

By: Representative Williams-Barnes

To: Corrections

HOUSE BILL NO. 816

1 AN ACT TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE REQUIREMENT THAT AT LEAST A 15 DAY NOTICE BE GIVEN BY
 3 THE DIRECTOR OF RECORDS OF THE DEPARTMENT OF CORRECTIONS TO
 4 CERTAIN LOCAL LAW ENFORCEMENT WHEN AN OFFENDER IS TO BE RELEASED
 5 ON PAROLE; TO REDUCE FROM 15 DAYS TO 48 HOURS THE TIME PERIOD THAT
 6 A VICTIM OF AN OFFENDER, OR THE VICTIM'S FAMILY, MUST BE NOTIFIED
 7 BY THE PAROLE BOARD WHEN THE OFFENDER IS TO BE RELEASED BY THE
 8 BOARD; TO AMEND SECTION 47-5-177, MISSISSIPPI CODE OF 1972, TO
 9 CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-7-17, Mississippi Code of 1972, is
 12 amended as follows:

13 47-7-17. Within one (1) year after his admission and at such
 14 intervals thereafter as it may determine, the board shall secure
 15 and consider all pertinent information regarding each offender,
 16 except any under sentence of death or otherwise ineligible for
 17 parole, including the circumstances of his offense, his previous
 18 social history, his previous criminal record, including any
 19 records of law enforcement agencies or of a youth court regarding
 20 that offender's juvenile criminal history, his conduct, employment
 21 and attitude while in the custody of the department, the case plan



22 created to prepare the offender for parole, and the reports of
23 such physical and mental examinations as have been made. The
24 board shall furnish at least three (3) months' written notice to
25 each such offender of the date on which he is eligible for parole.

26 Before ruling on the application for parole of any offender,
27 the board may require a parole-eligible offender to have a hearing
28 as required in this chapter before the board and to be
29 interviewed. The hearing shall be held no later than thirty (30)
30 days prior to the month of eligibility. No application for parole
31 of a person convicted of a capital offense shall be considered by
32 the board unless and until notice of the filing of such
33 application shall have been published at least once a week for two
34 (2) weeks in a newspaper published in or having general
35 circulation in the county in which the crime was committed. The
36 board shall, within thirty (30) days prior to the scheduled
37 hearing, also give notice of the filing of the application for
38 parole to the victim of the offense for which the prisoner is
39 incarcerated and being considered for parole or, in case the
40 offense be homicide, a designee of the immediate family of the
41 victim, provided the victim or designated family member has
42 furnished in writing a current address to the board for such
43 purpose. Parole release shall, at the hearing, be ordered only
44 for the best interest of society, not as an award of clemency; it
45 shall not be considered to be a reduction of sentence or pardon.
46 An offender shall be placed on parole only when arrangements have



47 been made for his proper employment or for his maintenance and
48 care, and when the board believes that he is able and willing to
49 fulfill the obligations of a law-abiding citizen. When the board
50 determines that the offender will need transitional housing upon
51 release in order to improve the likelihood of * * * he or * * *
52 she becoming a law-abiding citizen, the board may parole the
53 offender with the condition that the inmate spends no more than
54 six (6) months in a transitional reentry center. * * * The
55 director of records of the department shall give the written
56 notice which is required pursuant to Section 47-5-177. Every
57 offender while on parole shall remain in the legal custody of the
58 department from which he was released and shall be amenable to the
59 orders of the board. Upon determination by the board that an
60 offender is eligible for release by parole, notice shall also be
61 given within * * * forty-eight (48) hours before release, by the
62 board to the victim of the offense or the victim's family member,
63 as indicated above, regarding the date when the offender's release
64 shall occur, provided a current address of the victim or the
65 victim's family member has been furnished in writing to the board
66 for such purpose.

67 Failure to provide notice to the victim or the victim's
68 family member of the filing of the application for parole or of
69 any decision made by the board regarding parole shall not



70 constitute grounds for vacating an otherwise lawful parole
71 determination nor shall it create any right or liability, civilly
72 or criminally, against the board or any member thereof.

73 A letter of protest against granting an offender parole shall
74 not be treated as the conclusive and only reason for not granting
75 parole.

76 The board may adopt such other rules not inconsistent with
77 law as it may deem proper or necessary with respect to the
78 eligibility of offenders for parole, the conduct of parole
79 hearings, or conditions to be imposed upon parolees, including a
80 condition that the parolee submit, as provided in Section 47-5-601
81 to any type of breath, saliva or urine chemical analysis test, the
82 purpose of which is to detect the possible presence of alcohol or
83 a substance prohibited or controlled by any law of the State of
84 Mississippi or the United States. The board shall have the
85 authority to adopt rules related to the placement of certain
86 offenders on unsupervised parole and for the operation of
87 transitional reentry centers. However, in no case shall an
88 offender be placed on unsupervised parole before he has served a
89 minimum of fifty percent (50%) of the period of supervised parole.

90 **SECTION 2.** Section 47-5-177, Mississippi Code of 1972, is
91 amended as follows:

92 47-5-177. * * * Forty-eight (48) hours prior to the release
93 of an offender from the custody of the department because of
94 discharge, parole, pardon, temporary personal leave or pass, or



95 otherwise, except for sickness or death in the offender's family,
96 the director of records of the department shall give written or
97 electronic notice of such release to the sheriff of the county and
98 to the chief of police of the municipality where the offender was
99 convicted. If the offender is paroled to a county other than the
100 county of conviction, the director of records shall give written
101 or electronic notice of the release to the sheriff, district
102 attorney and circuit judge of the county and to the chief of
103 police of the municipality where the offender is paroled and to
104 the sheriff of the county and to the chief of police of the
105 municipality where the offender was convicted. The department
106 shall notify the parole officer of the county where the offender
107 is paroled or discharged to probation of any chronic mental
108 disorder incurred by the offender, of any type of infectious
109 disease for which the offender has been examined and treated, and
110 of any medications provided to the offender for such conditions.

111 The commissioner shall require the director of records to
112 clearly identify the notice of release of an offender who has been
113 convicted of arson at any time. The fact that the offender to be
114 released had been convicted of arson at any time shall appear
115 prominently on the notice of release and the sheriff shall notify
116 all officials who are responsible for investigation of arson
117 within the county of such offender's release and the chief of
118 police shall notify all such officials within the municipality of
119 such offender's release.



120 **SECTION 3.** This act shall take effect and be in force from
121 and after July 1, 2018.

