

By: Representative Williams-Barnes

To: Corrections

HOUSE BILL NO. 844

1 AN ACT TO AMEND SECTION 47-5-177, MISSISSIPPI CODE OF 1972,
2 TO REDUCE FROM AT LEAST 15 DAYS TO AT LEAST 48 HOURS THE NOTICE OF
3 RELEASE 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, TO REDUCE FROM AT
6 LEAST 15 DAYS TO AT LEAST 48 HOURS THE TIME PERIOD THAT A VICTIM
7 OF AN OFFENDER, OR THE VICTIM'S FAMILY, MUST BE NOTIFIED BY THE
8 PAROLE BOARD WHEN THE OFFENDER IS TO BE RELEASED BY THE BOARD; AND
9 FOR RELATED PURPOSES.

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

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

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



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

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

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

43 47-7-17. Within one (1) year after his admission and at such
44 intervals thereafter as it may determine, the board shall secure
45 and consider all pertinent information regarding each offender,
46 except any under sentence of death or otherwise ineligible for



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

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



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



victim's family member has been furnished in writing to the board for such purpose.

Failure to provide notice to the victim or the victim's family member of the filing of the application for parole or of any decision made by the board regarding parole shall not constitute grounds for vacating an otherwise lawful parole determination nor shall it create any right or liability, civilly or criminally, against the board or any member thereof.

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

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



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

