

By: Senator(s) Barnett, Jackson (11th),
Sparks, Butler, Wiggins, Jackson (32nd),
Simmons (13th)

To: Corrections

SENATE BILL NO. 2795
(As Passed the Senate)

1 AN ACT ENTITLED THE "MISSISSIPPI EARNED PAROLE ELIGIBILITY
2 ACT"; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO
3 PRESCRIBE CONDITIONS FOR PAROLE ELIGIBILITY AND TO PROVIDE
4 LIMITATIONS ON INMATE ELIGIBILITY TO PETITION THE SENTENCING COURT
5 FOR PAROLE ELIGIBILITY IF THE INMATE IS SERVING A SENTENCE FOR A
6 CRIME OF VIOLENCE OR NONVIOLENCE; TO AMEND SECTION 47-7-3.1,
7 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INMATE CASE PLANNING AND
8 TO PRESCRIBE DATES FOR THE MISSISSIPPI DEPARTMENT OF CORRECTIONS
9 TO COMPLETE CASE PLANS FOR PAROLE ELIGIBLE INMATES TO ENSURE THAT
10 THE PLAN IS ACHIEVABLE; TO AMEND SECTION 47-7-3.2, MISSISSIPPI
11 CODE OF 1972, TO PROVIDE A MINIMUM TIME THAT OFFENDERS CONVICTED
12 OF A CRIME OF VIOLENCE MUST SERVE BEFORE RELEASE AND A MINIMUM
13 PERCENTAGE OF OTHER SENTENCES THAT OTHER OFFENDERS MUST SERVE
14 BEFORE RELEASE; TO BRING FORWARD SECTION 47-7-5, MISSISSIPPI CODE
15 OF 1972, RELATED TO THE MEMBERSHIP OF THE MISSISSIPPI PAROLE
16 BOARD, ITS REQUIREMENTS, AND THE MINIMUM VOTE REQUIRED TO GRANT
17 PAROLE TO AN INMATE CONVICTED OF CAPITAL MURDER OR SEX OFFENSE; TO
18 AMEND SECTION 47-7-13, MISSISSIPPI CODE OF 1972, TO REQUIRE AN
19 AFFIRMATIVE VOTE OF AT LEAST FOUR MEMBERS OF THE MISSISSIPPI
20 PAROLE BOARD TO GRANT PAROLE TO A SEX OFFENDER; TO AMEND SECTION
21 47-7-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION
22 47-7-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE VICTIM OR
23 DESIGNATED FAMILY MEMBER SHALL BE PROVIDED AN OPPORTUNITY TO BE
24 HEARD BY THE PAROLE BOARD PRIOR TO A PAROLE DECISION; TO AMEND
25 SECTION 47-7-18, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN
26 PAROLE HEARINGS FOR SEX OFFENDERS; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** This act shall be known and may be cited as the
29 "Mississippi Earned Parole Eligibility Act."



30 **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is
31 amended as follows:

32 47-7-3. (1) Every prisoner who has been convicted of any
33 offense against the State of Mississippi, and is confined in the
34 execution of a judgment of such conviction in the Mississippi
35 Department of Corrections for a definite term or terms of one (1)
36 year or over, or for the term of his or her natural life, whose
37 record of conduct shows that such prisoner has observed the rules
38 of the department, and who has served * * * the minimum required
39 time for parole eligibility, may be released on parole as * * *
40 set forth herein:

41 (a) **Habitual offenders.** No * * * person sentenced as a
42 confirmed and habitual criminal under the provisions of Sections
43 99-19-81 through 99-19-87 shall be eligible for parole;

44 (b) **Sex offenders.** Any person who * * * has been * * *
45 sentenced for a sex offense as defined in Section 45-33-23(h)
46 shall not be released on parole except for a person under the age
47 of nineteen (19) who has been convicted under Section 97-3-67;

48 * * *

49 (* * * c) **Murder.** No person shall be eligible for
50 parole who * * * is sentenced for capital murder, murder in the
51 first degree, or murder in the second degree, as defined in
52 Section 97-3-19;



53 (* * *d) Other crimes ineligible for parole. No
54 person shall be eligible for parole who is * * * convicted and
55 sentenced * * * for any of the following crimes:
56 (i) Any sex offense as defined in Section
57 45-33-23(h);
58 (ii) Trafficking and aggravated trafficking as
59 defined in Section 41-29-139(f) through (g);
60 (iii) Human trafficking as defined in Section
61 97-3-54.1;
62 (iv) Any offense that specifically prohibits
63 parole release;
64 (v) Any offense to which an offender is sentenced
65 to life imprisonment under the provisions of Section 99-19-101; or
66 (vi) Any offense to which, on or after July 1,
67 1994, an offender is sentenced to life imprisonment without
68 eligibility for parole under the provisions of Section 99-19-101.

69 (* * *e) * * * (i) Offenders eligible for parole
70 consideration. Except as provided in paragraphs (a) through (d)
71 of this subsection, offenders may be considered eligible for
72 parole release as follows:

73 * * * 1. Nonviolent crimes. All persons
74 sentenced for a nonviolent offense after June 30, 1995, shall be
75 eligible for parole only after they have served twenty-five
76 percent (25%) of the sentence. For purposes of this paragraph,



77 "nonviolent crime" means a felony not designated as a crime of
78 violence in Section 97-3-2;

79 2. **Violent crimes after June 30, 1995, and**
80 **before July 1, 2014.** A person who is sentenced after June 30,
81 1995, and before July 1, 2014, of a violent crime, as defined by
82 Section 97-3-2, except robbery with a deadly weapon as provided in
83 Section 97-3-79, shall be eligible for parole only after having
84 served fifty percent (50%) or twenty (20) years, whichever is
85 less, of the sentence or sentences imposed by the trial court.
86 Those persons sentenced for robbery with a deadly weapon as
87 defined by Section 97-3-79 shall be eligible for parole only after
88 having served seventy-five percent (75%) or thirty (30) years,
89 whichever is less, of the sentence or sentences imposed by the
90 trial court;

91 3. **Violent crimes on or after July 1, 2014.**
92 A person who is sentenced on or after July 1, 2014, of a violent
93 crime, as defined by Section 97-3-2, except robbery with a deadly
94 weapon as provided in Section 97-3-79, shall be eligible for
95 parole only after having served fifty percent (50%) or thirty (30)
96 years, whichever is less, of the sentence or sentences imposed by
97 the trial court. Those persons sentenced for robbery with a
98 deadly weapon as defined by Section 97-3-79 shall be eligible for
99 parole only after having served seventy-five percent (75%) or
100 thirty (30) years, whichever is less, of the sentence or sentences
101 imposed by the trial court;



102 4. Persons age twenty-five (25) and younger.

103 Notwithstanding any other provisions of law, persons twenty-five
104 (25) years of age and younger at the time the crime was committed
105 and who are not otherwise eligible for parole at an earlier date
106 are eligible for parole consideration after having served
107 twenty-five (25) years of the sentence or sentences imposed by the
108 trial court for a sentence of twenty-five (25) years or greater.
109 This paragraph shall not apply to any person sentenced for more
110 than one offense, pursuant to Section 97-3-21 or 99-19-101, if
111 each offense arose out of or is related to the same facts or
112 occurrence. Persons shall not be eligible for parole
113 consideration under this subsection if the person is sentenced for
114 a sex offense as defined in Section 45-33-23(h), except for a
115 person under the age of nineteen (19) years of age who has been
116 convicted under Section 97-3-67.

117 (ii) Parole hearing required. All persons
118 eligible for parole under subparagraph (i) of this paragraph (e)
119 shall be required to have a parole hearing before the Parole Board
120 under Section 47-7-17 before parole release.

121 (* * *iii) * * * Geriatric parole. Except as
122 provided in paragraphs (a) through (e) of this subsection,
123 offenders are considered eligible for geriatric parole as follows:

124 1. Nonviolent and nonhabitual offenders. A
125 person serving a sentence who has reached the age of sixty (60) or
126 older and who has served no less than ten (10) years and at least



127 twenty-five percent (25%) of the sentence or sentences imposed by
128 the trial court shall be eligible for parole.

129 2. Nonviolent habitual offenders under

130 Section 99-19-81. A person serving a sentence who has reached the
131 age of sixty-five (65) or older and who has served no less than
132 fifteen (15) years and at least twenty-five percent (25%) of the
133 sentence or sentences imposed by the trial court shall be eligible
134 for parole.

135 3. Violent nonhabitual offenders. A person

136 -serving a sentence who has reached the age of seventy (70) or
137 older and who has served no less than fifteen (15) years and at
138 least twenty-five percent (25%) of the sentence or sentences
139 imposed by the trial court shall be eligible for parole.

140 4. Any person eligible for parole under

141 this * * * paragraph (e) shall be required to have a parole
142 hearing before the board prior to parole release. No inmate shall
143 be eligible for parole under this subparagraph (* * *iii) of this
144 paragraph (* * *e) if:

145 * * *a. Habitual offenses. The * * *

146 person is sentenced as a habitual offender under Sections
147 99-19- * * *83 through 99-19-87;

148 * * *b. * * * Sex offenses. The person

149 is sentenced for a sex offense as defined in Section 45-33-23(h);



150 c. **Murder.** The person is sentenced for
151 capital murder, murder in the first degree, or murder in the
152 second degree, as defined in Section 97-3-19;

153 d. **Other crimes ineligible for geriatric**
154 **parole.** A person who is sentenced for any of the following
155 crimes:

156 A. Any sex offense as defined in
157 Section 45-33-23(h);

158 B. Trafficking and aggravated
159 trafficking as defined in Section 41-29-139(f) through (g);

160 C. Human trafficking as defined in
161 Section 97-3-54.1;

162 D. Any offense that specifically
163 prohibits parole release;

164 E. Any offense to which an offender
165 is sentenced to life imprisonment under the provisions of Section
166 99-19-101; or

167 F. Any offense to which an
168 offender, on or after July 1, 1994, is sentenced to life
169 imprisonment without eligibility for parole under the provisions
170 of Section 99-19-101.

171 * * *

172 (* * *iv) **Parole as authorized by the trial**

173 **court.** Notwithstanding the provisions of paragraph (a) of this
174 subsection, any offender who has not committed a crime of violence



175 under Section 97-3-2 and has served twenty-five percent (25%) or
176 more of his sentence may be paroled by the State Parole Board if,
177 after the sentencing judge or if the sentencing judge is retired,
178 disabled or incapacitated, the senior circuit judge authorizes the
179 offender to be eligible for parole consideration; or if the senior
180 circuit judge must be recused, another circuit judge of the same
181 district or a senior status judge may hear and decide the
182 matter * * *.

183 * * *

184 (* * *2) The State Parole Board shall, by rules and
185 regulations, establish a method of determining a tentative parole
186 hearing date for each eligible offender taken into the custody of
187 the Department of Corrections. The tentative parole hearing date
188 shall be determined within ninety (90) days after the department
189 has assumed custody of the offender. Except as provided in
190 Section 47-7-18, the parole hearing date shall occur when the
191 offender is within thirty (30) days of the month of his parole
192 eligibility date. * * * The parole eligibility date for violent
193 crimes, nonviolent crimes and geriatric parole shall not be
194 earlier than the required sentence as defined in subsection
195 (1)(e)(i)1. through 4. and (1)(e)(iv) of this section.

196 (* * *3) Notwithstanding any other provision of law, an
197 inmate shall not be eligible to receive earned time, good time or
198 any other administrative reduction of time which shall reduce the



199 time necessary to be served for parole eligibility as provided in
200 subsection (1) of this section.

201 (4) Any inmate within * * * forty-eight (48) months of his
202 parole eligibility date and who meets the criteria established by
203 the classification board shall receive priority for placement in
204 any educational development and job-training programs that are
205 part of his or her parole case plan. Any inmate refusing to
206 participate in an educational development or job-training
207 program * * *, including, but not limited to, programs required as
208 part of the case plan, shall be in jeopardy of noncompliance with
209 the case plan and may be denied parole.

210 (5) In addition to other requirements, if an offender is
211 convicted of a drug or driving under the influence felony, the
212 offender must complete a drug and alcohol rehabilitation program
213 prior to parole, or the offender shall be required to complete a
214 post-release drug and alcohol program as a condition of parole.

215 (6) The amendments contained in this section shall apply
216 retroactively from and after July 1, 1995.

217 (7) Notwithstanding provisions to the contrary in this
218 section, a person who was sentenced under this section before the
219 effective date of this act may be considered for parole if the
220 person's sentence would have been parole eligible before the date
221 on which this act becomes effective.

222 **SECTION 3.** Section 47-7-3.1, Mississippi Code of 1972, is
223 amended as follows:



224 47-7-3.1. (1) In consultation with the Parole Board, the
225 department shall develop a case plan for all parole eligible
226 inmates to guide an inmate's rehabilitation while in the
227 department's custody and to reduce the likelihood of recidivism
228 after release.

229 (2) * * * The case plan * * * shall include, but not be
230 limited to:

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

233 (b) Any programming or treatment requirements contained
234 in the sentencing order; and

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

237 (3) With respect to parole eligible inmates admitted to the
238 department's custody on or after July 1, 2021, the department
239 shall complete the case plan within ninety (90) days of admission.

240 With respect to parole eligible inmates admitted to the
241 department's custody before July 1, 2021, the department shall
242 complete the case plan by January 1, 2022.

243 (* * * 4) The department shall provide the inmate with a
244 written copy of the case plan and the inmate's caseworker shall
245 explain the conditions set forth in the case plan.

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



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

252 (* * *5) With respect to parole eligible inmates admitted
253 to the department's custody after July 1, 2021, the department
254 shall ensure that the case plan is achievable prior to the
255 inmate's parole eligibility date. With respect to parole eligible
256 inmates admitted to the department's custody before July 1, 2021,
257 the department shall, to the extent possible, ensure that the case
258 plan is achievable prior to the inmate's parole eligibility date
259 or next parole hearing date, or date of release, whichever is
260 sooner.

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

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

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



274 (9) If the Department of Corrections fails to adequately
275 provide opportunity and access for the completion of such case
276 plans, the Department of Corrections shall contract with regional
277 jail facilities that offer educational development and
278 job-training programs to facilitate the fulfillment of the case
279 plans of parole eligible inmates.

280 **SECTION 4.** Section 47-7-3.2, Mississippi Code of 1972, is
281 amended as follows:

282 47-7-3.2. (1) Notwithstanding * * * Section 47-5-138,
283 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a
284 criminal offense * * * after * * * June 30, 1995, shall be
285 released by the department until he or she has served no less
286 than * * * the percentage of the sentence or sentences imposed by
287 the court as set forth below:

288 (a) Twenty-five percent (25%) of a sentence for a
289 nonviolent crime;

290 (b) Fifty percent (50%) or twenty (20) years, whichever
291 is less, of a sentence for a crime of violence pursuant to Section
292 97-3-2, if sentenced after June 30, 1995, and before July 1, 2014,
293 except for robbery with a deadly weapon;

294 (c) Fifty percent (50%) or thirty (30) years, whichever
295 is less, of a sentence for a crime of violence pursuant to Section
296 97-3-2, if sentenced on or after July 1, 2014, except for robbery
297 with a deadly weapon;



298 (d) Seventy-five percent (75%) of a sentence for
299 robbery with a deadly weapon as defined by Section 97-3-79.

300 (2) This section shall not apply to:

301 (a) Offenders sentenced to life imprisonment;

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

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

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

307 **SECTION 5.** Section 47-7-5, Mississippi Code of 1972, is
308 brought forward as follows:

309 47-7-5. (1) The State Parole Board, created under former
310 Section 47-7-5, is hereby created, continued and reconstituted and
311 shall be composed of five (5) members. The Governor shall appoint
312 the members with the advice and consent of the Senate. All terms
313 shall be at the will and pleasure of the Governor. Any vacancy
314 shall be filled by the Governor, with the advice and consent of
315 the Senate. The Governor shall appoint a chairman of the board.

316 (2) Any person who is appointed to serve on the board shall
317 possess at least a bachelor's degree or a high school diploma and
318 four (4) years' work experience. Each member shall devote his
319 full time to the duties of his office and shall not engage in any
320 other business or profession or hold any other public office. A
321 member shall not receive compensation or per diem in addition to
322 his salary as prohibited under Section 25-3-38. Each member shall



323 keep such hours and workdays as required of full-time state
324 employees under Section 25-1-98. Individuals shall be appointed
325 to serve on the board without reference to their political
326 affiliations. Each board member, including the chairman, may be
327 reimbursed for actual and necessary expenses as authorized by
328 Section 25-3-41. Each member of the board shall complete annual
329 training developed based on guidance from the National Institute
330 of Corrections, the Association of Paroling Authorities
331 International, or the American Probation and Parole Association.
332 Each first-time appointee of the board shall, within sixty (60)
333 days of appointment, or as soon as practical, complete training
334 for first-time Parole Board members developed in consideration of
335 information from the National Institute of Corrections, the
336 Association of Paroling Authorities International, or the American
337 Probation and Parole Association.

338 (3) The board shall have exclusive responsibility for the
339 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
340 shall have exclusive authority for revocation of the same. The
341 board shall have exclusive responsibility for investigating
342 clemency recommendations upon request of the Governor.

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

346 (5) The budget of the board shall be funded through a
347 separate line item within the general appropriation bill for the



348 support and maintenance of the department. Employees of the
349 department which are employed by or assigned to the board shall
350 work under the guidance and supervision of the board. There shall
351 be an executive secretary to the board who shall be responsible
352 for all administrative and general accounting duties related to
353 the board. The executive secretary shall keep and preserve all
354 records and papers pertaining to the board.

355 (6) The board shall have no authority or responsibility for
356 supervision of offenders granted a release for any reason,
357 including, but not limited to, probation, parole or executive
358 clemency or other offenders requiring the same through interstate
359 compact agreements. The supervision shall be provided exclusively
360 by the staff of the Division of Community Corrections of the
361 department.

362 (7) (a) The Parole Board is authorized to select and place
363 offenders in an electronic monitoring program under the conditions
364 and criteria imposed by the Parole Board. The conditions,
365 restrictions and requirements of Section 47-7-17 and Sections
366 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
367 any offender placed in an electronic monitoring program by the
368 Parole Board.

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



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

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

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

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

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

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

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



397 **SECTION 6.** Section 47-7-13, Mississippi Code of 1972, is
398 amended as follows:

399 47-7-13. A majority of the board shall constitute a quorum
400 for the transaction of all business. * * * The board shall
401 maintain, in minute book form, a copy of each of its official
402 actions with the reasons therefor. Suitable and sufficient office
403 space and support resources and staff necessary to conducting
404 Parole Board business shall be provided by the Department of
405 Corrections. However, the principal place for conducting parole
406 hearings shall be the State Penitentiary at Parchman.

407 **SECTION 7.** Section 47-7-15, Mississippi Code of 1972, is
408 amended as follows:

409 47-7-15. The board shall adopt an official seal of which the
410 courts shall take judicial notice. Decisions of the board shall
411 be made by majority vote, except as provided in Section 47-7-5(9).

412 The board shall keep a record of its acts and shall notify
413 each institution of its decisions relating to the persons who are
414 or have been confined therein. At the close of each fiscal year
415 the board shall submit to the Governor and to the Legislature a
416 report with statistical and other data of its work.

417 **SECTION 8.** Section 47-7-17, Mississippi Code of 1972, is
418 amended as follows:

419 47-7-17. (1) Within one (1) year after his admission and at
420 such intervals thereafter as it may determine, the board shall
421 secure and consider all pertinent information regarding each



422 offender, except any under sentence of death or otherwise
423 ineligible for parole, including the circumstances of his offense,
424 his previous social history, his previous criminal record,
425 including any records of law enforcement agencies or of a youth
426 court regarding that offender's juvenile criminal history, his
427 conduct, employment and attitude while in the custody of the
428 department, the case plan created to prepare the offender for
429 parole, and the reports of such physical and mental examinations
430 as have been made. The board shall furnish at least three (3)
431 months' written notice to each such offender of the date on which
432 he is eligible for parole.

433 * * * (2) Except as provided in Section 47-7-18, the
434 board * * * shall require a parole-eligible offender to have a
435 hearing as required in this chapter before the board and to be
436 interviewed. The hearing shall be held no later than thirty (30)
437 days prior to the month of eligibility. No application for parole
438 of a person convicted of a capital offense shall be considered by
439 the board unless and until notice of the filing of such
440 application shall have been published at least once a week for two
441 (2) weeks in a newspaper published in or having general
442 circulation in the county in which the crime was committed. The
443 board shall, within thirty (30) days prior to the scheduled
444 hearing, also give notice of the filing of the application for
445 parole to the victim of the offense for which the prisoner is
446 incarcerated and being considered for parole or, in case the



447 offense be homicide, a designee of the immediate family of the
448 victim, provided the victim or designated family member has
449 furnished in writing a current address to the board for such
450 purpose. The victim or designated family member shall be provided
451 an opportunity to be heard by the board before the board makes a
452 decision regarding release on parole. The board shall consider
453 whether any restitution ordered has been paid in full. Parole
454 release shall, at the hearing, be ordered only for the best
455 interest of society, not as an award of clemency; it shall not be
456 considered to be a reduction of sentence or pardon. An offender
457 shall be placed on parole only when arrangements have been made
458 for his proper employment or for his maintenance and care, and
459 when the board believes that he is able and willing to fulfill the
460 obligations of a law-abiding citizen. When the board determines
461 that the offender will need transitional housing upon release in
462 order to improve the likelihood of * * * the offender becoming a
463 law-abiding citizen, the board may parole the offender with the
464 condition that the inmate spends no more than six (6) months in a
465 transitional reentry center. At least fifteen (15) days prior to
466 the release of an offender on parole, the director of records of
467 the department shall give the written notice which is required
468 pursuant to Section 47-5-177. Every offender while on parole
469 shall remain in the legal custody of the department from which he
470 was released and shall be amenable to the orders of the board.
471 Upon determination by the board that an offender is eligible for



472 release by parole, notice shall also be given within at least
473 fifteen (15) days before release, by the board to the victim of
474 the offense or the victim's family member, as indicated above,
475 regarding the date when the offender's release shall occur,
476 provided a current address of the victim or the victim's family
477 member has been furnished in writing to the board for such
478 purpose.

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

485 (4) A letter of protest against granting an offender parole
486 shall not be treated as the conclusive and only reason for not
487 granting parole.

488 (5) The board may adopt such other rules not inconsistent
489 with law as it may deem proper or necessary with respect to the
490 eligibility of offenders for parole, the conduct of parole
491 hearings, or conditions to be imposed upon parolees, including a
492 condition that the parolee submit, as provided in Section 47-5-601
493 to any type of breath, saliva or urine chemical analysis test, the
494 purpose of which is to detect the possible presence of alcohol or
495 a substance prohibited or controlled by any law of the State of
496 Mississippi or the United States. The board shall have the



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

502 **SECTION 9.** Section 47-7-18, Mississippi Code of 1972, is
503 amended as follows:

504 47-7-18 (1) * * * No inmate convicted of a sex offense as
505 defined by Section 45-33-23(h), a crime of violence as defined by
506 Section 97-3-2, or both, shall be released on parole without a
507 hearing before the Parole Board as required by Section 47-7-17.

508 All other inmates eligible for parole pursuant to Section
509 47-7-3 * * * shall be released from incarceration to parole
510 supervision on the inmate's parole eligibility date, without a
511 hearing before the board, if:

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

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

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

518 (d) The inmate has agreed to the conditions of
519 supervision; and

520 (e) The inmate has a discharge plan approved by the
521 board.



522 (2) At least thirty (30) days prior to an inmate's parole
523 eligibility date, the department shall notify the board in writing
524 of the inmate's compliance or noncompliance with the case plan.
525 If an inmate fails to meet a requirement of the case plan, prior
526 to the parole eligibility date, he or she shall have a hearing
527 before the board to determine if completion of the case plan can
528 occur while in the community.

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

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

535 (5) A hearing shall be held by the board if a law
536 enforcement official from the community to which the inmate will
537 return contacts the board or the department and requests a hearing
538 to consider information relevant to public safety risks posed by
539 the inmate if paroled at the initial parole eligibility date. The
540 law enforcement official shall submit an explanation documenting
541 these concerns for the board to consider.

542 (6) If a parole hearing is held, the board may determine the
543 inmate has sufficiently complied with the case plan or that the
544 incomplete case plan is not the fault of the inmate and that
545 granting parole is not incompatible with public safety, the board
546 may then parole the inmate with appropriate conditions. If the



547 board determines that the inmate has sufficiently complied with
548 the case plan but the discharge plan indicates that the inmate
549 does not have appropriate housing immediately upon release, the
550 board may parole the inmate to a transitional reentry center with
551 the condition that the inmate spends no more than six (6) months
552 in the center. If the board determines that the inmate has not
553 substantively complied with the requirement(s) of the case plan it
554 may deny parole. If the board denies parole, the board may
555 schedule a subsequent parole hearing and, if a new date is
556 scheduled, the board shall identify the corrective action the
557 inmate will need to take in order to be granted parole. Any
558 inmate not released at the time of the inmate's initial parole
559 date shall have a parole hearing at least every year, except
560 inmates sentenced for a crime of violence, as defined by Section
561 97-3-2, who shall have a hearing not more than every two (2)
562 years.

563 **SECTION 10.** This act shall take effect and be in force from
564 and after July 1, 2021, and shall stand repealed on June 30, 2021.

