

## **Senate Amendments to House Bill No. 1476**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE 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:**

15           **SECTION 1.** Section 47-7-3, Mississippi Code of 1972, is  
16 amended as follows:  
17           47-7-3. (1) Every prisoner who has been convicted of any  
18 offense against the State of Mississippi, and is confined in the  
19 execution of a judgment of such conviction in the Mississippi  
20 Department of Corrections for a definite term or terms of one (1)  
21 year or over, or for the term of his or her natural life, whose  
22 record of conduct shows that such prisoner has observed the rules  
23 of the department, and who has served not less than one-fourth  
24 (1/4) of the total of such term or terms for which such prisoner  
25 was sentenced, or, if sentenced to serve a term or terms of thirty  
26 (30) years or more, or, if sentenced for the term of the natural  
27 life of such prisoner, has served not less than ten (10) years of  
28 such life sentence, may be released on parole as hereinafter  
29 provided, except that:

30 (a) No prisoner convicted as a confirmed and habitual  
31 criminal under the provisions of Sections 99-19-81 through  
32 99-19-87 shall be eligible for parole;

33 (b) Any person who shall have been convicted of a sex  
34 crime shall not be released on parole except for a person under  
35 the age of nineteen (19) who has been convicted under Section  
36 97-3-67;

37 (c) (i) No person shall be eligible for parole who  
38 shall, on or after January 1, 1977, be convicted of robbery or  
39 attempted robbery through the display of a firearm until he shall  
40 have served ten (10) years if sentenced to a term or terms of more  
41 than ten (10) years or if sentenced for the term of the natural  
42 life of such person. If such person is sentenced to a term or  
43 terms of ten (10) years or less, then such person shall not be  
44 eligible for parole. The provisions of this paragraph (c)(i)  
45 shall also apply to any person who shall commit robbery or  
46 attempted robbery on or after July 1, 1982, through the display of  
47 a deadly weapon. This paragraph (c)(i) shall not apply to persons  
48 convicted after September 30, 1994;

49 (ii) No person shall be eligible for parole who  
50 shall, on or after October 1, 1994, be convicted of robbery,  
51 attempted robbery or carjacking as provided in Section 97-3-115 et  
52 seq., through the display of a firearm or drive-by shooting as  
53 provided in Section 97-3-109. The provisions of this paragraph  
54 (c)(ii) shall also apply to any person who shall commit robbery,  
55 attempted robbery, carjacking or a drive-by shooting on or after

56 October 1, 1994, through the display of a deadly weapon. This  
57 paragraph (c)(ii) shall not apply to persons convicted after July  
58 1, 2014;

59 (d) No person shall be eligible for parole who, on or  
60 after July 1, 1994, is charged, tried, convicted and sentenced to  
61 life imprisonment without eligibility for parole under the  
62 provisions of Section 99-19-101;

63 (e) No person shall be eligible for parole who is  
64 charged, tried, convicted and sentenced to life imprisonment under  
65 the provisions of Section 99-19-101;

66 (f) No person shall be eligible for parole who is  
67 convicted or whose suspended sentence is revoked after June 30,  
68 1995, except that an offender convicted of only nonviolent crimes  
69 after June 30, 1995, may be eligible for parole if the offender  
70 meets the requirements in this subsection (1) and this paragraph.  
71 In addition to other requirements, if an offender is convicted of  
72 a drug or driving under the influence felony, the offender must  
73 complete a drug and alcohol rehabilitation program prior to parole  
74 or the offender may be required to complete a post-release drug  
75 and alcohol program as a condition of parole. For purposes of  
76 this paragraph, "nonviolent crime" means a felony other than  
77 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
78 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
79 of vulnerable adults, felonies with enhanced penalties, except  
80 enhanced penalties for the crime of possession of a controlled  
81 substance under Section 41-29-147, the sale or manufacture of a

82 controlled substance under the Uniform Controlled Substances Law,  
83 felony child abuse, or exploitation or any crime under Section  
84 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a  
85 violation of Section 63-11-30(5). In addition, an offender  
86 incarcerated for committing the crime of possession of a  
87 controlled substance under the Uniform Controlled Substances Law  
88 after July 1, 1995, including an offender who receives an enhanced  
89 penalty under the provisions of Section 41-29-147 for such  
90 possession, shall be eligible for parole. An offender  
91 incarcerated for committing the crime of sale or manufacture of a  
92 controlled substance shall be eligible for parole after serving  
93 one-fourth (1/4) of the sentence imposed by the trial court. This  
94 paragraph (f) shall not apply to persons convicted on or after  
95 July 1, 2014;

96 (g) \* \* \* No person who, on or after July 1, 2014, is  
97 convicted of a crime of violence pursuant to Section 97-3-2, a sex  
98 crime or an offense that specifically prohibits parole  
99 release \* \* \* shall be eligible for parole. All persons convicted  
100 of any other offense on or after July 1, 2014, are eligible for  
101 parole after they have served one-fourth (1/4) of the sentence or  
102 sentences imposed by the trial court.

103 \* \* \*

104 ( \* \* \* h) Notwithstanding the provisions of paragraph  
105 (a) of this subsection, any offender who has not committed a crime  
106 of violence under Section 97-3-2 and has served twenty-five  
107 percent (25%) or more of his sentence may be paroled by the Parole

108 Board if, after the sentencing judge or if the sentencing judge is  
109 retired, disabled or incapacitated, the senior circuit judge  
110 authorizes the offender to be eligible for parole consideration;

111 ( \* \* \*i) Notwithstanding any other provision of law,  
112 an inmate who has not been convicted as a habitual offender under  
113 Sections 99-19-81 through 99-19-87, has not been convicted of  
114 committing a crime of violence \* \* \* as defined under Section  
115 97-3-2, has not been convicted of a sex crime or any other crime  
116 that specifically prohibits parole release, and has not been  
117 convicted of drug trafficking under Section 41-29-139 is eligible  
118 for parole if the inmate has served twenty-five percent (25%) or  
119 more of his or her sentence \* \* \* but is otherwise ineligible for  
120 parole.

121 (2) Notwithstanding any other provision of law, an inmate,  
122 except an inmate who has been convicted of capital murder as  
123 defined in Section 97-3-19 or who has been sentenced to death for  
124 another capital offense pursuant to Section 99-19-101, shall be  
125 eligible for parole if:

126 (a) The inmate has been diagnosed with a terminal  
127 illness or disease and has a life expectancy of twelve (12) months  
128 or less;

129 (b) The inmate is completely disabled such that he or  
130 she cannot carry out any self-care and he or she is bedridden; or

131 (c) The inmate is at limited self-care capacity such  
132 that he or she is bedridden at least fifty percent (50%) of waking  
133 hours. An inmate who has been convicted of a sex offense, as

134 defined by Section 45-33-23(h), shall not be eligible for parole  
135 pursuant to this paragraph (c).

136 ( \* \* \*3) Notwithstanding any other provision of law, an  
137 inmate shall not be eligible to receive earned time, good time or  
138 any other administrative reduction of time which shall reduce the  
139 time necessary to be served for parole eligibility as provided in  
140 subsection (1) of this section.

141 ( \* \* \*4) The State Parole Board shall, by rules and  
142 regulations, establish a method of determining a tentative parole  
143 hearing date for each eligible offender taken into the custody of  
144 the Department of Corrections. The tentative parole hearing date  
145 shall be determined within ninety (90) days after the department  
146 has assumed custody of the offender. The parole hearing date  
147 shall occur when the offender is within thirty (30) days of the  
148 month of his parole eligibility date. The parole eligibility date  
149 shall not be earlier than one-fourth (1/4) of the prison sentence  
150 or sentences imposed by the court.

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

159       (6) (a) The Department of Corrections shall provide to the  
160 State Parole Board a listing of all inmates who meet the criteria  
161 under subsection (2) of this section every thirty (30) days,  
162 regardless of whether an inmate has made such a request. The  
163 State Parole Board may request necessary documentation from the  
164 Department of Corrections or the State Medical Director at any  
165 time in order to determine the parole eligibility of any inmate  
166 pursuant to this section.

167       (b) The Department of Corrections or the medical  
168 director of the department shall notify the Parole Board of any  
169 inmate who is diagnosed with a terminal illness or disease within  
170 seventy-two (72) hours of such diagnosis.

171       (c) The Department of Corrections shall assist any  
172 inmate in making a request for parole eligibility if such a  
173 request is made by an inmate.

174       **SECTION 2.** Section 47-7-4, Mississippi Code of 1972, is  
175 amended as follows:

176       47-7-4. (1) The commissioner and the medical director of  
177 the department or the State Parole Board may place an offender who  
178 has served not less than one (1) year of his or her sentence,  
179 except an \* \* \* inmate who has been convicted of capital murder as  
180 defined in Section 97-3-19 or who has been sentenced to death for  
181 another capital offense pursuant to Section 99-19-101, may be  
182 placed on conditional medical release if:

183           (a) The offender has been diagnosed with a terminal  
184 illness or disease and has a life expectancy of twelve (12) months  
185 or less;

186           (b) The offender is completely disabled such that he or  
187 she cannot carry out any self-care and he or she is bedridden; or

188           (c) The offender is at limited self-care capacity such  
189 that he or she is bedridden at least fifty percent (50%) of waking  
190 hours. An offender who has been convicted of a sex offense as  
191 defined by Section 45-33-23(h) shall not be eligible for parole  
192 pursuant to this paragraph (c).

193           (2) (a) The Department of Corrections shall provide to the  
194 State Parole Board a listing of all inmates who meet the criteria  
195 under subsection (1) of this section every thirty (30) days,  
196 regardless of whether an inmate has made such a request. The  
197 State Parole Board may request necessary documentation from the  
198 Department of Corrections or the State Medical Director at any  
199 time in order to determine whether an offender may be placed on  
200 conditional medical release pursuant to this section.

201           (b) The Department of Corrections or the medical  
202 director of the department shall notify the Parole Board of any  
203 inmate who is diagnosed with a terminal illness or disease within  
204 seventy-two (72) hours of such diagnosis.

205           (c) The Department of Corrections or the State Parole  
206 Board, as the case may be, shall assist any inmate in making a  
207 request for conditional medical release if such a request is made  
208 by an inmate.



209       (3) Upon the release of \* \* \* an offender \* \* \* pursuant to  
210 this section, the \* \* \* department shall not be responsible or  
211 liable for any medical costs that may be incurred if such costs  
212 are acquired after the offender is no longer incarcerated due to  
213 his or her placement on conditional medical release. The  
214 commissioner or the Parole Board shall not place an offender on  
215 conditional medical release unless the medical director of the  
216 department certifies to the commissioner that (a) the offender is  
217 suffering from a \* \* \* medical condition prescribed in subsection  
218 (1) of this section; (b) that his or her further incarceration  
219 will serve no rehabilitative purposes; and (c) that the state  
220 would incur unreasonable expenses as a result of his or her  
221 continued incarceration. Any offender placed on conditional  
222 medical release shall be supervised by the Division of Community  
223 Corrections of the department for the remainder of his or her  
224 sentence. An offender's conditional medical release may be  
225 revoked and the offender returned and placed in actual custody of  
226 the department if the offender violates an order or condition of  
227 his or her conditional medical release. An offender who is no  
228 longer bedridden shall be returned and placed in the actual  
229 custody of the department.

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

232       47-7-5. (1) The State Parole Board, created under former  
233 Section 47-7-5, is hereby created, continued and reconstituted and  
234 shall be composed of five (5) members. The Governor shall appoint

235 the members with the advice and consent of the Senate. All terms  
236 shall be at the will and pleasure of the Governor. Any vacancy  
237 shall be filled by the Governor, with the advice and consent of  
238 the Senate. The Governor shall appoint a chairman of the board.

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

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

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

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

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

285 (7) (a) The Parole Board is authorized to select and place  
286 offenders in an electronic monitoring program under the conditions

287 and criteria imposed by the Parole Board. The conditions,  
288 restrictions and requirements of Section 47-7-17 and Sections  
289 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
290 any offender placed in an electronic monitoring program by the  
291 Parole Board.

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

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

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

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

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

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

316 (9) An affirmative vote of at least four (4) members of the  
317 Parole Board shall be required to grant parole to an inmate  
318 convicted of capital murder or a sex crime.

319 (10) The Parole Board is authorized to place offenders on  
320 conditional medical release pursuant to Section 47-7-4.

321 ( \* \* \*11) This section shall stand repealed on July 1,  
322 2022.

323 **SECTION 4.** This act shall take effect and be in force from  
324 and after July 1, 2020, and shall stand repealed on 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 PROVIDE THAT AN INMATE WHO HAS NOT BEEN CONVICTED OF CAPITAL  
3 MURDER OR SENTENCED TO DEATH SHALL BE ELIGIBLE FOR PAROLE IF HE OR  
4 SHE HAS CERTAIN MEDICAL CONDITIONS; TO AMEND SECTION 47-7-4,  
5 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAROLE BOARD, ALONG  
6 WITH THE COMMISSIONER OF CORRECTIONS AND THE DEPARTMENT OF  
7 CORRECTION'S MEDICAL DIRECTOR, TO PLACE AN OFFENDER ON CONDITIONAL  
8 MEDICAL RELEASE IF THE OFFENDER HAS CERTAIN MEDICAL CONDITIONS; TO  
9 REQUIRE THE DEPARTMENT OR ITS MEDICAL DIRECTOR TO NOTIFY THE  
10 PAROLE BOARD OF ANY INMATE WHO IS DIAGNOSED WITH A TERMINAL  
11 ILLNESS OR DISEASE WITHIN 72 HOURS OF THE DIAGNOSIS; TO AMEND  
12 SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
13 PRECEDING SECTION; AND FOR RELATED PURPOSES.

SS08\HB1476PS.J

Eugene S. Clarke  
Secretary of the Senate