controlled substance under the  
117 Uniform Controlled Substances Law after July 1, 1995, shall be  
118 eligible for parole. An offender incarcerated for committing the  
119 crime of sale or manufacture of a controlled substance shall be  
120 eligible for parole after serving one-fourth (1/4) of the sentence



121 imposed by the trial court. This paragraph (f) shall not apply to  
122 persons convicted on or after July 1, 2014;

123 (g) (i) No person who, on or after July 1, 2014, is  
124 convicted of a crime of violence pursuant to Section 97-3-2, a sex  
125 crime or an offense that specifically prohibits parole release,  
126 shall be eligible for parole. All persons convicted of any other  
127 offense on or after July 1, 2014, are eligible for parole after  
128 they have served one-fourth (1/4) of the sentence or sentences  
129 imposed by the trial court.

130 (ii) Notwithstanding the provisions in paragraph  
131 (i) of this subsection, a person serving a sentence who has  
132 reached the age of sixty (60) or older and who has served no less  
133 than ten (10) years of the sentence or sentences imposed by the  
134 trial court shall be eligible for parole. Any person eligible for  
135 parole under this subsection shall be required to have a parole  
136 hearing before the board prior to parole release. No inmate shall  
137 be eligible for parole under this paragraph of this subsection if:

138 1. The inmate is sentenced as a habitual  
139 offender under Sections 99-19-81 through 99-19-87;

140 2. The inmate is sentenced for a crime of  
141 violence under Section 97-3-2;

142 3. The inmate is sentenced for an offense  
143 that specifically prohibits parole release;

144 4. The inmate is sentenced for trafficking in  
145 controlled substances under Section 41-29-139(f);



146                   5. The inmate is sentenced for a sex crime;  
147 or

148                   6. The inmate has not served one-fourth (1/4)  
149 of the sentence imposed by the court.

150                   (iii) Notwithstanding the provisions of  
151 paragraph \* \* \* (a) of this subsection, any offender who has not  
152 committed a crime of violence under Section 97-3-2 and has served  
153 twenty-five percent (25%) or more of his sentence may be paroled  
154 by the parole board if, after the sentencing judge or if the  
155 sentencing judge is retired, disabled or incapacitated, the senior  
156 circuit judge authorizes the offender to be eligible for parole  
157 consideration.

158                   (2) Notwithstanding any other provision of law, an inmate  
159 shall not be eligible to receive earned time, good time or any  
160 other administrative reduction of time which shall reduce the time  
161 necessary to be served for parole eligibility as provided in  
162 subsection (1) of this section.

163                   (3) The State Parole Board shall, by rules and regulations,  
164 establish a method of determining a tentative parole hearing date  
165 for each eligible offender taken into the custody of the  
166 Department of Corrections. The tentative parole hearing date  
167 shall be determined within ninety (90) days after the department  
168 has assumed custody of the offender. The parole hearing date  
169 shall occur when the offender is within thirty (30) days of the  
170 month of his parole eligibility date. The parole eligibility date



171 shall not be earlier than one-fourth (1/4) of the prison sentence  
172 or sentences imposed by the court.

173 (4) Any inmate within twenty-four (24) months of his parole  
174 eligibility date and who meets the criteria established by the  
175 classification board shall receive priority for placement in any  
176 educational development and job training programs that are part of  
177 his or her parole case plan. Any inmate refusing to participate  
178 in an educational development or job training program that is part  
179 of the case plan may be in jeopardy of noncompliance with the case  
180 plan and may be denied parole.

181 (5) Before the parole board releases an offender on parole,  
182 the releasing entity shall provide the notification required under  
183 Section 1 of this act.

184 **SECTION 3.** Section 47-7-33.1, Mississippi Code of 1972, is  
185 amended as follows:

186 47-7-33.1. (1) The department shall create a discharge plan  
187 for any offender returning to the community, regardless of whether  
188 the person will discharge from the custody of the department, or  
189 is released on parole, pardon, or otherwise. At least ninety (90)  
190 days prior to an offender's earliest release date, the  
191 commissioner shall conduct a pre-release assessment and complete a  
192 written discharge plan based on the assessment results. The  
193 discharge plan for parole eligible offenders shall be sent to the  
194 parole board at least thirty (30) days prior to the offender's  
195 parole eligibility date for approval. The board may suggest





196 changes to the plan that it deems necessary to ensure a successful  
197 transition.

198 (2) The pre-release assessment shall identify whether an  
199 inmate requires assistance obtaining the following basic needs  
200 upon release: transportation, clothing and food, financial  
201 resources, identification documents, housing, employment,  
202 education, health care and support systems. The discharge plan  
203 shall include information necessary to address these needs and the  
204 steps being taken by the department to assist in this process.  
205 Based on the findings of the assessment, the commissioner shall:

206 (a) Arrange transportation for inmates from the  
207 correctional facility to their release destination;

208 (b) Ensure inmates have clean, seasonally appropriate  
209 clothing, and provide inmates with a list of food providers and  
210 other basic resources immediately accessible upon release;

211 (c) Ensure inmates have a driver's license or a  
212 state-issued identification card that is not a Department of  
213 Corrections identification card;

214 (d) Assist inmates in identifying safe, affordable  
215 housing upon release. If accommodations are not available,  
216 determine whether temporary housing is available for at least ten  
217 (10) days after release. If temporary housing is not available,  
218 the discharge plan shall reflect that satisfactory housing has not  
219 been established and the person may be a candidate for  
220 transitional reentry center placement;



221 (e) Refer inmates without secured employment to  
222 employment opportunities;

223 (f) Provide inmates with contact information of a  
224 health care facility/provider in the community in which they plan  
225 to reside;

226 (g) Notify family members of the release date and  
227 release plan, if the inmate agrees; and

228 (h) Refer inmates to a community or a faith-based  
229 organization that can offer support within the first twenty-four  
230 (24) hours of release \* \* \*.

231 (3) A written discharge plan shall be provided to the  
232 offender and supervising probation officer or parole officer, if  
233 applicable.

234 (4) A discharge plan created for a parole-eligible offender  
235 shall also include supervision conditions and the intensity of  
236 supervision based on the assessed risk to recidivate and whether  
237 there is a need for transitional housing. The discharge plan  
238 shall also include the notification required under Section 1 of  
239 this act. The board shall approve discharge plans before an  
240 offender is released on parole pursuant to this chapter.

241 **SECTION 4.** Section 47-7-34, Mississippi Code of 1972, is  
242 amended as follows:

243 47-7-34. (1) When a court imposes a sentence upon a  
244 conviction for any felony committed after June 30, 1995, the  
245 court, in addition to any other punishment imposed if the other



246 punishment includes a term of incarceration in a state or local  
247 correctional facility, may impose a term of post-release  
248 supervision. However, the total number of years of incarceration  
249 plus the total number of years of post-release supervision shall  
250 not exceed the maximum sentence authorized to be imposed by law  
251 for the felony committed. The defendant shall be placed under  
252 post-release supervision upon release from the term of  
253 incarceration. The period of supervision shall be established by  
254 the court.

255 (2) The period of post-release supervision shall be  
256 conducted in the same manner as a like period of supervised  
257 probation, including a requirement that the defendant shall abide  
258 by any terms and conditions as the court may establish. Failure  
259 to successfully abide by the terms and conditions shall be grounds  
260 to terminate the period of post-release supervision and to  
261 recommit the defendant to the correctional facility from which he  
262 was previously released. Procedures for termination and  
263 recommitment shall be conducted in the same manner as procedures  
264 for the revocation of probation and imposition of a suspended  
265 sentence as required pursuant to Section 47-7-37.

266 (3) Post-release supervision programs shall be operated  
267 through the probation and parole unit of the Division of Community  
268 Corrections of the department. The maximum amount of time that  
269 the Mississippi Department of Corrections may supervise an



270 offender on the post-release supervision program is five (5)  
271 years.

272 (4) Before the defendant is released under a post-release  
273 supervision program, the releasing entity shall provide the  
274 notification required under Section 1 of this act.

275 **SECTION 5.** Section 47-7-35, Mississippi Code of 1972, is  
276 amended as follows:

277 47-7-35. (1) The courts referred to in Section 47-7-33 or  
278 47-7-34 shall determine the terms and conditions of probation or  
279 post-release supervision and may alter or modify, at any time  
280 during the period of probation or post-release supervision, the  
281 conditions and may include among them the following or any other:

282 That the offender shall:

283 (a) Commit no offense against the laws of this or any  
284 other state of the United States, or of any federal, territorial  
285 or tribal jurisdiction of the United States;

286 (b) Avoid injurious or vicious habits;

287 (c) Avoid persons or places of disreputable or harmful  
288 character;

289 (d) Report to the probation and parole officer as  
290 directed;

291 (e) Permit the probation and parole officer to visit  
292 him at home or elsewhere;

293 (f) Work faithfully at suitable employment so far as  
294 possible;



295 (g) Remain within a specified area;  
296 (h) Pay his fine in one (1) or several sums;  
297 (i) Support his dependents;  
298 (j) Submit, as provided in Section 47-5-601, to any  
299 type of breath, saliva or urine chemical analysis test, the  
300 purpose of which is to detect the possible presence of alcohol or  
301 a substance prohibited or controlled by any law of the State of  
302 Mississippi or the United States;  
303 (k) Register as a sex offender if so required under  
304 Title 45, Chapter 33.

305 (2) When any court places a defendant on misdemeanor  
306 probation, the court must cause to be conducted a search of the  
307 probationer's name or other identifying information against the  
308 registration information regarding sex offenders maintained under  
309 Title 45, Chapter 33. The search may be conducted using the  
310 Internet site maintained by the Department of Public Safety Sex  
311 Offender Registry.

312 (3) Before a court releases a person on probation or  
313 post-release supervision, the releasing entity shall provide the  
314 notification required under Section 1 of this act.

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

317 47-7-47. (1) The judge of any circuit court may place an  
318 offender on a program of earned probation after a period of  
319 confinement as set out herein and the judge may seek the advice of



320 the commissioner and shall direct that the defendant be under the  
321 supervision of the department.

322 (2) (a) Any circuit court or county court may, upon its own  
323 motion, acting upon the advice and consent of the commissioner not  
324 earlier than thirty (30) days nor later than one (1) year after  
325 the defendant has been delivered to the custody of the department,  
326 to which he has been sentenced, suspend the further execution of  
327 the sentence and place the defendant on earned probation, except  
328 when a death sentence or life imprisonment is the maximum penalty  
329 which may be imposed or if the defendant has been confined two (2)  
330 or more times for the conviction of a felony on a previous  
331 occasion in any court or courts of the United States and of any  
332 state or territories thereof or has been convicted of a felony  
333 involving the use of a deadly weapon.

334 (b) The authority granted in this subsection shall be  
335 exercised by the judge who imposed sentence on the defendant, or  
336 his successor.

337 (c) The time limit imposed by paragraph (a) of this  
338 subsection is not applicable to those defendants sentenced to the  
339 custody of the department prior to April 14, 1977. Persons who  
340 are convicted of crimes that carry mandatory sentences shall not  
341 be eligible for earned probation.

342 (3) When any circuit or county court places an offender on  
343 earned probation, the court shall give notice to the Mississippi  
344 Department of Corrections within fifteen (15) days of the court's



345 decision to place the offender on earned probation. Notice shall  
346 be delivered to the central office of the Mississippi Department  
347 of Corrections and to the regional office of the department which  
348 will be providing supervision to the offender on earned probation.

349 (4) If the court places any person on probation or earned  
350 probation, the court may order the person, as a condition of  
351 probation, to a period of confinement and treatment at a private  
352 or public agency or institution, either within or without the  
353 state, which treats emotional, mental or drug-related problems.  
354 Any person who, as a condition of probation, is confined for  
355 treatment at an out-of-state facility shall be supervised pursuant  
356 to Section 47-7-71, and any person confined at a private agency  
357 shall not be confined at public expense. Time served in any such  
358 agency or institution may be counted as time required to meet the  
359 criteria of subsection (2) (a).

360 (5) If the court places any person on probation or earned  
361 probation, the court may order the person to make appropriate  
362 restitution to any victim of his crime or to society through the  
363 performance of reasonable work for the benefit of the community.

364 (6) If the court places any person on probation or earned  
365 probation, the court may order the person, as a condition of  
366 probation, to submit, as provided in Section 47-5-601, to any type  
367 of breath, saliva or urine chemical analysis test, the purpose of  
368 which is to detect the possible presence of alcohol or a substance



369 prohibited or controlled by any law of the State of Mississippi or  
370 the United States.

371 (7) Before a court releases an offender on an earned  
372 probation program, the releasing entity shall provide the  
373 notification required under Section 1 of this act.

374 **SECTION 7.** This act shall take effect and be in force from  
375 and after July 1, 2018.

