

By: Representative Williams-Barnes

To: Corrections

## HOUSE BILL NO. 818

1 AN ACT TO AMEND SECTION 47-5-177, MISSISSIPPI CODE OF 1972,  
2 TO REDUCE FROM AT LEAST 15 DAYS TO 48 HOURS THE NOTICE OF RELEASE  
3 THAT THE DEPARTMENT OF CORRECTIONS MUST GIVE TO LOCAL LAW  
4 ENFORCEMENT WHEN AN OFFENDER IS BEING RELEASED FROM CUSTODY; TO  
5 AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO  
6 THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

10 47-5-177. At least \* \* \* forty-eight (48) hours prior to the  
11 release of an offender from the custody of the department because  
12 of discharge, parole, pardon, temporary personal leave or pass, or  
13 otherwise, except for sickness or death in the offender's family,  
14 the director of records of the department shall give written or  
15 electronic notice of such release to the sheriff of the county and  
16 to the chief of police of the municipality where the offender was  
17 convicted. If the offender is paroled to a county other than the  
18 county of conviction, the director of records shall give written  
19 or electronic notice of the release to the sheriff, district  
20 attorney and circuit judge of the county and to the chief of



21 police of the municipality where the offender is paroled and to  
22 the sheriff of the county and to the chief of police of the  
23 municipality where the offender was convicted. The department  
24 shall notify the parole officer of the county where the offender  
25 is paroled or discharged to probation of any chronic mental  
26 disorder incurred by the offender, of any type of infectious  
27 disease for which the offender has been examined and treated, and  
28 of any medications provided to the offender for such conditions.

29 The commissioner shall require the director of records to  
30 clearly identify the notice of release of an offender who has been  
31 convicted of arson at any time. The fact that the offender to be  
32 released had been convicted of arson at any time shall appear  
33 prominently on the notice of release and the sheriff shall notify  
34 all officials who are responsible for investigation of arson  
35 within the county of such offender's release and the chief of  
36 police shall notify all such officials within the municipality of  
37 such offender's release.

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

40 47-7-17. Within one (1) year after his admission and at such  
41 intervals thereafter as it may determine, the board shall secure  
42 and consider all pertinent information regarding each offender,  
43 except any under sentence of death or otherwise ineligible for  
44 parole, including the circumstances of his offense, his previous  
45 social history, his previous criminal record, including any



46 records of law enforcement agencies or of a youth court regarding  
47 that offender's juvenile criminal history, his conduct, employment  
48 and attitude while in the custody of the department, the case plan  
49 created to prepare the offender for parole, and the reports of  
50 such physical and mental examinations as have been made. The  
51 board shall furnish at least three (3) months' written notice to  
52 each such offender of the date on which he is eligible for parole.

53 Before ruling on the application for parole of any offender,  
54 the board may require a parole-eligible offender to have a hearing  
55 as required in this chapter before the board and to be  
56 interviewed. The hearing shall be held no later than thirty (30)  
57 days prior to the month of eligibility. No application for parole  
58 of a person convicted of a capital offense shall be considered by  
59 the board unless and until notice of the filing of such  
60 application shall have been published at least once a week for two  
61 (2) weeks in a newspaper published in or having general  
62 circulation in the county in which the crime was committed. The  
63 board shall, within thirty (30) days prior to the scheduled  
64 hearing, also give notice of the filing of the application for  
65 parole to the victim of the offense for which the prisoner is  
66 incarcerated and being considered for parole or, in case the  
67 offense be homicide, a designee of the immediate family of the  
68 victim, provided the victim or designated family member has  
69 furnished in writing a current address to the board for such  
70 purpose. Parole release shall, at the hearing, be ordered only



71 for the best interest of society, not as an award of clemency; it  
72 shall not be considered to be a reduction of sentence or pardon.  
73 An offender shall be placed on parole only when arrangements have  
74 been made for his proper employment or for his maintenance and  
75 care, and when the board believes that he is able and willing to  
76 fulfill the obligations of a law-abiding citizen. When the board  
77 determines that the offender will need transitional housing upon  
78 release in order to improve the likelihood of \* \* \* he or \* \* \*  
79 she becoming a law-abiding citizen, the board may parole the  
80 offender with the condition that the inmate spends no more than  
81 six (6) months in a transitional reentry center. At least \* \* \*  
82 forty-eight (48) hours prior to the release of an offender on  
83 parole, the director of records of the department shall give the  
84 written notice which is required pursuant to Section 47-5-177.  
85 Every offender while on parole shall remain in the legal custody  
86 of the department from which he was released and shall be amenable  
87 to the orders of the board. Upon determination by the board that  
88 an offender is eligible for release by parole, notice shall also  
89 be given within at least fifteen (15) days before release, by the  
90 board to the victim of the offense or the victim's family member,  
91 as indicated above, regarding the date when the offender's release  
92 shall occur, provided a current address of the victim or the  
93 victim's family member has been furnished in writing to the board  
94 for such 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 related to the placement of certain  
114 offenders on unsupervised parole and for the operation of  
115 transitional reentry centers. However, in no case shall an  
116 offender be placed on unsupervised parole before he has served a  
117 minimum of fifty percent (50%) of the period of supervised parole.

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

