

By: Representatives Horan, Anthony

To: Corrections

HOUSE BILL NO. 464

1 AN ACT TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT BEFORE AN OFFENDER IS RELEASED ON PAROLE BY THE
3 PAROLE BOARD, THE BOARD SHALL PROVIDE NOTICE OF A PERIOD OF TIME
4 THAT SHALL NOT EXCEED 15 DAYS, RATHER THAN AN AT LEAST 15 DAYS
5 NOTICE, TO AN OFFENDER'S VICTIM OR THE VICTIM'S FAMILY WHEN AN
6 OFFENDER IS TO BE RELEASED BY THE BOARD; TO AMEND SECTION
7 47-5-177, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF
8 CORRECTIONS TO PROVIDE NOTICE OF A PERIOD OF TIME THAT SHALL NOT
9 EXCEED 15 DAYS, RATHER THAN AN AT LEAST 15 DAYS NOTICE, TO CERTAIN
10 LOCAL LAW ENFORCEMENT WHEN AN OFFENDER IS SCHEDULED FOR RELEASE;
11 TO AMEND SECTIONS 47-5-157 AND 47-5-173, MISSISSIPPI CODE OF 1972,
12 TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND SECTION 47-7-5,
13 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MEMBERS OF THE STATE
14 PAROLE BOARD TO RECEIVE COMPENSATION OR PER DIEM IN ADDITION TO
15 THEIR SALARY; TO AMEND SECTION 25-3-38, MISSISSIPPI CODE OF 1972,
16 TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD SECTIONS
17 47-7-3, 47-7-3.1 THROUGH 47-7-6, 47-7-13 THROUGH 47-7-19 AND
18 47-7-27, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE POWERS AND
19 DUTIES OF THE STATE PAROLE BOARD, FOR PURPOSES OF AMENDMENT; AND
20 FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 47-7-17, Mississippi Code of 1972, is
23 amended as follows:

24 47-7-17. Within one (1) year after his admission and at such
25 intervals thereafter as it may determine, the board shall secure
26 and consider all pertinent information regarding each offender,
27 except any under sentence of death or otherwise ineligible for



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

37 Before ruling on the application for parole of any offender,
38 the board may require a parole-eligible offender to have a hearing
39 as required in this chapter before the board and to be
40 interviewed. The hearing shall be held no later than thirty (30)
41 days prior to the month of eligibility. No application for parole
42 of a person convicted of a capital offense shall be considered by
43 the board unless and until notice of the filing of such
44 application shall have been published at least once a week for two
45 (2) weeks in a newspaper published in or having general
46 circulation in the county in which the crime was committed. The
47 board shall, within thirty (30) days prior to the scheduled
48 hearing, also give notice of the filing of the application for
49 parole to the victim of the offense for which the prisoner is
50 incarcerated and being considered for parole or, in case the
51 offense be homicide, a designee of the immediate family of the
52 victim, provided the victim or designated family member has



53 furnished in writing a current address to the board for such
54 purpose. Parole release shall, at the hearing, be ordered only
55 for the best interest of society, not as an award of clemency; it
56 shall not be considered to be a reduction of sentence or pardon.
57 An offender shall be placed on parole only when arrangements have
58 been made for his proper employment or for his maintenance and
59 care, and when the board believes that he is able and willing to
60 fulfill the obligations of a law-abiding citizen. When the board
61 determines that the offender will need transitional housing upon
62 release in order to improve the likelihood of * * * the offender
63 becoming a law-abiding citizen, the board may parole the offender
64 with the condition that the inmate spends no more than six (6)
65 months in a transitional reentry center. * * * For a period of
66 time not to exceed fifteen (15) days prior to the release of an
67 offender on parole, the director of records of the department
68 shall give the written notice which is required pursuant to
69 Section 47-5-177. Every offender while on parole shall remain in
70 the legal custody of the department from which he was released and
71 shall be amenable to the orders of the board. Upon determination
72 by the board that an offender is eligible for release by parole,
73 notice shall also be given * * * for a period of time not to
74 exceed fifteen (15) days before release, by the board to the
75 victim of the offense or the victim's family member, as indicated
76 above, regarding the date when the offender's release shall occur,
77 provided a current address of the victim or the victim's family



member has been furnished in writing to the board for such purpose.

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

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

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



103 **SECTION 2.** Section 47-5-177, Mississippi Code of 1972, is
104 amended as follows:

105 47-5-177. * * * For a period of time not to exceed fifteen
106 (15) days prior to the release of an offender from the custody of
107 the department because of discharge, parole, pardon, temporary
108 personal leave or pass, or otherwise, except for sickness or death
109 in the offender's family, the director of records of the
110 department shall give written or electronic notice of such release
111 to the sheriff of the county and to the chief of police of the
112 municipality where the offender was convicted. If the offender is
113 paroled to a county other than the county of conviction, the
114 director of records shall give written or electronic notice of the
115 release to the sheriff, district attorney and circuit judge of the
116 county and to the chief of police of the municipality where the
117 offender is paroled and to the sheriff of the county and to the
118 chief of police of the municipality where the offender was
119 convicted. The department shall notify the parole officer of the
120 county where the offender is paroled or discharged to probation of
121 any chronic mental disorder incurred by the offender, of any type
122 of infectious disease for which the offender has been examined and
123 treated, and of any medications provided to the offender for such
124 conditions.

125 The commissioner shall require the director of records to
126 clearly identify the notice of release of an offender who has been
127 convicted of arson at any time. The fact that the offender to be



released had been convicted of arson at any time shall appear prominently on the notice of release and the sheriff shall notify all officials who are responsible for investigation of arson within the county of such offender's release and the chief of police shall notify all such officials within the municipality of such offender's release.

SECTION 3. Section 47-5-157, Mississippi Code of 1972, is amended as follows:

47-5-157. When an offender is entitled to a discharge from the custody of the department, or is released therefrom on parole, pardon, or otherwise, the commissioner or his designee shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving the offender's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such description of the offender as may be practicable and the discharge plan developed as required by law. * * * For a period of time not to exceed fifteen (15) days prior to the release of an offender as described herein, the director of records of the department shall give the written notice which is required pursuant to Section 47-5-177. The offender shall be furnished, if needed, suitable civilian clothes, a Mississippi driver's license, or a state identification card



that is not a department-issued identification card and all money held to his credit by any official of the correctional system shall be delivered to him.

The amount of money which an offender is entitled to receive from the State of Mississippi when he is discharged from the state correctional system shall be determined as follows:

(a) If he has continuously served his sentence in one (1) year or less flat time, he shall be given Fifteen Dollars (\$15.00).

(b) If he has served his sentence in more than one (1) year flat time and in less than ten (10) years flat time, he shall be given Twenty-five Dollars (\$25.00).

(c) If he has continuously served his sentence in ten (10) or more years flat time, he shall be given Seventy-five Dollars (\$75.00).

(d) If he has continuously served his sentence in twenty (20) or more years flat time, he shall be given One Hundred Dollars (\$100.00).

There shall be given in addition to the above specified monies in subsections (a), (b), (c) and (d), a bus ticket to the county of conviction or to a state line of Mississippi.

SECTION 4. Section 47-5-173, Mississippi Code of 1972, is amended as follows:

47-5-173. The commissioner, or his designees, may grant leave to an offender and may take into consideration sickness or



178 death in the offender's family or the seeking of employment by the
179 offender in connection with application for parole, for a period
180 of time not to exceed ten (10) days. * * * For a period of time
181 not to exceed fifteen (15) days prior to the release of an
182 offender on leave, the director of records of the department shall
183 give the written notice required pursuant to Section 47-5-177.
184 However, if an offender is granted leave because of sickness or
185 death in the offender's family, written notice shall not be
186 required but the inmate shall be accompanied by a correctional
187 officer or a law enforcement officer. In all other cases the
188 commissioner, or his designees, shall provide required security
189 when deemed necessary. The commissioner, or his designees, in
190 granting leave, shall take into consideration the conduct and work
191 performance of the offender.

192 **SECTION 5.** Section 47-7-5, Mississippi Code of 1972, is
193 amended as follows:

194 47-7-5. (1) The State Parole Board, created under former
195 Section 47-7-5, is hereby created, continued and reconstituted and
196 shall be composed of five (5) members. The Governor shall appoint
197 the members with the advice and consent of the Senate. All terms
198 shall be at the will and pleasure of the Governor. Any vacancy
199 shall be filled by the Governor, with the advice and consent of
200 the Senate. The Governor shall appoint a chairman of the board.

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



203 four (4) years' work experience. Each member shall devote his
204 full time to the duties of his office and shall not engage in any
205 other business or profession or hold any other public office. A
206 member shall * * * receive compensation or per diem in addition to
207 his salary * * *. Each member shall keep such hours and workdays
208 as required of full-time state employees under Section 25-1-98.
209 Individuals shall be appointed to serve on the board without
210 reference to their political affiliations. Each board member,
211 including the chairman, may be reimbursed for actual and necessary
212 expenses as authorized by Section 25-3-41. Each member of the
213 board shall complete annual training developed based on guidance
214 from the National Institute of Corrections, the Association of
215 Paroling Authorities International, or the American Probation and
216 Parole Association. Each first-time appointee of the board shall,
217 within sixty (60) days of appointment, or as soon as practical,
218 complete training for first-time Parole Board members developed in
219 consideration of information from the National Institute of
220 Corrections, the Association of Paroling Authorities
221 International, or the American Probation and Parole Association.
222 (3) The board shall have exclusive responsibility for the
223 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
224 shall have exclusive authority for revocation of the same. The
225 board shall have exclusive responsibility for investigating
226 clemency recommendations upon request of the Governor.



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

230 (5) The budget of the board shall be funded through a
231 separate line item within the general appropriation bill for the
232 support and maintenance of the department. Employees of the
233 department which are employed by or assigned to the board shall
234 work under the guidance and supervision of the board. There shall
235 be an executive secretary to the board who shall be responsible
236 for all administrative and general accounting duties related to
237 the board. The executive secretary shall keep and preserve all
238 records and papers pertaining to the board.

239 (6) The board shall have no authority or responsibility for
240 supervision of offenders granted a release for any reason,
241 including, but not limited to, probation, parole or executive
242 clemency or other offenders requiring the same through interstate
243 compact agreements. The supervision shall be provided exclusively
244 by the staff of the Division of Community Corrections of the
245 department.

246 (7) (a) The Parole Board is authorized to select and place
247 offenders in an electronic monitoring program under the conditions
248 and criteria imposed by the Parole Board. The conditions,
249 restrictions and requirements of Section 47-7-17 and Sections
250 47-5-1001 through 47-5-1015 shall apply to the Parole Board and



any offender placed in an electronic monitoring program by the
Parole Board.

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

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

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

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

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



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

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

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

SECTION 6. Section 25-3-38, Mississippi Code of 1972, is amended as follows:

25-3-38. Except as otherwise provided by law, the salary for appointive and/or employed officials established herein shall be the total and complete salary, and it shall be unlawful for any additional funds to be paid from any source, including federal or private funds, to supplement salaries to a level in excess of that established herein. If any public officer or employee shall knowingly and * * * willfully violate the provisions of this section, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00), and in addition, shall vacate the office or position which he holds.

SECTION 7. Section 47-7-3, Mississippi Code of 1972, is brought forward as follows:

47-7-3. (1) Every prisoner who has been convicted of any offense against the State of Mississippi, and is confined in the execution of a judgment of such conviction in the Mississippi



Department of Corrections for a definite term or terms of one (1) year or over, or for the term of his or her natural life, whose record of conduct shows that such prisoner has observed the rules of the department, and who has served not less than one-fourth (1/4) of the total of such term or terms for which such prisoner was sentenced, or, if sentenced to serve a term or terms of thirty (30) years or more, or, if sentenced for the term of the natural life of such prisoner, has served not less than ten (10) years of such life sentence, may be released on parole as hereinafter provided, except that:

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

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

(c) (i) No person shall be eligible for parole who shall, on or after January 1, 1977, be convicted of robbery or attempted robbery through the display of a firearm until he shall have served ten (10) years if sentenced to a term or terms of more than ten (10) years or if sentenced for the term of the natural life of such person. If such person is sentenced to a term or terms of ten (10) years or less, then such person shall not be eligible for parole. The provisions of this paragraph (c) (i)



shall also apply to any person who shall commit robbery or attempted robbery on or after July 1, 1982, through the display of a deadly weapon. This paragraph (c)(i) shall not apply to persons convicted after September 30, 1994;

(ii) No person shall be eligible for parole who shall, on or after October 1, 1994, be convicted of robbery, attempted robbery or carjacking as provided in Section 97-3-115 et seq., through the display of a firearm or drive-by shooting as provided in Section 97-3-109. The provisions of this paragraph (c)(ii) shall also apply to any person who shall commit robbery, attempted robbery, carjacking or a drive-by shooting on or after October 1, 1994, through the display of a deadly weapon. This paragraph (c)(ii) shall not apply to persons convicted after July 1, 2014;

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

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

(f) No person shall be eligible for parole who is convicted or whose suspended sentence is revoked after June 30, 1995, except that an offender convicted of only nonviolent crimes after June 30, 1995, may be eligible for parole if the offender



meets the requirements in this subsection (1) and this paragraph. In addition to other requirements, if an offender is convicted of a drug or driving under the influence felony, the offender must complete a drug and alcohol rehabilitation program prior to parole or the offender may be required to complete a post-release drug and alcohol program as a condition of parole. For purposes of this paragraph, "nonviolent crime" means a felony other than homicide, robbery, manslaughter, sex crimes, arson, burglary of an occupied dwelling, aggravated assault, kidnapping, felonious abuse of vulnerable adults, felonies with enhanced penalties, except enhanced penalties for the crime of possession of a controlled substance under Section 41-29-147, the sale or manufacture of a controlled substance under the Uniform Controlled Substances Law, felony child abuse, or exploitation or any crime under Section 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a violation of Section 63-11-30(5). In addition, an offender incarcerated for committing the crime of possession of a controlled substance under the Uniform Controlled Substances Law after July 1, 1995, including an offender who receives an enhanced penalty under the provisions of Section 41-29-147 for such possession, shall be eligible for parole. An offender incarcerated for committing the crime of sale or manufacture of a controlled substance shall be eligible for parole after serving one-fourth (1/4) of the sentence imposed by the trial court. This



paragraph (f) shall not apply to persons convicted on or after July 1, 2014;

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

(ii) Notwithstanding the provisions in subparagraph (i) of this paragraph (g), a person serving a sentence who has reached the age of sixty (60) or older and who has served no less than ten (10) years of the sentence or sentences imposed by the trial court shall be eligible for parole. Any person eligible for parole under this subsection shall be required to have a parole hearing before the board prior to parole release. No inmate shall be eligible for parole under this subparagraph (ii) of this paragraph (g) if:

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

2. The inmate is sentenced for a crime of violence under Section 97-3-2;

3. The inmate is sentenced for an offense that specifically prohibits parole release;



397 4. The inmate is sentenced for trafficking in
398 controlled substances under Section 41-29-139(f);

399 5. The inmate is sentenced for a sex crime;
400 or

401 6. The inmate has not served one-fourth (1/4)
402 of the sentence imposed by the court.

403 (iii) Notwithstanding the provisions of paragraph
404 (a) of this subsection, any offender who has not committed a crime
405 of violence under Section 97-3-2 and has served twenty-five
406 percent (25%) or more of his sentence may be paroled by the parole
407 board if, after the sentencing judge or if the sentencing judge is
408 retired, disabled or incapacitated, the senior circuit judge
409 authorizes the offender to be eligible for parole consideration;
410 or if that senior circuit judge must be recused, another circuit
411 judge of the same district or a senior status judge may hear and
412 decide the matter;

413 (h) Notwithstanding any other provision of law, an
414 inmate who has not been convicted as a habitual offender under
415 Sections 99-19-81 through 99-19-87, has not been convicted of
416 committing a crime of violence, as defined under Section 97-3-2,
417 has not been convicted of a sex crime or any other crime that
418 specifically prohibits parole release, and has not been convicted
419 of drug trafficking under Section 41-29-139 is eligible for parole
420 if the inmate has served twenty-five percent (25%) or more of his
421 or her sentence, but is otherwise ineligible for parole.



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

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

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

SECTION 8. Section 47-7-3.1, Mississippi Code of 1972, is brought forward as follows:



447 47-7-3.1. (1) In consultation with the Parole Board, the
448 department shall develop a case plan for all parole eligible
449 inmates to guide an inmate's rehabilitation while in the
450 department's custody and to reduce the likelihood of recidivism
451 after release.

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

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

457 (b) Any programming or treatment requirements contained
458 in the sentencing order; and

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

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

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

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

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



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

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

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

SECTION 9. Section 47-7-3.2, Mississippi Code of 1972, is brought forward as follows:

47-7-3.2. (1) Notwithstanding Sections 47-5-138, 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a criminal offense on or after July 1, 2014, shall be released by the department until he or she has served no less than fifty percent (50%) of a sentence for a crime of violence pursuant to Section 97-3-2 or twenty-five percent (25%) of any other sentence imposed by the court.

(2) This section shall not apply to:

(a) Offenders sentenced to life imprisonment;



(b) Offenders convicted as habitual offenders pursuant to Sections 99-19-81 through 99-19-87;

(c) Offenders serving a sentence for a sex offense; or

(d) Offenders serving a sentence for trafficking pursuant to Section 41-29-139(f).

SECTION 10. Section 47-7-4, Mississippi Code of 1972, is brought forward as follows:

47-7-4. The commissioner and the medical director of the department may place an offender who has served not less than one (1) year of his or her sentence, except an offender convicted of a sex crime, on conditional medical release. However, a nonviolent offender who is bedridden may be placed on conditional medical release regardless of the time served on his or her sentence. Upon the release of a nonviolent offender who is bedridden, the state shall not be responsible or liable for any medical costs that may be incurred if such costs are acquired after the offender is no longer incarcerated due to his or her placement on conditional medical release. The commissioner shall not place an offender on conditional medical release unless the medical director of the department certifies to the commissioner that (a) the offender is suffering from a significant permanent physical medical condition with no possibility of recovery; (b) that his or her further incarceration will serve no rehabilitative purposes; and (c) that the state would incur unreasonable expenses as a result of his or her continued incarceration. Any offender placed



on conditional medical release shall be supervised by the Division of Community Corrections of the department for the remainder of his or her sentence. An offender's conditional medical release may be revoked and the offender returned and placed in actual custody of the department if the offender violates an order or condition of his or her conditional medical release. An offender who is no longer bedridden shall be returned and placed in the actual custody of the department.

SECTION 11. Section 47-7-6, Mississippi Code of 1972, is brought forward as follows:

47-7-6. (1) The Parole Board, with the assistance of the Department of Corrections, shall collect the following information:

(a) The number of offenders supervised on parole;

(b) The number of offenders released on parole;

(c) The number of parole hearings held;

(d) The parole grant rate for parolees released with and without a hearing;

(e) The average length of time offenders spend on parole;

(f) The number and percentage of parolees revoked for a technical violation and returned for a term of imprisonment in a technical violation center;



(g) The number and percentage of parolees revoked for a technical violation and returned for a term of imprisonment in another type of department of corrections' facility;

(h) The number and percentage of parolees who are convicted of a new offense and returned for a term of imprisonment on their current crime as well as the new crime;

(i) The number of parolees held on a violation in county jail awaiting a revocation hearing; and

(j) The average length of stay in a county jail for parolees awaiting a revocation hearing.

(2) The Parole Board shall semiannually report information required in subsection (1) to the Oversight Task Force, and upon request, shall report such information to the PEER Committee.

SECTION 12. Section 47-7-13, Mississippi Code of 1972, is brought forward as follows:

47-7-13. A majority of the board shall constitute a quorum for the transaction of all business. A decision to parole an offender convicted of murder or a sex-related crime shall require the affirmative vote of three (3) members. The board shall maintain, in minute book form, a copy of each of its official actions with the reasons therefor. Suitable and sufficient office space and support resources and staff necessary to conducting Parole Board business shall be provided by the Department of Corrections. However, the principal place for conducting parole hearings shall be the State Penitentiary at Parchman.



569 **SECTION 13.** Section 47-7-15, Mississippi Code of 1972, is
570 brought forward as follows:

571 47-7-15. The board shall adopt an official seal of which the
572 courts shall take judicial notice. Decisions of the board shall
573 be made by majority vote.

574 The board shall keep a record of its acts and shall notify
575 each institution of its decisions relating to the persons who are
576 or have been confined therein. At the close of each fiscal year
577 the board shall submit to the Governor and to the Legislature a
578 report with statistical and other data of its work.

579 **SECTION 14.** Section 47-7-17, Mississippi Code of 1972, is
580 brought forward as follows:

581 47-7-17. Within one (1) year after his admission and at such
582 intervals thereafter as it may determine, the board shall secure
583 and consider all pertinent information regarding each offender,
584 except any under sentence of death or otherwise ineligible for
585 parole, including the circumstances of his offense, his previous
586 social history, his previous criminal record, including any
587 records of law enforcement agencies or of a youth court regarding
588 that offender's juvenile criminal history, his conduct, employment
589 and attitude while in the custody of the department, the case plan
590 created to prepare the offender for parole, and the reports of
591 such physical and mental examinations as have been made. The
592 board shall furnish at least three (3) months' written notice to
593 each such offender of the date on which he is eligible for parole.



594 Before ruling on the application for parole of any offender,
595 the board may require a parole-eligible offender to have a hearing
596 as required in this chapter before the board and to be
597 interviewed. The hearing shall be held no later than thirty (30)
598 days prior to the month of eligibility. No application for parole
599 of a person convicted of a capital offense shall be considered by
600 the board unless and until notice of the filing of such
601 application shall have been published at least once a week for two
602 (2) weeks in a newspaper published in or having general
603 circulation in the county in which the crime was committed. The
604 board shall, within thirty (30) days prior to the scheduled
605 hearing, also give notice of the filing of the application for
606 parole to the victim of the offense for which the prisoner is
607 incarcerated and being considered for parole or, in case the
608 offense be homicide, a designee of the immediate family of the
609 victim, provided the victim or designated family member has
610 furnished in writing a current address to the board for such
611 purpose. Parole release shall, at the hearing, be ordered only
612 for the best interest of society, not as an award of clemency; it
613 shall not be considered to be a reduction of sentence or pardon.
614 An offender shall be placed on parole only when arrangements have
615 been made for his proper employment or for his maintenance and
616 care, and when the board believes that he is able and willing to
617 fulfill the obligations of a law-abiding citizen. When the board
618 determines that the offender will need transitional housing upon



619 release in order to improve the likelihood of him or her becoming
620 a law-abiding citizen, the board may parole the offender with the
621 condition that the inmate spends no more than six (6) months in a
622 transitional reentry center. At least fifteen (15) days prior to
623 the release of an offender on parole, the director of records of
624 the department shall give the written notice which is required
625 pursuant to Section 47-5-177. Every offender while on parole
626 shall remain in the legal custody of the department from which he
627 was released and shall be amenable to the orders of the board.
628 Upon determination by the board that an offender is eligible for
629 release by parole, notice shall also be given within at least
630 fifteen (15) days before release, by the board to the victim of
631 the offense or the victim's family member, as indicated above,
632 regarding the date when the offender's release shall occur,
633 provided a current address of the victim or the victim's family
634 member has been furnished in writing to the board for such
635 purpose.

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



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

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

SECTION 15. Section 47-7-18, Mississippi Code of 1972, is brought forward as follows:

47-7-18 (1) Each inmate eligible for parole pursuant to Section 47-7-3, shall be released from incarceration to parole supervision on the inmate's parole eligibility date, without a hearing before the board, if:

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



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

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

671 (d) The inmate has agreed to the conditions of
672 supervision; and

673 (e) The inmate has a discharge plan approved by the
674 board.

675 (2) At least thirty (30) days prior to an inmate's parole
676 eligibility date, the department shall notify the board in writing
677 of the inmate's compliance or noncompliance with the case plan.
678 If an inmate fails to meet a requirement of the case plan, prior
679 to the parole eligibility date, he or she shall have a hearing
680 before the board to determine if completion of the case plan can
681 occur while in the community.

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

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

688 (5) A hearing shall be held by the board if a law
689 enforcement official from the community to which the inmate will
690 return contacts the board or the department and requests a hearing
691 to consider information relevant to public safety risks posed by



the inmate if paroled at the initial parole eligibility date. The law enforcement official shall submit an explanation documenting these concerns for the board to consider.

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

SECTION 16. Section 47-7-19, Mississippi Code of 1972, is brought forward as follows:

47-7-19. It shall be the duty of all correctional system officials to grant to the members of the board or its properly



717 accredited representatives, access at all reasonable times to any
718 person over whom the board may have jurisdiction under this
719 chapter; to provide for the board or such representatives
720 facilities for communicating with and observing the offender; and
721 to furnish to the board such reports as the board shall require
722 concerning the conduct and character of any offender in the
723 Department of Corrections custody and any other facts deemed by
724 the board pertinent in determining whether such offender shall be
725 paroled.

726 It shall be the duty of any judge, district attorney, county
727 attorney, police officer, or other public official of the state,
728 having information with reference to any person eligible for
729 parole, to send such information as may be in his possession or
730 under his control to the board, in writing, upon request of any
731 member or employee thereof.

732 **SECTION 17.** 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.



(9) The board shall provide semiannually to the Oversight Task Force the number of warrants issued for an alleged violation of parole, the average time between detention on a warrant and preliminary hearing, the average time between detention on a warrant and revocation hearing, the number of ninety-day sentences in a technical violation center issued by the board, the number of one-hundred-twenty-day sentences in a technical violation center issued by the board, the number of one-hundred-eighty-day sentences issued by the board, and the number and average length of the suspended sentences imposed by the board in response to a violation.

SECTION 18. This act shall take effect and be in force from and after July 1, 2021.

