

By: Representatives Mickens, Denton, Porter

To: Corrections

HOUSE BILL NO. 13

1 AN ACT TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT WHEN THE PAROLE BOARD EXAMINES AN OFFENDER'S RECORD  
 3 FOR PAROLE ELIGIBLE INMATES, THE RECORD MUST INCLUDE INFORMATION  
 4 PERTAINING TO ANY MENTAL HEALTH ISSUES AND CONTROLLED SUBSTANCES  
 5 OF AN INMATE; TO AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972,  
 6 TO REQUIRE THAT THE CASE PLAN OF A PAROLE ELIGIBLE INMATE SHALL  
 7 INCLUDE A SCREENING FOR MENTAL HEALTH ISSUES AND CONTROLLED  
 8 SUBSTANCES SO THAT THE INMATE MAY RECEIVE PROPER TREATMENT, IF  
 9 NEEDED; 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,  
 12 is 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 well as reports of  
24 treatment for controlled substances as have been made. The board  
25 shall furnish at least three (3) months' written notice to each  
26 such offender of the date on which he is eligible for parole.

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



47 An offender shall be placed on parole only when arrangements have  
48 been made for his proper employment or for his maintenance and  
49 care, and when the board believes that he is able and willing to  
50 fulfill the obligations of a law-abiding citizen. When the board  
51 determines that the offender will need transitional housing upon  
52 release in order to improve the likelihood of \* \* \* he or \* \* \*  
53 she becoming a law-abiding citizen, the board may parole the  
54 offender with the condition that the inmate spends no more than  
55 six (6) months in a transitional reentry center. At least fifteen  
56 (15) days prior to the release of an offender on parole, the  
57 director of records of the department shall give the written  
58 notice which is required pursuant to Section 47-5-177. Every  
59 offender while on parole shall remain in the legal custody of the  
60 department from which he was released and shall be amenable to the  
61 orders of the board. Upon determination by the board that an  
62 offender is eligible for release by parole, notice shall also be  
63 given within at least fifteen (15) days before release, by the  
64 board to the victim of the offense or the victim's family member,  
65 as indicated above, regarding the date when the offender's release  
66 shall occur, provided a current address of the victim or the  
67 victim's family member has been furnished in writing to the board  
68 for such purpose.

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



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

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

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

92 **SECTION 2.** Section 47-7-3.1, Mississippi Code of 1972, is  
93 amended as follows:

94 47-7-3.1. (1) In consultation with the Parole Board, the  
95 department shall develop a case plan for all parole eligible  
96 inmates to guide an inmate's rehabilitation while in the



97 department's custody and to reduce the likelihood of recidivism  
98 after release.

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

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

104 (b) Any programming or treatment requirements contained  
105 in the sentencing order; \* \* \*

106 (c) Programming and treatment requirements based on the  
107 results of any screening for mental health issues as well as  
108 controlled substances; and

109 ( \* \* \*d) General behavior requirements in accordance  
110 with the rules and policies of the department.

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

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

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

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



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

125 (6) Every four (4) months the department shall  
126 electronically submit a progress report on each parole-eligible  
127 inmate's case plan to the Parole Board. The board may meet to  
128 review an inmate's case plan and may provide written input to the  
129 caseworker on the inmate's progress toward completion of the case  
130 plan.

131 (7) The Parole Board shall provide semiannually to the  
132 Oversight Task Force the number of parole hearings held, the  
133 number of prisoners released to parole without a hearing and the  
134 number of parolees released after a hearing.

135 **SECTION 3.** This act shall take effect and be in force from  
136 and after July 1, 2020.

