

By: Senator(s) Barnett, Simmons (12th),  
Thomas, Jackson (32nd), Simmons (13th)

To: Judiciary, Division B;  
Corrections

SENATE BILL NO. 2123

1 AN ACT ENTITLED THE "MISSISSIPPI CORRECTIONAL SAFETY AND  
2 REHABILITATION ACT OF 2020"; TO MAKE CERTAIN LEGISLATIVE FINDINGS  
3 RELATIVE TO MISSISSIPPI CORRECTIONS POLICY; TO AMEND SECTION  
4 47-7-3, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CONDITIONS FOR  
5 PAROLE ELIGIBILITY AND TO PROVIDE THAT NO INMATE SHALL BE ELIGIBLE  
6 TO PETITION THE SENTENCING COURT FOR PAROLE ELIGIBILITY IF THE  
7 INMATE IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE; TO AMEND  
8 SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, TO PRESCRIBE DATES FOR  
9 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COMPLETE CASE PLANS  
10 FOR PAROLE-ELIGIBLE INMATES TO ENSURE THAT THE PLAN IS ACHIEVABLE;  
11 TO AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, TO CLARIFY  
12 CERTAIN EXEMPTIONS FROM MINIMUM SENTENCING REQUIREMENTS FOR  
13 INMATES; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO  
14 REQUIRE AN AFFIRMATIVE VOTE OF AT LEAST THREE MEMBERS OF THE  
15 MISSISSIPPI PAROLE BOARD TO GRANT PAROLE TO AN INMATE CONVICTED OF  
16 A CRIME OF VIOLENCE AFTER JUNE 30 1995; TO AMEND SECTION 47-7-13,  
17 MISSISSIPPI CODE OF 1972, TO REQUIRE AN AFFIRMATIVE VOTE OF AT  
18 LEAST FOUR MEMBERS OF THE MISSISSIPPI PAROLE BOARD TO GRANT PAROLE  
19 TO A SEX OFFENDER; TO AMEND SECTION 47-7-15, MISSISSIPPI CODE OF  
20 1972, IN CONFORMITY; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF  
21 1972, TO PROVIDE THAT THE VICTIM OR DESIGNATED FAMILY MEMBER SHALL  
22 BE PROVIDED AN OPPORTUNITY TO BE HEARD BY THE PAROLE BOARD PRIOR  
23 TO A PAROLE DECISION; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE  
24 OF 1972, TO REQUIRE CERTAIN PAROLE HEARINGS FOR SEX OFFENDERS; TO  
25 BRING FORWARD SECTION 47-7-33.1, MISSISSIPPI CODE OF 1972,  
26 REGARDING DEPARTMENT DISCHARGE PLANS FOR RELEASED INMATES; AND FOR  
27 RELATED PURPOSES.

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

29 **SECTION 1.** This act shall be known and may be cited as the "  
30 Mississippi Correctional Safety and Rehabilitation Act of 2020."



31           **SECTION 2.** The Legislature finds that:

32                   (a) The goal of the Department of Corrections in  
33 Mississippi is to protect public safety while promoting  
34 rehabilitation and good behavior;

35                   (b) It is the responsibility of the state Legislature  
36 to ensure that the laws governing corrections in the state promote  
37 these goals;

38                   (c) The current laws governing parole eligibility  
39 create uncertainty for victims, offenders, and criminal justice  
40 professionals;

41                   (d) Uncertainty about parole eligibility removes  
42 incentives for inmates to participate in rehabilitative  
43 programming, creating an unsafe working environment for  
44 correctional officers and threatening public safety;

45                   (e) Current parole guidelines allow for many inmates  
46 charged with serious offenses to leave correctional custody with  
47 no input from the Parole Board or registered victims, and no  
48 supervision upon release;

49                   (f) The lack of standardized parole procedures results  
50 in parole-eligible inmates charged with similar offenses serving  
51 different sentence lengths, imposing additional costs on the  
52 Department of Corrections and the taxpayers of the State of  
53 Mississippi;

54                   (f) Therefore, it is necessary for the Legislature to  
55 simplify and standardize the parole process to conform to



56 thresholds set by House Bill No. 585, 2014 Regular Session, with  
57 twenty-five percent (25%) time-served requirement for nonviolent  
58 offenses, fifty percent (50%) time-served requirement for violent  
59 offenses, and clarify that offenses prohibiting parole eligibility  
60 are not eligible; require rehabilitative case plans for all  
61 parole-eligible inmates; require parole hearings prior to release  
62 of offenders serving sentences for crimes of violence and sex  
63 offenses; authorize the Parole Board to order psychiatric and  
64 psychological evaluations prior to parole hearings; and provide  
65 victims and family members an opportunity to be heard prior to  
66 parole hearings.

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

69       47-7-3. (1) Every prisoner who has been convicted of any  
70 offense against the State of Mississippi, and is confined in the  
71 execution of a judgment of such conviction in the Mississippi  
72 Department of Corrections for a definite term or terms of one (1)  
73 year or over, or for the term of his or her natural life, whose  
74 record of conduct shows that such prisoner has observed the rules  
75 of the department, and who has served not less than one-fourth  
76 (1/4) of the total of such term or terms for which such prisoner  
77 was sentenced, or, if sentenced to serve a term or terms of thirty  
78 (30) years or more, or, if sentenced for the term of the natural  
79 life of such prisoner, has served not less than ten (10) years of



80 such life sentence, may be released on parole as hereinafter  
81 provided, except that:

82 (a) No prisoner convicted as a confirmed and habitual  
83 criminal under the provisions of Sections 99-19-81 through  
84 99-19-87 shall be eligible for parole, unless the sentencing court  
85 authorities parole eligibility pursuant to paragraph (d)(iii) of  
86 this subsection;

87 \* \* \*

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

92 (c) No person shall be eligible for parole who is  
93 convicted of an offense that specifically prohibits parole  
94 release;

95 \* \* \*

96 ( \* \* \* d) (i) \* \* \* Except as provided in paragraphs  
97 (a) through (c) of this subsection, all persons who are convicted  
98 after June 30, 1995, of a violent crime, as defined by Section  
99 97-3-2, or a sex offense, as defined by Section 45-33-23(h), shall  
100 be eligible for parole after they have served fifty percent (50%)  
101 of the sentence or sentences imposed by the trial court or twenty  
102 (20) years, whichever is less. All persons convicted of any other  
103 offense \* \* \* after \* \* \* June 30, 1995, \* \* \* shall be eligible  
104 for parole after they have served \* \* \* twenty-five percent (25%)



105 of the sentence or sentences imposed by the trial court or ten  
106 (10) years, whichever is less. All persons eligible for parole  
107 under this subsection who are serving a sentence or sentences for  
108 a violent crime or sex offense, or who are serving a life  
109 sentence, shall be required to have a parole hearing before the  
110 board, pursuant to Section 47-7-17, prior to parole release.

111 (ii) Notwithstanding \* \* \* any other provision of  
112 law, a person serving a sentence who has reached the age of sixty  
113 (60) or older and who has served no less than ten (10) years of  
114 the sentence or sentences imposed by the trial court shall be  
115 eligible for parole. Any person eligible for parole under this  
116 subsection shall be required to have a parole hearing before the  
117 board, pursuant to Section 47-7-17, prior to parole release. No  
118 inmate shall be eligible for parole under this subparagraph (ii)  
119 of this \* \* \* paragraph (d) if:

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

122 2. The inmate is sentenced \* \* \* to life  
123 imprisonment without eligibility for parole under the provisions  
124 of Section 99-19-101; or

125 3. The inmate is sentenced for an offense  
126 that specifically prohibits parole release \* \* \* .

127 \* \* \*

128 (iii) Notwithstanding \* \* \* any other provision of  
129 law, any offender who \* \* \* has served twenty-five percent



130 (25%) \* \* \* of the sentence or sentences imposed by the trial  
131 court or ten (10) years, whichever is less, may be paroled by the  
132 parole board if, after the sentencing judge or if the sentencing  
133 judge is retired, disabled or incapacitated, the senior circuit  
134 judge authorizes the offender to be eligible for parole  
135 consideration \* \* \*. No inmate shall be eligible to petition the  
136 sentencing court for parole eligibility under this paragraph (d)  
137 if the inmate is serving a sentence for a crime of violence, as  
138 defined by Section 97-3-2.

139 \* \* \*

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

145 (3) The State Parole Board shall, by rules and regulations,  
146 establish a method of determining a tentative parole hearing date  
147 for each eligible offender taken into the custody of the  
148 Department of Corrections. The tentative parole hearing date  
149 shall be determined within ninety (90) days after the department  
150 has assumed custody of the offender. Except as provided in  
151 Section 47-7-18, the parole hearing date shall occur when the  
152 offender is within thirty (30) days of the month of his parole  
153 eligibility date. The parole eligibility date shall not be



154 earlier than one-fourth (1/4) of the prison sentence or sentences  
155 imposed by the court.

156 (4) Any inmate within twenty-four (24) months of his parole  
157 eligibility date and who meets the criteria established by the  
158 classification board shall receive priority for placement in any  
159 educational development and job training programs that are part of  
160 his or her parole case plan. Any inmate refusing to participate  
161 in an educational development or job training program that is part  
162 of the case plan may be in jeopardy of noncompliance with the case  
163 plan and may be denied parole.

164 **SECTION 4.** Section 47-7-3.1, Mississippi Code of 1972, is  
165 amended as follows:

166 47-7-3.1. (1) In consultation with the Parole Board, the  
167 department shall develop a case plan for all parole-eligible  
168 inmates to guide an inmate's rehabilitation while in the  
169 department's custody and to reduce the likelihood of recidivism  
170 after release.

171 (2) \* \* \* The case plan shall include, but not be limited  
172 to:

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

175 (b) Any programming or treatment requirements contained  
176 in the sentencing order; and

177 (c) General behavior requirements in accordance with  
178 the rules and policies of the department.



179           (3) With respect to parole-eligible inmates admitted to the  
180 department's custody on or after July 1, 2020, the department  
181 shall complete the case plan within ninety (90) days of admission.  
182 With respect to parole-eligible inmates admitted to the  
183 department's custody prior to July 1, 2020, the department shall  
184 complete the case plan by January 1, 2021.

185           ( \* \* \*4) The department shall provide the inmate with a  
186 written copy of the case plan and the inmate's caseworker shall  
187 explain the conditions set forth in the case plan.

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

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

194           ( \* \* \*5) With respect to parole-eligible inmates admitted  
195 to the department's custody after July 1, 2020, the department  
196 shall ensure that the case plan is achievable prior to the  
197 inmate's parole eligibility date. With respect to parole-eligible  
198 inmates admitted to the department's custody prior to July 1,  
199 2020, the department shall, to the extent possible, ensure that  
200 the case plan is achievable prior to the inmate's parole  
201 eligibility date or next parole hearing date.





202 ( \* \* \*6) The caseworker shall meet with the inmate every  
203 eight (8) weeks from the date the offender received the case plan  
204 to review the inmate's case plan progress.

205 ( \* \* \*7) Every four (4) months the department shall  
206 electronically submit a progress report on each parole-eligible  
207 inmate's case plan to the Parole Board. The board may meet to  
208 review an inmate's case plan and may provide written input to the  
209 caseworker on the inmate's progress toward completion of the case  
210 plan.

211 ( \* \* \*8) The Parole Board shall provide semiannually to the  
212 Oversight Task Force the number of parole hearings held, the  
213 number of prisoners released to parole without a hearing and the  
214 number of parolees released after a hearing.

215 **SECTION 5.** Section 47-7-3.2, Mississippi Code of 1972, is  
216 amended as follows:

217 47-7-3.2. \* \* \* Notwithstanding \* \* \* Section 47-5-138,  
218 47-5-139, 47-5-138.1 or 47-5-142, and except as provided in  
219 Section 47-7-3(1)(d)(i), no person convicted of a criminal offense  
220 on or after July 1, 2014, shall be released by the department  
221 until he or she has served no less than fifty percent (50%) of a  
222 sentence for a crime of violence \* \* \*, as defined by Section  
223 97-3-2, or twenty-five percent (25%) of any other sentence imposed  
224 by the court.

225 \* \* \*



226           **SECTION 6.** Section 47-7-5, Mississippi Code of 1972, is  
227 amended as follows:

228           47-7-5. (1) The State Parole Board, created under former  
229 Section 47-7-5, is hereby created, continued and reconstituted and  
230 shall be composed of five (5) members. The Governor shall appoint  
231 the members with the advice and consent of the Senate. All terms  
232 shall be at the will and pleasure of the Governor. Any vacancy  
233 shall be filled by the Governor, with the advice and consent of  
234 the Senate. The Governor shall appoint a chairman of the board.

235           (2) Any person who is appointed to serve on the board shall  
236 possess at least a bachelor's degree or a high school diploma and  
237 four (4) years' work experience. Each member shall devote his  
238 full time to the duties of his office and shall not engage in any  
239 other business or profession or hold any other public office. A  
240 member shall not receive compensation or per diem in addition to  
241 his salary as prohibited under Section 25-3-38. Each member shall  
242 keep such hours and workdays as required of full-time state  
243 employees under Section 25-1-98. Individuals shall be appointed  
244 to serve on the board without reference to their political  
245 affiliations. Each board member, including the chairman, may be  
246 reimbursed for actual and necessary expenses as authorized by  
247 Section 25-3-41. Each member of the board shall complete annual  
248 training developed based on guidance from the National Institute  
249 of Corrections, the Association of Paroling Authorities  
250 International, or the American Probation and Parole Association.



251 Each first-time appointee of the board shall, within sixty (60)  
252 days of appointment, or as soon as practical, complete training  
253 for first-time Parole Board members developed in consideration of  
254 information from the National Institute of Corrections, the  
255 Association of Paroling Authorities International, or the American  
256 Probation and Parole Association.

257 (3) The board shall have exclusive responsibility for the  
258 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
259 shall have exclusive authority for revocation of the same. The  
260 board shall have exclusive responsibility for investigating  
261 clemency recommendations upon request of the Governor.

262 (4) The board, its members and staff, shall be immune from  
263 civil liability for any official acts taken in good faith and in  
264 exercise of the board's legitimate governmental authority.

265 (5) The budget of the board shall be funded through a  
266 separate line item within the general appropriation bill for the  
267 support and maintenance of the department. Employees of the  
268 department which are employed by or assigned to the board shall  
269 work under the guidance and supervision of the board. There shall  
270 be an executive secretary to the board who shall be responsible  
271 for all administrative and general accounting duties related to  
272 the board. The executive secretary shall keep and preserve all  
273 records and papers pertaining to the board.

274 (6) The board shall have no authority or responsibility for  
275 supervision of offenders granted a release for any reason,



276 including, but not limited to, probation, parole or executive  
277 clemency or other offenders requiring the same through interstate  
278 compact agreements. The supervision shall be provided exclusively  
279 by the staff of the Division of Community Corrections of the  
280 department.

281 (7) (a) The Parole Board is authorized to select and place  
282 offenders in an electronic monitoring program under the conditions  
283 and criteria imposed by the Parole Board. The conditions,  
284 restrictions and requirements of Section 47-7-17 and Sections  
285 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
286 any offender placed in an electronic monitoring program by the  
287 Parole Board.

288 (b) Any offender placed in an electronic monitoring  
289 program under this subsection shall pay the program fee provided  
290 in Section 47-5-1013. The program fees shall be deposited in the  
291 special fund created in Section 47-5-1007.

292 (c) The department shall have absolute immunity from  
293 liability for any injury resulting from a determination by the  
294 Parole Board that an offender be placed in an electronic  
295 monitoring program.

296 (8) (a) The Parole Board shall maintain a central registry  
297 of paroled inmates. The Parole Board shall place the following  
298 information on the registry: name, address, photograph, crime for  
299 which paroled, the date of the end of parole or flat-time date and  
300 other information deemed necessary. The Parole Board shall



301 immediately remove information on a parolee at the end of his  
302 parole or flat-time date.

303 (b) When a person is placed on parole, the Parole Board  
304 shall inform the parolee of the duty to report to the parole  
305 officer any change in address ten (10) days before changing  
306 address.

307 (c) The Parole Board shall utilize an Internet website  
308 or other electronic means to release or publish the information.

309 (d) Records maintained on the registry shall be open to  
310 law enforcement agencies and the public and shall be available no  
311 later than July 1, 2003.

312 (9) An affirmative vote of at least four (4) members of the  
313 Parole Board shall be required to grant parole to an inmate  
314 convicted of capital murder or a sex \* \* \* offense, as defined by  
315 Section 45-33-23(h). An affirmative vote of at least three (3)  
316 members of the Parole Board shall be required to grant parole to  
317 an inmate convicted after June 30, 1995, of a crime of violence,  
318 as defined by Section 97-3-2.

319 (10) This section shall stand repealed on July 1, 2022.

320 **SECTION 7.** Section 47-7-13, Mississippi Code of 1972, is  
321 amended as follows:

322 47-7-13. A majority of the board shall constitute a quorum  
323 for the transaction of all business. \* \* \* An affirmative vote of  
324 at least four (4) members of the Parole Board shall be required to  
325 grant parole to an inmate convicted of capital murder or a sex



326 offense, as defined by Section 45-33-23(h). An affirmative vote  
327 of at least three (3) members of the Parole Board shall be  
328 required to grant parole to an inmate convicted after June 30,  
329 1995, of a crime of violence, as defined by Section 97-3-2. The  
330 board shall maintain, in minute book form, a copy of each of its  
331 official actions with the reasons therefor. Suitable and  
332 sufficient office space and support resources and staff necessary  
333 to conducting Parole Board business shall be provided by the  
334 Department of Corrections. \* \* \*

335 **SECTION 8.** Section 47-7-15, Mississippi Code of 1972, is  
336 amended as follows:

337 47-7-15. The board shall adopt an official seal of which the  
338 courts shall take judicial notice. Decisions of the board shall  
339 be made by majority vote, except as provided in Sections 47-7-5(9)  
340 and 47-7-13.

341 The board shall keep a record of its acts and shall notify  
342 each institution of its decisions relating to the persons who are  
343 or have been confined therein. At the close of each fiscal year  
344 the board shall submit to the Governor and to the Legislature a  
345 report with statistical and other data of its work.

346 **SECTION 9.** Section 47-7-17, Mississippi Code of 1972, is  
347 amended as follows:

348 47-7-17. Within one (1) year after his admission and at such  
349 intervals thereafter as it may determine, the board shall secure  
350 and consider all pertinent information regarding each offender,



351 except any under sentence of death or otherwise ineligible for  
352 parole, including the circumstances of his offense, his previous  
353 social history, his previous criminal record, including any  
354 records of law enforcement agencies or of a youth court regarding  
355 that offender's juvenile criminal history, his conduct, employment  
356 and attitude while in the custody of the department, the case plan  
357 created to prepare the offender for parole, and the reports of  
358 such physical and mental examinations as have been made. The  
359 Parole Board may also order a psychiatric or psychological  
360 examination when it determines such examination is necessary to  
361 making a parole decision. The board shall furnish at least three  
362 (3) months' written notice to each such offender of the date on  
363 which he is eligible for parole.

364 \* \* \* Except as provided in Section 47-7-18, the board \* \* \*  
365 shall require a parole-eligible offender to have a hearing as  
366 required in this chapter before the board and to be interviewed.  
367 The hearing shall be held no later than thirty (30) days prior to  
368 the month of eligibility. No application for parole of a person  
369 convicted of a capital offense shall be considered by the board  
370 unless and until notice of the filing of such application shall  
371 have been published at least once a week for two (2) weeks in a  
372 newspaper published in or having general circulation in the county  
373 in which the crime was committed. The board shall, within thirty  
374 (30) days prior to the scheduled hearing, also give notice of the  
375 filing of the application for parole to the victim of the offense



376 for which the prisoner is incarcerated and being considered for  
377 parole or, in case the offense be homicide, a designee of the  
378 immediate family of the victim, provided the victim or designated  
379 family member has furnished in writing a current address to the  
380 board for such purpose. Upon request, the victim or designated  
381 family member shall be provided an opportunity to be heard by the  
382 board before the board makes a decision regarding release on  
383 parole. Parole release shall, at the hearing, be ordered only for  
384 the best interest of society, not as an award of clemency; it  
385 shall not be considered to be a reduction of sentence or pardon.  
386 An offender shall be placed on parole only when arrangements have  
387 been made for his proper employment or for his maintenance and  
388 care, and when the board believes that he is able and willing to  
389 fulfill the obligations of a law-abiding citizen. When the board  
390 determines that the offender will need transitional housing upon  
391 release in order to improve the likelihood of \* \* \* he or \* \* \*  
392 she becoming a law-abiding citizen, the board may parole the  
393 offender with the condition that the inmate spends no more than  
394 six (6) months in a transitional reentry center. At least fifteen  
395 (15) days prior to the release of an offender on parole, the  
396 director of records of the department shall give the written  
397 notice which is required pursuant to Section 47-5-177. Every  
398 offender while on parole shall remain in the legal custody of the  
399 department from which he was released and shall be amenable to the  
400 orders of the board. Upon determination by the board that an





401 offender is eligible for release by parole, notice shall also be  
402 given within at least fifteen (15) days before release, by the  
403 board to the victim of the offense or the victim's family member,  
404 as indicated above, regarding the date when the offender's release  
405 shall occur, provided a current address of the victim or the  
406 victim's family member has been furnished in writing to the board  
407 for such purpose.

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

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

417 The board may adopt such other rules not inconsistent with  
418 law as it may deem proper or necessary with respect to the  
419 eligibility of offenders for parole, the conduct of parole  
420 hearings, or conditions to be imposed upon parolees, including a  
421 condition that the parolee submit, as provided in Section 47-5-601  
422 to any type of breath, saliva or urine chemical analysis test, the  
423 purpose of which is to detect the possible presence of alcohol or  
424 a substance prohibited or controlled by any law of the State of  
425 Mississippi or the United States. The board shall have the



426 authority to adopt rules related to the placement of certain  
427 offenders on unsupervised parole and for the operation of  
428 transitional reentry centers. However, in no case shall an  
429 offender be placed on unsupervised parole before he has served a  
430 minimum of fifty percent (50%) of the period of supervised parole.

431 **SECTION 10.** Section 47-7-18, Mississippi Code of 1972, is  
432 amended as follows:

433 47-7-18 (1) No inmate convicted of a sex offense, as  
434 defined by Section 45-33-23(h), or a crime of violence, as defined  
435 by Section 97-3-2, shall be released on parole without a hearing  
436 before the Parole Board as required by Section 47-7-17. \* \* \* All  
437 other inmates eligible for parole, pursuant to Section 47-7-3,  
438 shall be released from incarceration to parole supervision on the  
439 inmate's parole eligibility date, without a hearing before the  
440 board, if:

441 (a) The inmate has met the requirements of the parole  
442 case plan established pursuant to Section 47-7-3.1;

443 (b) A victim of the offense has not requested the board  
444 conduct a hearing;

445 (c) The inmate has not received a serious or major  
446 violation report within the past six (6) months;

447 (d) The inmate has agreed to the conditions of  
448 supervision; and

449 (e) The inmate has a discharge plan approved by the  
450 board.



451 (2) At least thirty (30) days prior to an inmate's parole  
452 eligibility date, the department shall notify the board in writing  
453 of the inmate's compliance or noncompliance with the case plan.  
454 If an inmate fails to meet a requirement of the case plan, prior  
455 to the parole eligibility date, he or she shall have a hearing  
456 before the board to determine if completion of the case plan can  
457 occur while in the community.

458 (3) Any inmate for whom there is insufficient information  
459 for the department to determine compliance with the case plan  
460 shall have a hearing with the board.

461 (4) A hearing shall be held with the board if requested by  
462 the victim following notification of the inmate's parole release  
463 date pursuant to Section 47-7-17.

464 (5) A hearing shall be held by the board if a law  
465 enforcement official from the community to which the inmate will  
466 return contacts the board or the department and requests a hearing  
467 to consider information relevant to public safety risks posed by  
468 the inmate if paroled at the initial parole eligibility date. The  
469 law enforcement official shall submit an explanation documenting  
470 these concerns for the board to consider.

471 (6) If a parole hearing is held, the board may determine the  
472 inmate has sufficiently complied with the case plan or that the  
473 incomplete case plan is not the fault of the inmate and that  
474 granting parole is not incompatible with public safety, the board  
475 may then parole the inmate with appropriate conditions. If the



476 board determines that the inmate has sufficiently complied with  
477 the case plan but the discharge plan indicates that the inmate  
478 does not have appropriate housing immediately upon release, the  
479 board may parole the inmate to a transitional reentry center with  
480 the condition that the inmate spends no more than six (6) months  
481 in the center. If the board determines that the inmate has not  
482 substantively complied with the requirement(s) of the case plan it  
483 may deny parole. If the board denies parole, the board may  
484 schedule a subsequent parole hearing and, if a new date is  
485 scheduled, the board shall identify the corrective action the  
486 inmate will need to take in order to be granted parole. Any  
487 inmate not released at the time of the inmate's initial parole  
488 date shall have a parole hearing at least every year.

489 **SECTION 11.** Section 47-7-33.1, Mississippi Code of 1972, is  
490 brought forward as follows:

491 47-7-33.1. (1) The department shall create a discharge plan  
492 for any offender returning to the community, regardless of whether  
493 the person will discharge from the custody of the department, or  
494 is released on parole, pardon, or otherwise. At least ninety (90)  
495 days prior to an offender's earliest release date, the  
496 commissioner shall conduct a pre-release assessment and complete a  
497 written discharge plan based on the assessment results. The  
498 discharge plan for parole eligible offenders shall be sent to the  
499 Parole Board at least thirty (30) days prior to the offender's  
500 parole eligibility date for approval. The board may suggest



501 changes to the plan that it deems necessary to ensure a successful  
502 transition.

503 (2) The pre-release assessment shall identify whether an  
504 inmate requires assistance obtaining the following basic needs  
505 upon release: transportation, clothing and food, financial  
506 resources, identification documents, housing, employment,  
507 education, health care and support systems. The discharge plan  
508 shall include information necessary to address these needs and the  
509 steps being taken by the department to assist in this process.

510 Based on the findings of the assessment, the commissioner shall:

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

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

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

519 (d) Assist inmates in identifying safe, affordable  
520 housing upon release. If accommodations are not available,  
521 determine whether temporary housing is available for at least ten  
522 (10) days after release. If temporary housing is not available,  
523 the discharge plan shall reflect that satisfactory housing has not  
524 been established and the person may be a candidate for  
525 transitional reentry center placement;



526 (e) Refer inmates without secured employment to  
527 employment opportunities;

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

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

533 (h) Refer inmates to a community or a faith-based  
534 organization that can offer support within the first twenty-four  
535 (24) hours of release;

536 (3) A written discharge plan shall be provided to the  
537 offender and supervising probation officer or parole officer, if  
538 applicable.

539 (4) A discharge plan created for a parole-eligible offender  
540 shall also include supervision conditions and the intensity of  
541 supervision based on the assessed risk to recidivate and whether  
542 there is a need for transitional housing. The board shall approve  
543 discharge plans before an offender is released on parole pursuant  
544 to this chapter.

545 **SECTION 12.** This act shall take effect and be in force from  
546 and after July 1, 2020.

