

## House Amendments to Senate Bill No. 2123

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

67           **SECTION 1.** 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 for the term of the natural  
78 life of such prisoner \* \* \* and has served not less than ten (10)  
79 years of such life sentence, may be released on parole as \* \* \*  
80 set forth herein:

81           (a) Habitual offenders. No prisoner \* \* \* sentenced as  
82 a confirmed and habitual criminal under the provisions of Sections  
83 99-19-81 through 99-19-87 shall be eligible for parole;

84 (b) **Sex offenders.** Any person who shall have been  
85 convicted of a sex crime shall not be released on parole except  
86 for a person under the age of nineteen (19) who has been convicted  
87 under Section 97-3-67;

88 \* \* \*

89 ( \* \* \*c) No person shall be eligible for parole who,  
90 on or after July 1, 1994, is \* \* \* sentenced to life imprisonment  
91 without eligibility for parole under the provisions of Section  
92 99-19-101;

93 ( \* \* \*d) No person shall be eligible for parole who  
94 is \* \* \* convicted of an offense that specifically prohibits  
95 parole release;

96 \* \* \*

97 ( \* \* \*e) **Parole for violent, nonviolent offenses.**

98 (i) \* \* \* Except as provided in paragraphs (a) through (d) of  
99 this subsection, all persons who are convicted after June 30,  
100 1995, of a violent crime, as defined by Section 97-3-2, shall be  
101 eligible for parole after they have served fifty percent (50%) of  
102 the sentence or sentences imposed by the trial court or twenty  
103 (20) years, whichever is less. All persons convicted of any other  
104 offense \* \* \* after \* \* \* June 30, 1995, \* \* \* shall be eligible  
105 for parole after they have served \* \* \* twenty-five percent (25%)  
106 of the sentence or sentences imposed by the trial court or ten  
107 (10) years, whichever is less. All persons eligible for parole  
108 under this subsection who are serving a sentence or sentences  
109 pursuant to Section 97-3-2 shall be required to have a parole

110 hearing before the board, pursuant to Section 47-7-17, prior to  
111 parole release.

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

120 \* \* \*

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

124 \* \* \*2. The inmate is sentenced for an  
125 offense that specifically prohibits parole release;

126 \* \* \*

127 \* \* \*3. The inmate is sentenced for a sex  
128 crime; or

129 \* \* \*4. The inmate has not served \* \* \*  
130 twenty-five percent (25%) of the sentence imposed by the court.

131 (iii) Notwithstanding \* \* \*, any other provision  
132 of law any offender who \* \* \* has served twenty-five percent (25%)  
133 or more of \* \* \* the sentence or sentences imposed by the trial  
134 court or ten (10) years, whichever is less, may be paroled by the  
135 parole board if \* \* \* the sentencing judge or if the sentencing

136 judge is retired, disabled or incapacitated, the senior circuit  
137 judge, authorizes the offender to be eligible for parole  
138 consideration \* \* \*. No inmate shall be eligible to petition the  
139 sentencing court for parole eligibility under this paragraph of  
140 this subsection if the inmate is serving a sentence for a crime of  
141 violence, as defined by Section 97-3-2, except an inmate serving a  
142 sentence for burglary of a dwelling as provided in Section  
143 97-17-23;

144 \* \* \*

145 (f) Notwithstanding any other provision of law, all  
146 persons who were under the age of eighteen (18) at the time of  
147 their crimes, and who are not otherwise eligible for parole at an  
148 earlier date, shall be eligible for parole after they have served  
149 twenty (20) years of the sentence or sentences imposed by the  
150 trial court. All persons eligible for parole under this  
151 subsection shall be required to have a parole hearing before the  
152 board, pursuant to Section 47-7-17, prior to parole release.

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

158 (3) The State Parole Board shall, by rules and regulations,  
159 establish a method of determining a tentative parole hearing date  
160 for each eligible offender taken into the custody of the  
161 Department of Corrections. The tentative parole hearing date

162 shall be determined within ninety (90) days after the department  
163 has assumed custody of the offender. Except as provided in  
164 Section 47-7-18, the parole hearing date shall occur when the  
165 offender is within thirty (30) days of the month of his parole  
166 eligibility date. The parole eligibility date shall not be  
167 earlier than one-fourth (1/4) of the prison sentence or sentences  
168 imposed by the court.

169 (4) Any inmate within twenty-four (24) months of his parole  
170 eligibility date and who meets the criteria established by the  
171 classification board shall receive priority for placement in any  
172 educational development and job training programs that are part of  
173 his or her parole case plan. Any inmate refusing to participate  
174 in an educational development or job training program that is part  
175 of the case plan may be in jeopardy of noncompliance with the case  
176 plan and may be denied parole.

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

179 47-7-3.1. (1) In consultation with the Parole Board, the  
180 department shall develop a case plan for all parole-eligible  
181 inmates to guide an inmate's rehabilitation while in the  
182 department's custody and to reduce the likelihood of recidivism  
183 after release.

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

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

188 (b) Any programming or treatment requirements contained  
189 in the sentencing order; and

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

192 (3) With respect to parole-eligible inmates admitted to the  
193 department's custody on or after July 1, 2020, the department  
194 shall complete the case plan within ninety (90) days of admission.  
195 With respect to parole-eligible inmates admitted to the  
196 department's custody prior to July 1, 2020, the department shall  
197 complete the case plan by January 1, 2021.

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

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

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

207 ( \* \* \*5) With respect to parole-eligible inmates admitted  
208 to the department's custody after July 1, 2020, the department  
209 shall ensure that the case plan is achievable prior to the  
210 inmate's parole eligibility date. With respect to parole-eligible  
211 inmates admitted to the department's custody prior to July 1,  
212 2020, the department shall, to the extent possible, ensure that

213 the case plan is achievable prior to the inmate's parole  
214 eligibility date or next parole hearing date.

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

218 ( \* \* \*7) Every four (4) months the department shall  
219 electronically submit a progress report on each parole-eligible  
220 inmate's case plan to the Parole Board. The board may meet to  
221 review an inmate's case plan and may provide written input to the  
222 caseworker on the inmate's progress toward completion of the case  
223 plan.

224 ( \* \* \*8) The Parole Board shall provide semiannually to the  
225 Oversight Task Force the number of parole hearings held, the  
226 number of prisoners released to parole without a hearing and the  
227 number of parolees released after a hearing.

228 **SECTION 3.** Section 47-7-5, Mississippi Code of 1972, is  
229 amended as follows:

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

237 (2) Any person who is appointed to serve on the board shall  
238 possess at least a bachelor's degree or a high school diploma and

239 four (4) years' work experience. Each member shall devote his  
240 full time to the duties of his office and shall not engage in any  
241 other business or profession or hold any other public office. A  
242 member shall not receive compensation or per diem in addition to  
243 his salary as prohibited under Section 25-3-38. Each member shall  
244 keep such hours and workdays as required of full-time state  
245 employees under Section 25-1-98. Individuals shall be appointed  
246 to serve on the board without reference to their political  
247 affiliations. Each board member, including the chairman, may be  
248 reimbursed for actual and necessary expenses as authorized by  
249 Section 25-3-41. Each member of the board shall complete annual  
250 training developed based on guidance from the National Institute  
251 of Corrections, the Association of Paroling Authorities  
252 International, or the American Probation and Parole Association.  
253 Each first-time appointee of the board shall, within sixty (60)  
254 days of appointment, or as soon as practical, complete training  
255 for first-time Parole Board members developed in consideration of  
256 information from the National Institute of Corrections, the  
257 Association of Paroling Authorities International, or the American  
258 Probation and Parole Association.

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



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

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

276 (6) The board shall have no authority or responsibility for  
277 supervision of offenders granted a release for any reason,  
278 including, but not limited to, probation, parole or executive  
279 clemency or other offenders requiring the same through interstate  
280 compact agreements. The supervision shall be provided exclusively  
281 by the staff of the Division of Community Corrections of the  
282 department.

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

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

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

298 (8) (a) The Parole Board shall maintain a central registry  
299 of paroled inmates. The Parole Board shall place the following  
300 information on the registry: name, address, photograph, crime for  
301 which paroled, the date of the end of parole or flat-time date and  
302 other information deemed necessary. The Parole Board shall  
303 immediately remove information on a parolee at the end of his  
304 parole or flat-time date.

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

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

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

314 (9) An affirmative vote of at least four (4) members of the  
315 Parole Board shall be required to grant parole to an inmate

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

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

322 **SECTION 4.** Section 47-7-13, Mississippi Code of 1972, is  
323 amended as follows:

324 47-7-13. A majority of the board shall constitute a quorum  
325 for the transaction of all business. \* \* \* An affirmative vote of  
326 at least four (4) members of the Parole Board shall be required to  
327 grant parole to an inmate convicted of capital murder or a sex  
328 offense, as defined by Section 45-33-23(h). An affirmative vote  
329 of at least three (3) members of the Parole Board shall be  
330 required to grant parole to an inmate convicted after June 30,  
331 1995, of a crime of violence, as defined by Section 97-3-2. The  
332 board shall maintain, in minute book form, a copy of each of its  
333 official actions with the reasons therefor. Suitable and  
334 sufficient office space and support resources and staff necessary  
335 to conducting Parole Board business shall be provided by the  
336 Department of Corrections. \* \* \*

337 **SECTION 5.** Section 47-7-15, Mississippi Code of 1972, is  
338 amended as follows:

339 47-7-15. The board shall adopt an official seal of which the  
340 courts shall take judicial notice. Decisions of the board shall

341 be made by majority vote, except as provided in Sections 47-7-5(9)  
342 and 47-7-13.

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

348 **SECTION 6.** Section 47-7-17, Mississippi Code of 1972, is  
349 amended as follows:

350 47-7-17. Within one (1) year after his admission and at such  
351 intervals thereafter as it may determine, the board shall secure  
352 and consider all pertinent information regarding each offender,  
353 except any under sentence of death or otherwise ineligible for  
354 parole, including the circumstances of his offense, his previous  
355 social history, his previous criminal record, including any  
356 records of law enforcement agencies or of a youth court regarding  
357 that offender's juvenile criminal history, his conduct, employment  
358 and attitude while in the custody of the department, the case plan  
359 created to prepare the offender for parole, and the reports of  
360 such physical and mental examinations as have been made. The  
361 Parole Board may also order a psychiatric or psychological  
362 examination when it determines such examination is necessary to  
363 making a parole decision. The board shall furnish at least three  
364 (3) months' written notice to each such offender of the date on  
365 which he is eligible for parole.

366           \* \* \* Except as provided in Section 47-7-18, the board \* \* \*  
367 shall require a parole-eligible offender to have a hearing as  
368 required in this chapter before the board and to be interviewed.  
369 The hearing shall be held no later than thirty (30) days prior to  
370 the month of eligibility. No application for parole of a person  
371 convicted of a capital offense shall be considered by the board  
372 unless and until notice of the filing of such application shall  
373 have been published at least once a week for two (2) weeks in a  
374 newspaper published in or having general circulation in the county  
375 in which the crime was committed. The board shall, within thirty  
376 (30) days prior to the scheduled hearing, also give notice of the  
377 filing of the application for parole to the victim of the offense  
378 for which the prisoner is incarcerated and being considered for  
379 parole or, in case the offense be homicide, a designee of the  
380 immediate family of the victim, provided the victim or designated  
381 family member has furnished in writing a current address to the  
382 board for such purpose. The victim or designated family member  
383 shall be provided an opportunity to be heard by the board before  
384 the board makes a decision regarding release on parole. Parole  
385 release shall, at the hearing, be ordered only for the best  
386 interest of society, not as an award of clemency; it shall not be  
387 considered to be a reduction of sentence or pardon. An offender  
388 shall be placed on parole only when arrangements have been made  
389 for his proper employment or for his maintenance and care, and  
390 when the board believes that he is able and willing to fulfill the  
391 obligations of a law-abiding citizen. When the board determines

392 that the offender will need transitional housing upon release in  
393 order to improve the likelihood of \* \* \* he or \* \* \* she becoming  
394 a law-abiding citizen, the board may parole the offender with the  
395 condition that the inmate spends no more than six (6) months in a  
396 transitional reentry center. At least fifteen (15) days prior to  
397 the release of an offender on parole, the director of records of  
398 the department shall give the written notice which is required  
399 pursuant to Section 47-5-177. Every offender while on parole  
400 shall remain in the legal custody of the department from which he  
401 was released and shall be amenable to the orders of the board.  
402 Upon determination by the board that an offender is eligible for  
403 release by parole, notice shall also be given within at least  
404 fifteen (15) days before release, by the board to the victim of  
405 the offense or the victim's family member, as indicated above,  
406 regarding the date when the offender's release shall occur,  
407 provided a current address of the victim or the victim's family  
408 member has been furnished in writing to the board for such  
409 purpose.

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

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

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

433 **SECTION 7.** Section 47-7-18, Mississippi Code of 1972, is  
434 amended as follows:

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

441 supervision on the inmate's parole eligibility date, without a  
442 hearing before the board, if:

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

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

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

449 (d) The inmate has agreed to the conditions of  
450 supervision; and

451 (e) The inmate has a discharge plan approved by the  
452 board.

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

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

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



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

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

491           **SECTION 8.** Section 47-7-33.1, Mississippi Code of 1972, is  
492 brought forward as follows:

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

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

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

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

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

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

528 (e) Refer inmates without secured employment to  
529 employment opportunities;

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

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

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

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

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

547 **SECTION 9.** Section 47-7-3.2, Mississippi Code of 1972, which  
548 provides a minimum time offenders convicted of a crime of violence  
549 must serve before release and a minimum percentage of other  
550 sentences other offenders must serve before release, is repealed.

551 **SECTION 10.** Section 47-5-28, Mississippi Code of 1972, is  
552 amended as follows:

553 47-5-28. The commissioner shall have the following powers  
554 and duties:

555 (a) To implement and administer laws and policy  
556 relating to corrections and coordinate the efforts of the  
557 department with those of the federal government and other state  
558 departments and agencies, county governments, municipal  
559 governments, and private agencies concerned with providing  
560 offender services;

561 (b) To establish standards, in cooperation with other  
562 state agencies having responsibility as provided by law, provide  
563 technical assistance, and exercise the requisite supervision as it  
564 relates to correctional programs over all state-supported adult  
565 correctional facilities and community-based programs;

566           (c) To promulgate and publish such rules, regulations  
567 and policies of the department as are needed for the efficient  
568 government and maintenance of all facilities and programs in  
569 accord insofar as possible with currently accepted standards of  
570 adult offender care and treatment;

571           (d) To provide the Parole Board with suitable and  
572 sufficient office space and support resources and staff necessary  
573 to conducting Parole Board business under the guidance of the  
574 Chairman of the Parole Board;

575           (e) To contract for transitional reentry center beds  
576 that will be used as noncorrections housing for offenders released  
577 from the department on parole, probation or post-release  
578 supervision but do not have appropriate housing available upon  
579 release. At least \* \* \* eight hundred (800) transitional reentry  
580 center beds contracted by the department and chosen by the Parole  
581 Board shall be available for the Parole Board to place parolees  
582 without appropriate housing;

583           (f) To make an annual report to the Governor and the  
584 Legislature reflecting the activities of the department and make  
585 recommendations for improvement of the services to be performed by  
586 the department;

587           (g) To cooperate fully with periodic independent  
588 internal investigations of the department and to file the report  
589 with the Governor and the Legislature;

590           (h) To make personnel actions for a period of one (1)  
591 year beginning July 1, 2016, that are exempt from State Personnel

592 Board rules, regulations and procedures in order to give the  
593 commissioner flexibility in making an orderly, effective and  
594 timely reorganization and realignment of the department; and

595 (i) To perform such other duties necessary to  
596 effectively and efficiently carry out the purposes of the  
597 department as may be directed by the Governor.

598 **SECTION 11.** Section 47-5-931, Mississippi Code of 1972, is  
599 brought forward as follows:

600 47-5-931. (1) The Department of Corrections, in its  
601 discretion, may contract with the board of supervisors of one or  
602 more counties and/or with a regional facility operated by one or  
603 more counties, to provide for housing, care and control of  
604 offenders who are in the custody of the State of Mississippi. Any  
605 facility owned or leased by a county or counties for this purpose  
606 shall be designed, constructed, operated and maintained in  
607 accordance with American Correctional Association standards, and  
608 shall comply with all constitutional standards of the United  
609 States and the State of Mississippi, and with all court orders  
610 that may now or hereinafter be applicable to the facility. If the  
611 Department of Corrections contracts with more than one (1) county  
612 to house state offenders in county correctional facilities,  
613 excluding a regional facility, then the first of such facilities  
614 shall be constructed in Sharkey County and the second of such  
615 facilities shall be constructed in Jefferson County.

616 (2) The Department of Corrections shall contract with the  
617 board of supervisors of the following counties to house state

618 inmates in regional facilities: (a) Marion and Walthall Counties;  
619 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River  
620 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba  
621 Counties; (f) Holmes County and any contiguous county in which  
622 there is located an unapproved jail; and (g) Bolivar County and  
623 any contiguous county in which there is located an unapproved  
624 jail. The Department of Corrections may contract with the board  
625 of supervisors of the following counties to house state inmates in  
626 regional facilities: (a) Yazoo County, (b) Chickasaw County, (c)  
627 George and Greene Counties, (d) Washington County, (e) Hinds  
628 County, and (f) Alcorn County. The Department of Corrections  
629 shall decide the order of priority of the counties listed in this  
630 subsection with which it will contract for the housing of state  
631 inmates. For the purposes of this subsection, the term  
632 "unapproved jail" means any jail that the local grand jury  
633 determines should be condemned or has found to be of substandard  
634 condition or in need of substantial repair or reconstruction.

635 (3) In addition to the offenders authorized to be housed  
636 under subsection (1) of this section, the Department of  
637 Corrections may contract with the Kemper and Neshoba regional  
638 facility to provide for housing, care and control of not more than  
639 seventy-five (75) additional offenders who are in the custody of  
640 the State of Mississippi.

641 **SECTION 12.** Section 47-5-933, Mississippi Code of 1972, is  
642 brought forward as follows:

643           47-5-933. The Department of Corrections may contract for the  
644 purposes set out in Section 47-5-931 for a period of not more than  
645 twenty (20) years. The contract may provide that the Department  
646 of Corrections pay a fee of up to Twenty-nine Dollars and  
647 Seventy-four Cents (\$29.74) per day for each offender that is  
648 housed in the facility. The Department of Corrections may include  
649 in the contract, as an inflation factor, a three percent (3%)  
650 annual increase in the contract price. The state shall retain  
651 responsibility for medical care for state offenders to the extent  
652 that is required by law.

653           **SECTION 13.** Section 47-5-938, Mississippi Code of 1972, is  
654 brought forward as follows:

655           47-5-938. (1) Offenders are encouraged to participate in  
656 work programs. The chief corrections officer as created in  
657 Section 47-5-935, with ratification of the board of supervisors of  
658 the county in which a correctional facility established pursuant  
659 to Sections 47-5-931 through 47-5-941, is located, may enter into  
660 agreements to provide work for any state offender housed in the  
661 facility, with the approval of the Commissioner of Corrections, to  
662 perform any work:

663                   (a) Authorized in the Mississippi Prison Industries Act  
664 of 1990 as provided in Sections 47-5-531 through 47-5-575;

665                   (b) Authorized in the Prison Agricultural Enterprises  
666 Act as provided in Sections 47-5-351 through 47-5-357;

667                   (c) Authorized in the Penitentiary-Made Goods Law of  
668 1978 as provided in Sections 47-5-301 through 47-5-331;



669 (d) Authorized in the Public Service Work Programs Act  
670 as provided in Sections 47-5-401 through 47-5-421;

671 (e) Authorized in Section 47-5-431, which authorizes  
672 the sheriff to use county or state offenders to pick up trash  
673 along public roads and state highways.

674 (2) The chief corrections officer shall promulgate rules and  
675 regulations as may be necessary to govern the work performance of  
676 the offenders for the parties to the agreements. Political  
677 subdivisions of the State of Mississippi including but not limited  
678 to counties, municipalities, school districts, drainage districts,  
679 water management districts and joint county-municipal endeavors  
680 are to have free use of the offender's labor but are responsible  
681 for reimbursing the facility for costs of transportation, guards,  
682 meals and other necessary costs when the inmates are providing  
683 work for that political body. Offenders may be compensated for  
684 work performed if the agreement so provides.

685 (3) There is created a special fund in the county treasury  
686 to be known as the "offender's compensation fund." All  
687 compensation paid to offenders shall be placed in the special fund  
688 for use by the offenders to purchase certain goods and other items  
689 of value as authorized in Section 47-5-109, for offenders housed  
690 in state correctional facilities. As provided in Section  
691 47-5-194, no cash is to be paid to offenders. The agreement shall  
692 provide that a certain portion of the compensation shall be used  
693 for the welfare of the offenders. All money collected from the  
694 regional jail canteen operations shall be placed in a county

695 special fund. Expenditures from that fund can be made by the  
696 chief corrections officer for any lawful purpose that is in the  
697 best interest and welfare of the offenders. The chief corrections  
698 officer, his employees and the county or counties owning the  
699 facility are given the authority necessary to carry out the  
700 provisions of this section.

701 (4) The provisions of this section shall be supplemental to  
702 any other provisions of law regarding offender labor and work  
703 programs.

704 **SECTION 14.** Section 47-7-4, Mississippi Code of 1972, is  
705 brought forward as follows:

706 47-7-4. The commissioner and the medical director of the  
707 department may place an offender who has served not less than one  
708 (1) year of his or her sentence, except an offender convicted of a  
709 sex crime, on conditional medical release. However, a nonviolent  
710 offender who is bedridden may be placed on conditional medical  
711 release regardless of the time served on his or her sentence.  
712 Upon the release of a nonviolent offender who is bedridden, the  
713 state shall not be responsible or liable for any medical costs  
714 that may be incurred if such costs are acquired after the offender  
715 is no longer incarcerated due to his or her placement on  
716 conditional medical release. The commissioner shall not place an  
717 offender on conditional medical release unless the medical  
718 director of the department certifies to the commissioner that (a)  
719 the offender is suffering from a significant permanent physical  
720 medical condition with no possibility of recovery; (b) that his or

721 her further incarceration will serve no rehabilitative purposes;  
722 and (c) that the state would incur unreasonable expenses as a  
723 result of his or her continued incarceration. Any offender placed  
724 on conditional medical release shall be supervised by the Division  
725 of Community Corrections of the department for the remainder of  
726 his or her sentence. An offender's conditional medical release  
727 may be revoked and the offender returned and placed in actual  
728 custody of the department if the offender violates an order or  
729 condition of his or her conditional medical release. An offender  
730 who is no longer bedridden shall be returned and placed in the  
731 actual custody of the department.

732       **SECTION 15.** Section 47-7-27, Mississippi Code of 1972, is  
733 brought forward as follows:

734       47-7-27. (1) The board may, at any time and upon a showing  
735 of probable violation of parole, issue a warrant for the return of  
736 any paroled offender to the custody of the department. The  
737 warrant shall authorize all persons named therein to return the  
738 paroled offender to actual custody of the department from which he  
739 was paroled.

740       (2) Any field supervisor may arrest an offender without a  
741 warrant or may deputize any other person with power of arrest by  
742 giving him a written statement setting forth that the offender  
743 has, in the judgment of that field supervisor, violated the  
744 conditions of his parole or earned-release supervision. The  
745 written statement delivered with the offender by the arresting  
746 officer to the official in charge of the department facility from

747 which the offender was released or other place of detention  
748 designated by the department shall be sufficient warrant for the  
749 detention of the offender.

750 (3) The field supervisor, after making an arrest, shall  
751 present to the detaining authorities a similar statement of the  
752 circumstances of violation. The field supervisor shall at once  
753 notify the board or department of the arrest and detention of the  
754 offender and shall submit a written report showing in what manner  
755 the offender has violated the conditions of parole or  
756 earned-release supervision. An offender for whose return a  
757 warrant has been issued by the board shall, after the issuance of  
758 the warrant, be deemed a fugitive from justice.

759 (4) Whenever an offender is arrested on a warrant for an  
760 alleged violation of parole as herein provided, the board shall  
761 hold an informal preliminary hearing within seventy-two (72) hours  
762 to determine whether there is reasonable cause to believe the  
763 person has violated a condition of parole. A preliminary hearing  
764 shall not be required when the offender is not under arrest on a  
765 warrant or the offender signed a waiver of a preliminary hearing.  
766 The preliminary hearing may be conducted electronically.

767 (5) The right of the State of Mississippi to extradite  
768 persons and return fugitives from justice, from other states to  
769 this state, shall not be impaired by this chapter and shall remain  
770 in full force and effect. An offender convicted of a felony  
771 committed while on parole, whether in the State of Mississippi or  
772 another state, shall immediately have his parole revoked upon

773 presentment of a certified copy of the commitment order to the  
774 board. If an offender is on parole and the offender is convicted  
775 of a felony for a crime committed prior to the offender being  
776 placed on parole, whether in the State of Mississippi or another  
777 state, the offender may have his parole revoked upon presentment  
778 of a certified copy of the commitment order to the board.

779 (6) (a) The board shall hold a hearing for any parolee who  
780 is detained as a result of a warrant or a violation report within  
781 twenty-one (21) days of the parolee's admission to detention. The  
782 board may, in its discretion, terminate the parole or modify the  
783 terms and conditions thereof. If the board revokes parole for one  
784 or more technical violations the board shall impose a period of  
785 imprisonment to be served in a technical violation center operated  
786 by the department not to exceed ninety (90) days for the first  
787 revocation and not to exceed one hundred twenty (120) days for the  
788 second revocation. For the third revocation, the board may impose  
789 a period of imprisonment to be served in a technical violation  
790 center for up to one hundred and eighty (180) days or the board  
791 may impose the remainder of the suspended portion of the sentence.  
792 For the fourth and any subsequent revocation, the board may impose  
793 up to the remainder of the suspended portion of the sentence. The  
794 period of imprisonment in a technical violation center imposed  
795 under this section shall not be reduced in any manner.

796 (b) If the board does not hold a hearing or does not  
797 take action on the violation within the twenty-one-day time frame  
798 in paragraph (a) of this subsection, the parolee shall be released

799 from detention and shall return to parole status. The board may  
800 subsequently hold a hearing and may revoke parole or may continue  
801 parole and modify the terms and conditions of parole. If the  
802 board revokes parole for one or more technical violations the  
803 board shall impose a period of imprisonment to be served in a  
804 technical violation center operated by the department not to  
805 exceed ninety (90) days for the first revocation and not to exceed  
806 one hundred twenty (120) days for the second revocation. For the  
807 third revocation, the board may impose a period of imprisonment to  
808 be served in a technical violation center for up to one hundred  
809 eighty (180) days or the board may impose the remainder of the  
810 suspended portion of the sentence. For the fourth and any  
811 subsequent revocation, the board may impose up to the remainder of  
812 the suspended portion of the sentence. The period of imprisonment  
813 in a technical violation center imposed under this section shall  
814 not be reduced in any manner.

815 (c) For a parolee charged with one or more technical  
816 violations who has not been detained awaiting the revocation  
817 hearing, the board may hold a hearing within a reasonable time.  
818 The board may revoke parole or may continue parole and modify the  
819 terms and conditions of parole. If the board revokes parole for  
820 one or more technical violations the board shall impose a period  
821 of imprisonment to be served in a technical violation center  
822 operated by the department not to exceed ninety (90) days for the  
823 first revocation and not to exceed one hundred twenty (120) days  
824 for the second revocation. For the third revocation, the board

825 may impose a period of imprisonment to be served in a technical  
826 violation center for up to one hundred eighty (180) days or the  
827 board may impose the remainder of the suspended portion of the  
828 sentence. For the fourth and any subsequent revocation, the board  
829 may impose up to the remainder of the suspended portion of the  
830 sentence. The period of imprisonment in a technical violation  
831 center imposed under this section shall not be reduced in any  
832 manner.

833 (7) Unless good cause for the delay is established in the  
834 record of the proceeding, the parole revocation charge shall be  
835 dismissed if the revocation hearing is not held within the thirty  
836 (30) days of the issuance of the warrant.

837 (8) The chairman and each member of the board and the  
838 designated parole revocation hearing officer may, in the discharge  
839 of their duties, administer oaths, summon and examine witnesses,  
840 and take other steps as may be necessary to ascertain the truth of  
841 any matter about which they have the right to inquire.

842 (9) The board shall provide semiannually to the Oversight  
843 Task Force the number of warrants issued for an alleged violation  
844 of parole, the average time between detention on a warrant and  
845 preliminary hearing, the average time between detention on a  
846 warrant and revocation hearing, the number of ninety-day sentences  
847 in a technical violation center issued by the board, the number of  
848 one-hundred-twenty-day sentences in a technical violation center  
849 issued by the board, the number of one-hundred-eighty-day  
850 sentences issued by the board, and the number and average length

851 of the suspended sentences imposed by the board in response to a  
852 violation.

853         **SECTION 16.** Section 47-7-33, Mississippi Code of 1972, is  
854 brought forward as follows:

855         47-7-33. (1) When it appears to the satisfaction of any  
856 circuit court or county court in the State of Mississippi having  
857 original jurisdiction over criminal actions, or to the judge  
858 thereof, that the ends of justice and the best interest of the  
859 public, as well as the defendant, will be served thereby, such  
860 court, in termtime or in vacation, shall have the power, after  
861 conviction or a plea of guilty, except in a case where a death  
862 sentence or life imprisonment is the maximum penalty which may be  
863 imposed, to suspend the imposition or execution of sentence, and  
864 place the defendant on probation as herein provided, except that  
865 the court shall not suspend the execution of a sentence of  
866 imprisonment after the defendant shall have begun to serve such  
867 sentence. In placing any defendant on probation, the court, or  
868 judge, shall direct that such defendant be under the supervision  
869 of the Department of Corrections.

870         (2) When any circuit or county court places an offender on  
871 probation, the court shall give notice to the Mississippi  
872 Department of Corrections within fifteen (15) days of the court's  
873 decision to place the offender on probation. Notice shall be  
874 delivered to the central office of the Mississippi Department of  
875 Corrections and to the regional office of the department which  
876 will be providing supervision to the offender on probation.



877           (3) When any circuit court or county court places a person  
878 on probation in accordance with the provisions of this section and  
879 that person is ordered to make any payments to his family, if any  
880 member of his family whom he is ordered to support is receiving  
881 public assistance through the State Department of Human Services,  
882 the court shall order him to make such payments to the county  
883 welfare officer of the county rendering public assistance to his  
884 family, for the sole use and benefit of said family.

885           **SECTION 17.** Section 47-7-34, Mississippi Code of 1972, is  
886 brought forward as follows:

887           47-7-34. (1) When a court imposes a sentence upon a  
888 conviction for any felony committed after June 30, 1995, the  
889 court, in addition to any other punishment imposed if the other  
890 punishment includes a term of incarceration in a state or local  
891 correctional facility, may impose a term of post-release  
892 supervision. However, the total number of years of incarceration  
893 plus the total number of years of post-release supervision shall  
894 not exceed the maximum sentence authorized to be imposed by law  
895 for the felony committed. The defendant shall be placed under  
896 post-release supervision upon release from the term of  
897 incarceration. The period of supervision shall be established by  
898 the court.

899           (2) The period of post-release supervision shall be  
900 conducted in the same manner as a like period of supervised  
901 probation, including a requirement that the defendant shall abide  
902 by any terms and conditions as the court may establish. Failure

903 to successfully abide by the terms and conditions shall be grounds  
904 to terminate the period of post-release supervision and to  
905 recommit the defendant to the correctional facility from which he  
906 was previously released. Procedures for termination and  
907 recommitment shall be conducted in the same manner as procedures  
908 for the revocation of probation and imposition of a suspended  
909 sentence as required pursuant to Section 47-7-37.

910 (3) Post-release supervision programs shall be operated  
911 through the probation and parole unit of the Division of Community  
912 Corrections of the department. The maximum amount of time that  
913 the Mississippi Department of Corrections may supervise an  
914 offender on the post-release supervision program is five (5)  
915 years.

916 **SECTION 18.** Section 47-7-35, Mississippi Code of 1972, is  
917 brought forward as follows:

918 47-7-35. (1) The courts referred to in Section 47-7-33 or  
919 47-7-34 shall determine the terms and conditions of probation or  
920 post-release supervision and may alter or modify, at any time  
921 during the period of probation or post-release supervision, the  
922 conditions and may include among them the following or any other:

923 That the offender shall:

924 (a) Commit no offense against the laws of this or any  
925 other state of the United States, or of any federal, territorial  
926 or tribal jurisdiction of the United States;

927 (b) Avoid injurious or vicious habits;

928                   (c) Avoid persons or places of disreputable or harmful  
929 character;  
930                   (d) Report to the probation and parole officer as  
931 directed;  
932                   (e) Permit the probation and parole officer to visit  
933 him at home or elsewhere;  
934                   (f) Work faithfully at suitable employment so far as  
935 possible;  
936                   (g) Remain within a specified area;  
937                   (h) Pay his fine in one (1) or several sums;  
938                   (i) Support his dependents;  
939                   (j) Submit, as provided in Section 47-5-601, to any  
940 type of breath, saliva or urine chemical analysis test, the  
941 purpose of which is to detect the possible presence of alcohol or  
942 a substance prohibited or controlled by any law of the State of  
943 Mississippi or the United States;  
944                   (k) Register as a sex offender if so required under  
945 Title 45, Chapter 33.  
946                   (2) When any court places a defendant on misdemeanor  
947 probation, the court must cause to be conducted a search of the  
948 probationer's name or other identifying information against the  
949 registration information regarding sex offenders maintained under  
950 Title 45, Chapter 33. The search may be conducted using the  
951 Internet site maintained by the Department of Public Safety Sex  
952 Offender Registry.

953           **SECTION 19.** Section 47-7-36, Mississippi Code of 1972, is  
954 brought forward as follows:

955           47-7-36. Any person who supervises an individual placed on  
956 parole by the Parole Board or placed on probation by the court  
957 shall set the times and locations for meetings that are required  
958 for parole or probation at such times and locations that are  
959 reasonably designed to accommodate the work schedule of an  
960 individual on parole or probation who is employed by another  
961 person or entity. To effectuate the provisions of this section,  
962 the parole officer or probation officer may utilize technology  
963 portals such as Skype, FaceTime or Google video chat, or any other  
964 technology portal that allows communication between the individual  
965 on parole or probation and the parole or probation officer, as  
966 applicable, to occur simultaneously in real time by voice and  
967 video in lieu of requiring a face-to-face in person meeting of  
968 such individual and the parole or probation officer, as  
969 applicable. For individuals who are self-employed, the provisions  
970 of this section shall only apply with the agreement of their  
971 supervising parole or probation officer.

972           **SECTION 20.** Section 47-7-37, Mississippi Code of 1972, is  
973 brought forward as follows:

974           47-7-37. (1) The period of probation shall be fixed by the  
975 court, and may at any time be extended or terminated by the court,  
976 or judge in vacation. Such period with any extension thereof  
977 shall not exceed five (5) years, except that in cases of desertion  
978 and/or failure to support minor children, the period of probation

979 may be fixed and/or extended by the court for so long as the duty  
980 to support such minor children exists. The time served on  
981 probation or post-release supervision may be reduced pursuant to  
982 Section 47-7-40.

983 (2) At any time during the period of probation, the court,  
984 or judge in vacation, may issue a warrant for violating any of the  
985 conditions of probation or suspension of sentence and cause the  
986 probationer to be arrested. Any probation and parole officer may  
987 arrest a probationer without a warrant, or may deputize any other  
988 officer with power of arrest to do so by giving him a written  
989 statement setting forth that the probationer has, in the judgment  
990 of the probation and parole officer, violated the conditions of  
991 probation. Such written statement delivered with the probationer  
992 by the arresting officer to the official in charge of a county  
993 jail or other place of detention shall be sufficient warrant for  
994 the detention of the probationer.

995 (3) Whenever an offender is arrested on a warrant for an  
996 alleged violation of probation as herein provided, the department  
997 shall hold an informal preliminary hearing within seventy-two (72)  
998 hours of the arrest to determine whether there is reasonable cause  
999 to believe the person has violated a condition of probation. A  
1000 preliminary hearing shall not be required when the offender is not  
1001 under arrest on a warrant or the offender signed a waiver of a  
1002 preliminary hearing. The preliminary hearing may be conducted  
1003 electronically. If reasonable cause is found, the offender may be  
1004 confined no more than twenty-one (21) days from the admission to

1005 detention until a revocation hearing is held. If the revocation  
1006 hearing is not held within twenty-one (21) days, the probationer  
1007 shall be released from custody and returned to probation status.

1008 (4) If a probationer or offender is subject to registration  
1009 as a sex offender, the court must make a finding that the  
1010 probationer or offender is not a danger to the public prior to  
1011 release with or without bail. In determining the danger posed by  
1012 the release of the offender or probationer, the court may consider  
1013 the nature and circumstances of the violation and any new offenses  
1014 charged; the offender or probationer's past and present conduct,  
1015 including convictions of crimes and any record of arrests without  
1016 conviction for crimes involving violence or sex crimes; any other  
1017 evidence of allegations of unlawful sexual conduct or the use of  
1018 violence by the offender or probationer; the offender or  
1019 probationer's family ties, length of residence in the community,  
1020 employment history and mental condition; the offender or  
1021 probationer's history and conduct during the probation or other  
1022 supervised release and any other previous supervisions, including  
1023 disciplinary records of previous incarcerations; the likelihood  
1024 that the offender or probationer will engage again in a criminal  
1025 course of conduct; the weight of the evidence against the offender  
1026 or probationer; and any other facts the court considers relevant.

1027 (5) (a) The probation and parole officer after making an  
1028 arrest shall present to the detaining authorities a similar  
1029 statement of the circumstances of violation. The probation and  
1030 parole officer shall at once notify the court of the arrest and

1031 detention of the probationer and shall submit a report in writing  
1032 showing in what manner the probationer has violated the conditions  
1033 of probation. Within twenty-one (21) days of arrest and detention  
1034 by warrant as herein provided, the court shall cause the  
1035 probationer to be brought before it and may continue or revoke all  
1036 or any part of the probation or the suspension of sentence. If  
1037 the court revokes probation for one or more technical violations,  
1038 the court shall impose a period of imprisonment to be served in  
1039 either a technical violation center or a restitution center not to  
1040 exceed ninety (90) days for the first revocation and not to exceed  
1041 one hundred twenty (120) days for the second revocation. For the  
1042 third revocation, the court may impose a period of imprisonment to  
1043 be served in either a technical violation center or a restitution  
1044 center for up to one hundred eighty (180) days or the court may  
1045 impose the remainder of the suspended portion of the sentence.  
1046 For the fourth and any subsequent revocation, the court may impose  
1047 up to the remainder of the suspended portion of the sentence. The  
1048 period of imprisonment in a technical violation center imposed  
1049 under this section shall not be reduced in any manner.

1050           (b) If the offender is not detained as a result of the  
1051 warrant, the court shall cause the probationer to be brought  
1052 before it within a reasonable time and may continue or revoke all  
1053 or any part of the probation or the suspension of sentence, and  
1054 may cause the sentence imposed to be executed or may impose any  
1055 part of the sentence which might have been imposed at the time of  
1056 conviction. If the court revokes probation for one or more

1057 technical violations, the court shall impose a period of  
1058 imprisonment to be served in either a technical violation center  
1059 or a restitution center not to exceed ninety (90) days for the  
1060 first revocation and not to exceed one hundred twenty (120) days  
1061 for the second revocation. For the third revocation, the court  
1062 may impose a period of imprisonment to be served in either a  
1063 technical violation center or a restitution center for up to one  
1064 hundred eighty (180) days or the court may impose the remainder of  
1065 the suspended portion of the sentence. For the fourth and any  
1066 subsequent revocation, the court may impose up to the remainder of  
1067 the suspended portion of the sentence. The period of imprisonment  
1068 in a technical violation center imposed under this section shall  
1069 not be reduced in any manner.

1070 (c) If the court does not hold a hearing or does not  
1071 take action on the violation within the twenty-one-day period, the  
1072 offender shall be released from detention and shall return to  
1073 probation status. The court may subsequently hold a hearing and  
1074 may revoke probation or may continue probation and modify the  
1075 terms and conditions of probation. If the court revokes probation  
1076 for one or more technical violations, the court shall impose a  
1077 period of imprisonment to be served in either a technical  
1078 violation center operated by the department or a restitution  
1079 center not to exceed ninety (90) days for the first revocation and  
1080 not to exceed one hundred twenty (120) days for the second  
1081 revocation. For the third revocation, the court may impose a  
1082 period of imprisonment to be served in either a technical



1083 violation center or a restitution center for up to one hundred  
1084 eighty (180) days or the court may impose the remainder of the  
1085 suspended portion of the sentence. For the fourth and any  
1086 subsequent revocation, the court may impose up to the remainder of  
1087 the suspended portion of the sentence. The period of imprisonment  
1088 in a technical violation center imposed under this section shall  
1089 not be reduced in any manner.

1090 (d) For an offender charged with a technical violation  
1091 who has not been detained awaiting the revocation hearing, the  
1092 court may hold a hearing within a reasonable time. The court may  
1093 revoke probation or may continue probation and modify the terms  
1094 and conditions of probation. If the court revokes probation for  
1095 one or more technical violations the court shall impose a period  
1096 of imprisonment to be served in either a technical violation  
1097 center operated by the department or a restitution center not to  
1098 exceed ninety (90) days for the first revocation and not to exceed  
1099 one hundred twenty (120) days for the second revocation. For the  
1100 third revocation, the court may impose a period of imprisonment to  
1101 be served in either a technical violation center or a restitution  
1102 center for up to one hundred eighty (180) days or the court may  
1103 impose the remainder of the suspended portion of the sentence.  
1104 For the fourth and any subsequent revocation, the court may impose  
1105 up to the remainder of the suspended portion of the sentence. The  
1106 period of imprisonment in a technical violation center imposed  
1107 under this section shall not be reduced in any manner.

1108           (6) If the probationer is arrested in a circuit court  
1109 district in the State of Mississippi other than that in which he  
1110 was convicted, the probation and parole officer, upon the written  
1111 request of the sentencing judge, shall furnish to the circuit  
1112 court or the county court of the county in which the arrest is  
1113 made, or to the judge of such court, a report concerning the  
1114 probationer, and such court or the judge in vacation shall have  
1115 authority, after a hearing, to continue or revoke all or any part  
1116 of probation or all or any part of the suspension of sentence, and  
1117 may in case of revocation proceed to deal with the case as if  
1118 there had been no probation. In such case, the clerk of the court  
1119 in which the order of revocation is issued shall forward a  
1120 transcript of such order to the clerk of the court of original  
1121 jurisdiction, and the clerk of that court shall proceed as if the  
1122 order of revocation had been issued by the court of original  
1123 jurisdiction. Upon the revocation of probation or suspension of  
1124 sentence of any offender, such offender shall be placed in the  
1125 legal custody of the State Department of Corrections and shall be  
1126 subject to the requirements thereof.

1127           (7) Any probationer who removes himself from the State of  
1128 Mississippi without permission of the court placing him on  
1129 probation, or the court to which jurisdiction has been  
1130 transferred, shall be deemed and considered a fugitive from  
1131 justice and shall be subject to extradition as now provided by  
1132 law. No part of the time that one is on probation shall be

1133 considered as any part of the time that he shall be sentenced to  
1134 serve.

1135 (8) The arresting officer, except when a probation and  
1136 parole officer, shall be allowed the same fees as now provided by  
1137 law for arrest on warrant, and such fees shall be taxed against  
1138 the probationer and paid as now provided by law.

1139 (9) The arrest, revocation and recommitment procedures of  
1140 this section also apply to persons who are serving a period of  
1141 post-release supervision imposed by the court.

1142 (10) Unless good cause for the delay is established in the  
1143 record of the proceeding, the probation revocation charge shall be  
1144 dismissed if the revocation hearing is not held within thirty (30)  
1145 days of the warrant being issued.

1146 (11) The Department of Corrections shall provide  
1147 semiannually to the Oversight Task Force the number of warrants  
1148 issued for an alleged violation of probation or post-release  
1149 supervision, the average time between detention on a warrant and  
1150 preliminary hearing, the average time between detention on a  
1151 warrant and revocation hearing, the number of ninety-day sentences  
1152 in a technical violation center issued by the court, the number of  
1153 one-hundred-twenty-day sentences in a technical violation center  
1154 issued by the court, the number of one-hundred-eighty-day  
1155 sentences issued by the court, and the number and average length  
1156 of the suspended sentences imposed by the court in response to a  
1157 violation.

1158           **SECTION 21.** Section 47-7-37.1, Mississippi Code of 1972, is  
1159 brought forward as follows:

1160           47-7-37.1. Notwithstanding any other provision of law to the  
1161 contrary, if a court finds by a preponderance of the evidence,  
1162 that a probationer or a person under post-release supervision has  
1163 committed a felony or absconded, the court may revoke his  
1164 probation and impose any or all of the sentence. For purposes of  
1165 this section, "absconding from supervision" means the failure of a  
1166 probationer to report to his supervising officer for six (6) or  
1167 more consecutive months.

1168           **SECTION 22.** Section 47-7-49, Mississippi Code of 1972, is  
1169 brought forward as follows:

1170           47-7-49. (1) Any offender on probation, parole,  
1171 earned-release supervision, post-release supervision, earned  
1172 probation or any other offender under the field supervision of the  
1173 Community Services Division of the department shall pay to the  
1174 department the sum of Fifty-five Dollars (\$55.00) per month by  
1175 certified check or money order unless a hardship waiver is  
1176 granted. An offender shall make the initial payment within sixty  
1177 (60) days after being released from imprisonment unless a hardship  
1178 waiver is granted. A hardship waiver may be granted by the  
1179 sentencing court or the Department of Corrections. A hardship  
1180 waiver may not be granted for a period of time exceeding ninety  
1181 (90) days. The commissioner or his designee shall deposit Fifty  
1182 Dollars (\$50.00) of each payment received into a special fund in  
1183 the State Treasury, which is hereby created, to be known as the

1184 Community Service Revolving Fund. Expenditures from this fund  
1185 shall be made for: (a) the establishment of restitution and  
1186 satellite centers; and (b) the establishment, administration and  
1187 operation of the department's Drug Identification Program and the  
1188 intensive and field supervision program. The Fifty Dollars  
1189 (\$50.00) may be used for salaries and to purchase equipment,  
1190 supplies and vehicles to be used by the Community Services  
1191 Division in the performance of its duties. Expenditures for the  
1192 purposes established in this section may be made from the fund  
1193 upon requisition by the commissioner, or his designee.

1194 Of the remaining amount, Three Dollars (\$3.00) of each  
1195 payment shall be deposited into the Crime Victims' Compensation  
1196 Fund created in Section 99-41-29, and Two Dollars (\$2.00) shall be  
1197 deposited into the Training Revolving Fund created pursuant to  
1198 Section 47-7-51. When a person is convicted of a felony in this  
1199 state, in addition to any other sentence it may impose, the court  
1200 may, in its discretion, order the offender to pay a state  
1201 assessment not to exceed the greater of One Thousand Dollars  
1202 (\$1,000.00) or the maximum fine that may be imposed for the  
1203 offense, into the Crime Victims' Compensation Fund created  
1204 pursuant to Section 99-41-29.

1205 Any federal funds made available to the department for  
1206 training or for training facilities, equipment or services shall  
1207 be deposited into the Correctional Training Revolving Fund created  
1208 in Section 47-7-51. The funds deposited in this account shall be  
1209 used to support an expansion of the department's training program

1210 to include the renovation of facilities for training purposes,  
1211 purchase of equipment and contracting of training services with  
1212 community colleges in the state.

1213 No offender shall be required to make this payment for a  
1214 period of time longer than ten (10) years.

1215 (2) The offender may be imprisoned until the payments are  
1216 made if the offender is financially able to make the payments and  
1217 the court in the county where the offender resides so finds,  
1218 subject to the limitations hereinafter set out. The offender  
1219 shall not be imprisoned if the offender is financially unable to  
1220 make the payments and so states to the court in writing, under  
1221 oath, and the court so finds.

1222 (3) This section shall stand repealed from and after June  
1223 30, 2022.

1224 **SECTION 23.** Section 45-1-3, Mississippi Code of 1972, is  
1225 brought forward as follows:

1226 45-1-3. When not otherwise specifically provided, the  
1227 commissioner is authorized to make and promulgate reasonable rules  
1228 and regulations to be coordinated, and carry out the general  
1229 provisions of the Highway Safety Patrol and Driver's License Law  
1230 of 1938.

1231 **SECTION 24.** Section 9-23-11, Mississippi Code of 1972, is  
1232 brought forward as follows:

1233 9-23-11. (1) The Administrative Office of Courts shall  
1234 establish, implement and operate a uniform certification process  
1235 for all intervention courts and other problem-solving courts

1236 including juvenile courts, veterans courts or any other court  
1237 designed to adjudicate criminal actions involving an identified  
1238 classification of criminal defendant to ensure funding for  
1239 intervention courts supports effective and proven practices that  
1240 reduce recidivism and substance dependency among their  
1241 participants.

1242 (2) The Administrative Office of Courts shall establish a  
1243 certification process that ensures any new or existing  
1244 intervention court meets minimum standards for intervention court  
1245 operation.

1246 (a) These standards shall include, but are not limited  
1247 to:

1248 (i) The use of evidence-based practices including,  
1249 but not limited to, the use of a valid and reliable risk and needs  
1250 assessment tool to identify participants and deliver appropriate  
1251 interventions;

1252 (ii) Targeting medium to high-risk offenders for  
1253 participation;

1254 (iii) The use of current, evidence-based  
1255 interventions proven to reduce dependency on drugs or alcohol, or  
1256 both;

1257 (iv) Frequent testing for alcohol or drugs;

1258 (v) Coordinated strategy between all intervention  
1259 court program personnel involving the use of graduated clinical  
1260 interventions;

1261 (vi) Ongoing judicial interaction with each  
1262 participant; and

1263 (vii) Monitoring and evaluation of intervention  
1264 court program implementation and outcomes through data collection  
1265 and reporting.

1266 (b) Intervention court certification applications shall  
1267 include:

1268 (i) A description of the need for the intervention  
1269 court;

1270 (ii) The targeted population for the intervention  
1271 court;

1272 (iii) The eligibility criteria for intervention  
1273 court participants;

1274 (iv) A description of the process for identifying  
1275 appropriate participants including the use of a risk and needs  
1276 assessment and a clinical assessment;

1277 (v) A description of the intervention court  
1278 intervention components, including anticipated budget and  
1279 implementation plan;

1280 (vi) The data collection plan which shall include  
1281 collecting the following data:

1282 1. Total number of participants;

1283 2. Total number of successful participants;

1284 3. Total number of unsuccessful participants

1285 and the reason why each participant did not complete the program;



1286                   4. Total number of participants who were  
1287 arrested for a new criminal offense while in the intervention  
1288 court program;

1289                   5. Total number of participants who were  
1290 convicted of a new felony or misdemeanor offense while in the  
1291 intervention court program;

1292                   6. Total number of participants who committed  
1293 at least one (1) violation while in the intervention court program  
1294 and the resulting sanction(s);

1295                   7. Results of the initial risk and needs  
1296 assessment or other clinical assessment conducted on each  
1297 participant; and

1298                   8. Total number of applications for screening  
1299 by race, gender, offenses charged, indigence and, if not accepted,  
1300 the reason for nonacceptance; and

1301                   9. Any other data or information as required  
1302 by the Administrative Office of Courts.

1303                   (c) Every intervention court shall be certified under  
1304 the following schedule:

1305                   (i) An intervention court application submitted  
1306 after July 1, 2014, shall require certification of the  
1307 intervention court based on the proposed drug court plan.

1308                   (ii) An intervention court initially established  
1309 and certified after July 1, 2014, shall be recertified after its  
1310 second year of funded operation on a time frame consistent with  
1311 the other certified courts of its type.

1312                   (iii) A certified adult felony intervention court  
1313 in existence on December 31, 2018, must submit a recertification  
1314 petition by July 1, 2019, and be recertified under the  
1315 requirements of this section on or before December 31, 2019; after  
1316 the recertification, all certified adult felony intervention  
1317 courts must submit a recertification petition every two (2) years  
1318 to the Administrative Office of Courts. The recertification  
1319 process must be completed by December 31st of every odd calendar  
1320 year.

1321                   (iv) A certified youth, family, misdemeanor or  
1322 chancery intervention court in existence on December 31, 2018,  
1323 must submit a recertification petition by July 31, 2020, and be  
1324 recertified under the requirements of this section by December 31,  
1325 2020. After the recertification, all certified youth, family,  
1326 misdemeanor and chancery intervention courts must submit a  
1327 recertification petition every two (2) years to the Administrative  
1328 Office of Courts. The recertification process must be completed  
1329 by December 31st of every even calendar year.

1330           (3) All certified intervention courts shall measure  
1331 successful completion of the drug court based on those  
1332 participants who complete the program without a new criminal  
1333 conviction.

1334           (4) (a) All certified drug courts must collect and submit  
1335 to the Administrative Office of Courts each month, the following  
1336 data:

1337 (i) Total number of participants at the beginning  
1338 of the month;

1339 (ii) Total number of participants at the end of  
1340 the month;

1341 (iii) Total number of participants who began the  
1342 program in the month;

1343 (iv) Total number of participants who successfully  
1344 completed the intervention court in the month;

1345 (v) Total number of participants who left the  
1346 program in the month;

1347 (vi) Total number of participants who were  
1348 arrested for a new criminal offense while in the intervention  
1349 court program in the month;

1350 (vii) Total number of participants who were  
1351 convicted for a new criminal arrest while in the intervention  
1352 court program in the month; and

1353 (viii) Total number of participants who committed  
1354 at least one (1) violation while in the intervention court program  
1355 and any resulting sanction(s).

1356 (b) By August 1, 2015, and each year thereafter, the  
1357 Administrative Office of Courts shall report to the PEER Committee  
1358 the information in subsection (4)(a) of this section in a  
1359 sortable, electronic format.

1360 (5) All certified intervention courts may individually  
1361 establish rules and may make special orders and rules as necessary

1362 that do not conflict with the rules promulgated by the Supreme  
1363 Court or the Administrative Office of Courts.

1364 (6) A certified intervention court may appoint the full- or  
1365 part-time employees it deems necessary for the work of the  
1366 intervention court and shall fix the compensation of those  
1367 employees. Such employees shall serve at the will and pleasure of  
1368 the judge or the judge's designee.

1369 (7) The Administrative Office of Courts shall promulgate  
1370 rules and regulations to carry out the certification and  
1371 re-certification process and make any other policies not  
1372 inconsistent with this section to carry out this process.

1373 (8) A certified intervention court established under this  
1374 chapter is subject to the regulatory powers of the Administrative  
1375 Office of Courts as set forth in Section 9-23-17.

1376 **SECTION 25.** Section 99-39-5, Mississippi Code of 1972, is  
1377 brought forward as follows:

1378 99-39-5. (1) Any person sentenced by a court of record of  
1379 the State of Mississippi, including a person currently  
1380 incarcerated, civilly committed, on parole or probation or subject  
1381 to sex offender registration for the period of the registration or  
1382 for the first five (5) years of the registration, whichever is the  
1383 shorter period, may file a motion to vacate, set aside or correct  
1384 the judgment or sentence, a motion to request forensic DNA testing  
1385 of biological evidence, or a motion for an out-of-time appeal if  
1386 the person claims:

1387           (a) That the conviction or the sentence was imposed in  
1388 violation of the Constitution of the United States or the  
1389 Constitution or laws of Mississippi;

1390           (b) That the trial court was without jurisdiction to  
1391 impose sentence;

1392           (c) That the statute under which the conviction and/or  
1393 sentence was obtained is unconstitutional;

1394           (d) That the sentence exceeds the maximum authorized by  
1395 law;

1396           (e) That there exists evidence of material facts, not  
1397 previously presented and heard, that requires vacation of the  
1398 conviction or sentence in the interest of justice;

1399           (f) That there exists biological evidence secured in  
1400 relation to the investigation or prosecution attendant to the  
1401 petitioner's conviction not tested, or, if previously tested, that  
1402 can be subjected to additional DNA testing, that would provide a  
1403 reasonable likelihood of more probative results, and that testing  
1404 would demonstrate by reasonable probability that the petitioner  
1405 would not have been convicted or would have received a lesser  
1406 sentence if favorable results had been obtained through such  
1407 forensic DNA testing at the time of the original prosecution.

1408           (g) That his plea was made involuntarily;

1409           (h) That his sentence has expired; his probation,  
1410 parole or conditional release unlawfully revoked; or he is  
1411 otherwise unlawfully held in custody;

1412           (i) That he is entitled to an out-of-time appeal; or

1413           (j) That the conviction or sentence is otherwise  
1414 subject to collateral attack upon any grounds of alleged error  
1415 heretofore available under any common law, statutory or other  
1416 writ, motion, petition, proceeding or remedy.

1417           (2) A motion for relief under this article shall be made  
1418 within three (3) years after the time in which the petitioner's  
1419 direct appeal is ruled upon by the Supreme Court of Mississippi  
1420 or, in case no appeal is taken, within three (3) years after the  
1421 time for taking an appeal from the judgment of conviction or  
1422 sentence has expired, or in case of a guilty plea, within three  
1423 (3) years after entry of the judgment of conviction. Excepted  
1424 from this three-year statute of limitations are those cases in  
1425 which the petitioner can demonstrate either:

1426           (a) (i) That there has been an intervening decision of  
1427 the Supreme Court of either the State of Mississippi or the United  
1428 States which would have actually adversely affected the outcome of  
1429 his conviction or sentence or that he has evidence, not reasonably  
1430 discoverable at the time of trial, which is of such nature that it  
1431 would be practically conclusive that had such been introduced at  
1432 trial it would have caused a different result in the conviction or  
1433 sentence; or

1434           (ii) That, even if the petitioner pled guilty or  
1435 nolo contendere, or confessed or admitted to a crime, there exists  
1436 biological evidence not tested, or, if previously tested, that can  
1437 be subjected to additional DNA testing that would provide a  
1438 reasonable likelihood of more probative results, and that testing

1439 would demonstrate by reasonable probability that the petitioner  
1440 would not have been convicted or would have received a lesser  
1441 sentence if favorable results had been obtained through such  
1442 forensic DNA testing at the time of the original prosecution.

1443           (b) Likewise excepted are those cases in which the  
1444 petitioner claims that his sentence has expired or his probation,  
1445 parole or conditional release has been unlawfully revoked.  
1446 Likewise excepted are filings for post-conviction relief in  
1447 capital cases which shall be made within one (1) year after  
1448 conviction.

1449           (3) This motion is not a substitute for, nor does it affect,  
1450 any remedy incident to the proceeding in the trial court, or  
1451 direct review of the conviction or sentence.

1452           (4) Proceedings under this article shall be subject to the  
1453 provisions of Section 99-19-42.

1454           (5) For the purposes of this article:

1455           (a) "Biological evidence" means the contents of a  
1456 sexual assault examination kit and any item that contains blood,  
1457 semen, hair, saliva, skin tissue, fingernail scrapings, bone,  
1458 bodily fluids or other identifiable biological material that was  
1459 collected as part of the criminal investigation or may reasonably  
1460 be used to incriminate or exculpate any person for the offense.  
1461 This definition applies whether that material is catalogued  
1462 separately, such as on a slide, swab or in a test tube, or is  
1463 present on other evidence, including, but not limited to,

1464 clothing, ligatures, bedding or other household material, drinking  
1465 cups, cigarettes or other items;

1466 (b) "DNA" means deoxyribonucleic acid.

1467 **SECTION 26.** Section 99-39-27, Mississippi Code of 1972, is  
1468 brought forward as follows:

1469 99-39-27. (1) The application for leave to proceed in the  
1470 trial court filed with the Supreme Court under Section 99-39-7  
1471 shall name the State of Mississippi as the respondent.

1472 (2) The application shall contain the original and two (2)  
1473 executed copies of the motion proposed to be filed in the trial  
1474 court together with such other supporting pleadings and  
1475 documentation as the Supreme Court by rule may require.

1476 (3) The prisoner shall serve an executed copy of the  
1477 application upon the Attorney General simultaneously with the  
1478 filing of the application with the court.

1479 (4) The original motion, together with all files, records,  
1480 transcripts and correspondence relating to the judgment under  
1481 attack, shall promptly be examined by the court.

1482 (5) Unless it appears from the face of the application,  
1483 motion, exhibits and the prior record that the claims presented by  
1484 those documents are not procedurally barred under Section 99-39-21  
1485 and that they further present a substantial showing of the denial  
1486 of a state or federal right, the court shall by appropriate order  
1487 deny the application. The court may, in its discretion, require  
1488 the Attorney General upon sufficient notice to respond to the  
1489 application.



1490           (6) The court, upon satisfaction of the standards set forth  
1491 in this article, is empowered to grant the application.

1492           (7) In granting the application the court, in its  
1493 discretion, may:

1494           (a) Where sufficient facts exist from the face of the  
1495 application, motion, exhibits, the prior record and the state's  
1496 response, together with any exhibits submitted with those  
1497 documents, or upon stipulation of the parties, grant or deny any  
1498 or all relief requested in the attached motion.

1499           (b) Allow the filing of the motion in the trial court  
1500 for further proceedings under Sections 99-39-13 through 99-39-23.

1501           (8) No application or relief shall be granted without the  
1502 Attorney General being given at least five (5) days to respond.

1503           (9) The dismissal or denial of an application under this  
1504 section is a final judgment and shall be a bar to a second or  
1505 successive application under this article. Excepted from this  
1506 prohibition is an application filed under Section 99-19-57(2),  
1507 raising the issue of the offender's supervening mental illness  
1508 before the execution of a sentence of death. A dismissal or  
1509 denial of an application relating to mental illness under Section  
1510 99-19-57(2) shall be res judicata on the issue and shall likewise  
1511 bar any second or successive applications on the issue. Likewise  
1512 excepted from this prohibition are those cases in which the  
1513 prisoner can demonstrate either that there has been an intervening  
1514 decision of the Supreme Court of either the State of Mississippi  
1515 or the United States that would have actually adversely affected

1516 the outcome of his conviction or sentence or that he has evidence,  
1517 not reasonably discoverable at the time of trial, that is of such  
1518 nature that it would be practically conclusive that, if it had  
1519 been introduced at trial, it would have caused a different result  
1520 in the conviction or sentence. Likewise exempted are those cases  
1521 in which the prisoner claims that his sentence has expired or his  
1522 probation, parole or conditional release has been unlawfully  
1523 revoked.

1524 (10) Proceedings under this section shall be subject to the  
1525 provisions of Section 99-19-42.

1526 (11) Post-conviction proceedings in which the defendant is  
1527 under sentence of death shall be governed by rules established by  
1528 the Supreme Court as well as the provisions of this section.

1529 **SECTION 27.** This act shall take effect and be in force from  
1530 and after July 1, 2020, and shall stand repealed from and after  
1531 June 30, 2020.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 PRESCRIBE CONDITIONS FOR PAROLE ELIGIBILITY AND TO PROVIDE  
3 LIMITATIONS ON INMATE ELIGIBILITY TO PETITION THE SENTENCING COURT  
4 FOR PAROLE ELIGIBILITY IF THE INMATE IS SERVING A SENTENCE FOR A  
5 CRIME OF VIOLENCE OR NONVIOLENCE; TO PROVIDE THAT ANY PERSON WHO  
6 WAS UNDER AGE EIGHTEEN WHEN HE OR SHE COMMITTED A CRIME AND IS NOT  
7 OTHERWISE ELIGIBLE FOR PAROLE, SHALL BE ELIGIBLE FOR PAROLE UNDER  
8 CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-7-3.1, MISSISSIPPI CODE  
9 OF 1972, TO PRESCRIBE DATES FOR THE MISSISSIPPI DEPARTMENT OF  
10 CORRECTIONS TO COMPLETE CASE PLANS FOR PAROLE-ELIGIBLE INMATES TO  
11 ENSURE THAT THE PLAN IS ACHIEVABLE; TO AMEND SECTION 47-7-5,  
12 MISSISSIPPI CODE OF 1972, TO REQUIRE AN AFFIRMATIVE VOTE OF AT  
13 LEAST THREE MEMBERS OF THE MISSISSIPPI PAROLE BOARD TO GRANT  
14 PAROLE TO AN INMATE CONVICTED OF A CRIME OF VIOLENCE AFTER JUNE 30

15 1995; TO AMEND SECTION 47-7-13, MISSISSIPPI CODE OF 1972, TO  
16 REQUIRE AN AFFIRMATIVE VOTE OF AT LEAST FOUR MEMBERS OF THE  
17 MISSISSIPPI PAROLE BOARD TO GRANT PAROLE TO A SEX OFFENDER; TO  
18 AMEND SECTION 47-7-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO  
19 AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
20 THE VICTIM OR DESIGNATED FAMILY MEMBER SHALL BE PROVIDED AN  
21 OPPORTUNITY TO BE HEARD BY THE PAROLE BOARD PRIOR TO A PAROLE  
22 DECISION; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE OF 1972, TO  
23 REQUIRE CERTAIN PAROLE HEARINGS FOR SEX OFFENDERS; TO BRING  
24 FORWARD SECTION 47-7-33.1, MISSISSIPPI CODE OF 1972, REGARDING  
25 DEPARTMENT DISCHARGE PLANS FOR RELEASED INMATES; TO REPEAL SECTION  
26 47-7-3.2, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A MINIMUM TIME  
27 OFFENDERS CONVICTED OF A CRIME OF VIOLENCE MUST SERVE BEFORE  
28 RELEASE AND A MINIMUM PERCENTAGE OF OTHER SENTENCES OTHER  
29 OFFENDERS MUST SERVE BEFORE RELEASE; TO AMEND SECTION 47-5-28,  
30 MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF TRANSITIONAL  
31 REENTRY CENTER BEDS; TO BRING FORWARD SECTIONS 47-5-931, 47-5-933  
32 AND 47-5-938, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE  
33 INCARCERATION OF STATE OFFENDERS IN CERTAIN FACILITIES, FOR  
34 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-4,  
35 MISSISSIPPI CODE OF 1972, WHICH RELATES TO CONDITIONAL MEDICAL  
36 RELEASE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
37 SECTION 47-7-27, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE  
38 RETURN OF A VIOLATOR OF PAROLE OR EARNED RELEASE SUPERVISION, FOR  
39 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-33,  
40 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE POWER OF THE COURT  
41 TO PLACE DEFENDANTS ON PROBATION, FOR PURPOSES OF POSSIBLE  
42 AMENDMENT; TO BRING FORWARD SECTION 47-7-34, MISSISSIPPI CODE OF  
43 1972, WHICH RELATES TO THE POST-RELEASE SUPERVISION PROGRAM, FOR  
44 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-35,  
45 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE TERMS AND  
46 CONDITIONS OF PROBATION, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
47 BRING FORWARD SECTION 47-7-36, MISSISSIPPI CODE OF 1972, WHICH  
48 RELATES TO PERSONS WHO SUPERVISE THOSE ON PROBATION OR PAROLE, FOR  
49 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-37,  
50 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE PERIOD OF PROBATION  
51 THAT IS SET BY A COURT, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
52 BRING FORWARD SECTION 47-7-37.1, MISSISSIPPI CODE OF 1972, WHICH  
53 RELATES TO THE REVOCATION OF PROBATION OR POST-RELEASE  
54 SUPERVISION, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
55 SECTION 47-7-49, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE  
56 COMMUNITY SERVICE REVOLVING FUND, FOR PURPOSES OF POSSIBLE  
57 AMENDMENT; TO BRING FORWARD SECTION 45-1-3, MISSISSIPPI CODE OF  
58 1972, WHICH RELATES TO THE RULE MAKING POWER OF THE COMMISSIONER  
59 OF PUBLIC SAFETY, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
60 FORWARD SECTION 9-23-11, MISSISSIPPI CODE OF 1972, WHICH RELATES  
61 TO THE UNIFORM CERTIFICATION PROCESS FOR INTERVENTION AND CERTAIN  
62 OTHER COURTS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
63 SECTIONS 99-39-5 AND 99-39-27, MISSISSIPPI CODE OF 1972, WHICH  
64 RELATE TO CERTAIN POST-CONVICTION PROCEEDINGS, FOR PURPOSES OF  
65 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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Andrew Ketchings  
Clerk of the House of Representatives