

## Senate Amendments to House Bill No. 525

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:

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 (c) \* \* \* Capital offenders. No person \* \* \* sentenced  
49 for capital murder, as defined in Section 97-3-19(2), or any  
50 offense to which an offender is sentenced to life imprisonment or  
51 life imprisonment without eligibility for parole under the  
52 provisions of Section 99-19-101, whose crime was committed on or  
53 after July 1, 1994, shall be eligible for parole;

54 \* \* \*

55 (d) Murder. No person \* \* \* sentenced for murder in  
56 the first degree, whose crime was committed on or after June 30,  
57 1995, or murder in the second degree, as defined in Section  
58 97-3-19, shall be eligible for parole;

59 (e) Human trafficking. No person \* \* \* sentenced for  
60 human trafficking, as defined in Section 97-3-54.1, whose crime  
61 was committed on or after July 1, 2014, shall be eligible for  
62 parole;

63 (f) Drug trafficking. No person sentenced for  
64 trafficking and aggravated trafficking, as defined in Section  
65 41-29-139(f) through (g), shall be eligible for parole;

66 ( \* \* \*g) Offenses specifically prohibiting parole  
67 release. No person shall be eligible for parole who is  
68 convicted \* \* \* of any offense that specifically prohibits parole  
69 release;

70 ( \* \* \*h) (i) \* \* \* Offenders eligible for parole  
71 consideration for offenses committed after June 30, 1995. Except  
72 as provided in paragraphs (a) through (g) of this subsection,  
73 offenders may be considered eligible for parole release as  
74 follows:

75 1. Nonviolent crimes. All persons sentenced  
76 for a nonviolent offense whose crime was committed after June 30,  
77 1995, shall be eligible for parole only after they have served  
78 twenty-five percent (25%) of the sentence. For purposes of this  
79 paragraph, "nonviolent crime" means a felony not designated as a  
80 crime of violence in Section 97-3-2.

81 2. Violent crimes after June 30, 1995, and  
82 before July 1, 2014. A person who is sentenced for a violent  
83 offense, as defined by Section 97-3-2, whose crime was committed  
84 after June 30, 1995, and before July 1, 2014, except robbery with  
85 a deadly weapon as defined in Section 97-3-79, shall be eligible  
86 for parole only after having served fifty percent (50%) or twenty  
87 (20) years, whichever is less, of the sentence or sentences  
88 imposed by the trial court. Those persons sentenced for robbery  
89 with a deadly weapon as defined by Section 97-3-79 shall be  
90 eligible for parole only after having served seventy-five percent  
91 (75%) or thirty (30) years, whichever is less, of the sentence or  
92 sentences imposed by the trial court.

93 3. Violent crimes on or after July 1, 2014.  
94 A person who is sentenced for a violent offense, as defined by  
95 Section 97-3-2, except robbery with a deadly weapon as provided in

96 Section 97-3-79, whose crime was committed on or after July 1,  
97 2014, shall be eligible for parole only after having served fifty  
98 percent (50%) or thirty (30) years, whichever is less, of the  
99 sentence or sentences imposed by the trial court. Those persons  
100 sentenced for robbery with a deadly weapon as defined by Section  
101 97-3-79 shall be eligible for parole only after having served  
102 seventy-five percent (75%) or thirty (30) years, whichever is  
103 less, of the sentence or sentences imposed by the trial court.

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

119 **5. Nonviolent and nonhabitual drug offenses**  
120 **after June 30, 1995.** A person who has been sentenced to a drug  
121 offense pursuant to Section 41-29-139(a) through (d), whose crime

122 was committed after June 30, 1995, based on a sentencing range  
123 that has subsequently been lowered, shall be eligible for parole  
124 consideration after serving twenty-five percent (25%) of the  
125 maximum sentence which could be imposed for the same conviction(s)  
126 as of July 1, 2021, whichever is less.

127 (ii) **Parole hearing required.** All persons  
128 eligible for parole under subparagraph (i) of this paragraph (g)  
129 who are serving a sentence or sentences for a crime of violence,  
130 as defined in Section 97-3-2, shall be required to have a parole  
131 hearing before the Parole Board pursuant to Section 47-7-17, prior  
132 to parole release.

133 ( \* \* \* iii) **Geriatric parole.** Notwithstanding the  
134 provisions in subparagraph (i) of this paragraph ( \* \* \* h), a  
135 person serving a sentence who has reached the age of sixty (60) or  
136 older and who has served no less than ten (10) years of the  
137 sentence or sentences imposed by the trial court shall be eligible  
138 for parole. Any person eligible for parole under this \* \* \*  
139 paragraph (h) shall be required to have a parole hearing before  
140 the board prior to parole release. No inmate shall be eligible  
141 for parole under this subparagraph ( \* \* \* iii) of this paragraph  
142 ( \* \* \* h) if:

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

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

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

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

151                   5. The inmate is sentenced for a sex crime;  
152 or

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

155                   ( \* \* \*iv) **Parole as authorized by the trial**

156 **court.** Notwithstanding the provisions of paragraph (a) of this  
157 subsection, any offender who has not committed a crime of violence  
158 under Section 97-3-2 and has served twenty-five percent (25%) or  
159 more of his sentence may be paroled by the State Parole Board if,  
160 after the sentencing judge or if the sentencing judge is retired,  
161 disabled or incapacitated, the senior circuit judge authorizes the  
162 offender to be eligible for parole consideration; or if the senior  
163 circuit judge must be recused, another circuit judge of the same  
164 district or a senior status judge may hear and decide the  
165 matter \* \* \*.

166                   \* \* \*

167                   ( \* \* \*2) The State Parole Board shall, by rules and  
168 regulations, establish a method of determining a tentative parole  
169 hearing date for each eligible offender taken into the custody of  
170 the Department of Corrections. The tentative parole hearing date  
171 shall be determined within ninety (90) days after the department  
172 has assumed custody of the offender. Except as provided in

173 Section 47-7-18, the parole hearing date shall occur when the  
174 offender is within thirty (30) days of the month of his parole  
175 eligibility date. \* \* \* Any parole eligibility date shall not be  
176 earlier than as required in this section.

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

182 (4) Any inmate within \* \* \* forty-eight (48) months of his  
183 parole eligibility date and who meets the criteria established by  
184 the classification board shall receive priority for placement in  
185 any educational development and job-training programs that are  
186 part of his or her parole case plan. Any inmate refusing to  
187 participate in an educational development or job-training  
188 program \* \* \*, including, but not limited to, programs required as  
189 part of the case plan, shall be in jeopardy of noncompliance with  
190 the case plan and may be denied parole.

191 (5) In addition to other requirements, if an offender is  
192 convicted of a drug or driving under the influence felony, the  
193 offender must complete a drug and alcohol rehabilitation program  
194 prior to parole, or the offender shall be required to complete a  
195 postrelease drug and alcohol program as a condition of parole.

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

198       (7) Except as provided in subsection (1)(a) through (g) of  
199 this section, all other persons shall be eligible for parole after  
200 serving twenty-five percent (25%) of the sentence or sentences  
201 imposed by the trial court, or, if sentenced to thirty (30) years  
202 or more, after serving ten (10) years of the sentence or sentences  
203 imposed by the trial court.

204       (8) Notwithstanding provisions to the contrary in this  
205 section, a person who was sentenced under this section before the  
206 effective date of this act may be considered for parole if the  
207 person's sentence would have been parole eligible before the date  
208 on which this act becomes effective.

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

211       47-7-3.1. (1) In consultation with the Parole Board, the  
212 department shall develop a case plan for all parole eligible  
213 inmates to guide an inmate's rehabilitation while in the  
214 department's custody and to reduce the likelihood of recidivism  
215 after release.

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

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

220               (b) Any programming or treatment requirements contained  
221 in the sentencing order; and

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



224           (3) With respect to parole eligible inmates admitted to the  
225 department's custody on or after July 1, 2021, the department  
226 shall complete the case plan within ninety (90) days of admission.  
227 With respect to parole eligible inmates admitted to the  
228 department's custody before July 1, 2021, the department shall  
229 complete the case plan by January 1, 2022.

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

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

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

239           ( \* \* \*5) With respect to parole eligible inmates admitted  
240 to the department's custody after July 1, 2021, the department  
241 shall ensure that the case plan is achievable prior to the  
242 inmate's parole eligibility date. With respect to parole eligible  
243 inmates admitted to the department's custody before July 1, 2021,  
244 the department shall, to the extent possible, ensure that the case  
245 plan is achievable prior to the inmate's parole eligibility date  
246 or next parole hearing date, or date of release, whichever is  
247 sooner.

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

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

257 ( \* \* \*8) The Parole Board shall provide semiannually to the  
258 Oversight Task Force the number of parole hearings held, the  
259 number of prisoners released to parole without a hearing and the  
260 number of parolees released after a hearing.

261 (9) If the Department of Corrections fails to adequately  
262 provide opportunity and access for the completion of such case  
263 plans, the Department of Corrections shall, to the extent  
264 possible, contract with regional jail facilities that offer  
265 educational development and job-training programs to facilitate  
266 the fulfillment of the case plans of parole eligible inmates.

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

269 47-7-3.2. (1) Notwithstanding \* \* \* Section 47-5-138,  
270 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a  
271 criminal offense on or after July 1, 2014, shall be released by  
272 the department until he or she has served no less than \* \* \* the

273 percentage of the sentence or sentences imposed by the court as  
274 set forth below:

275 (a) Twenty-five percent (25%) of a sentence for a  
276 nonviolent crime;

277 (b) Fifty percent (50%) or twenty (20) years, whichever  
278 is less, of a sentence for a crime of violence pursuant to Section  
279 97-3-2, if sentenced after June 30, 1995, and before July 1, 2014,  
280 except for robbery with a deadly weapon;

281 (c) Fifty percent (50%) or thirty (30) years, whichever  
282 is less, of a sentence for a crime of violence pursuant to Section  
283 97-3-2, if sentenced on or after July 1, 2014, except for robbery  
284 with a deadly weapon;

285 (d) Seventy-five percent (75%) or thirty (30) years,  
286 whichever is less, of a sentence for robbery with a deadly weapon  
287 as defined by Section 97-3-79.

288 (2) This section shall not apply to:

289 (a) Offenders sentenced to life imprisonment;

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

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

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

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

297 47-7-5. (1) The State Parole Board, created under former  
298 Section 47-7-5, is hereby created, continued and reconstituted and

299 shall be composed of five (5) members. The Governor shall appoint  
300 the members with the advice and consent of the Senate. All terms  
301 shall be at the will and pleasure of the Governor. Any vacancy  
302 shall be filled by the Governor, with the advice and consent of  
303 the Senate. The Governor shall appoint a chairman of the board.

304 (2) Any person who is appointed to serve on the board shall  
305 possess at least a bachelor's degree or a high school diploma and  
306 four (4) years' work experience. Each member shall devote his  
307 full time to the duties of his office and shall not engage in any  
308 other business or profession or hold any other public office. A  
309 member shall not receive compensation or per diem in addition to  
310 his salary as prohibited under Section 25-3-38. Each member shall  
311 keep such hours and workdays as required of full-time state  
312 employees under Section 25-1-98. Individuals shall be appointed  
313 to serve on the board without reference to their political  
314 affiliations. Each board member, including the chairman, may be  
315 reimbursed for actual and necessary expenses as authorized by  
316 Section 25-3-41. Each member of the board shall complete annual  
317 training developed based on guidance from the National Institute  
318 of Corrections, the Association of Paroling Authorities  
319 International, or the American Probation and Parole Association.  
320 Each first-time appointee of the board shall, within sixty (60)  
321 days of appointment, or as soon as practical, complete training  
322 for first-time Parole Board members developed in consideration of  
323 information from the National Institute of Corrections, the

324 Association of Paroling Authorities International, or the American  
325 Probation and Parole Association.

326 (3) The board shall have exclusive responsibility for the  
327 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
328 shall have exclusive authority for revocation of the same. The  
329 board shall have exclusive responsibility for investigating  
330 clemency recommendations upon request of the Governor.

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

334 (5) The budget of the board shall be funded through a  
335 separate line item within the general appropriation bill for the  
336 support and maintenance of the department. Employees of the  
337 department which are employed by or assigned to the board shall  
338 work under the guidance and supervision of the board. There shall  
339 be an executive secretary to the board who shall be responsible  
340 for all administrative and general accounting duties related to  
341 the board. The executive secretary shall keep and preserve all  
342 records and papers pertaining to the board.

343 (6) The board shall have no authority or responsibility for  
344 supervision of offenders granted a release for any reason,  
345 including, but not limited to, probation, parole or executive  
346 clemency or other offenders requiring the same through interstate  
347 compact agreements. The supervision shall be provided exclusively  
348 by the staff of the Division of Community Corrections of the  
349 department.

350           (7) (a) The Parole Board is authorized to select and place  
351 offenders in an electronic monitoring program under the conditions  
352 and criteria imposed by the Parole Board. The conditions,  
353 restrictions and requirements of Section 47-7-17 and Sections  
354 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
355 any offender placed in an electronic monitoring program by the  
356 Parole Board.

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

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

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

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

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

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

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

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

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

387 47-7-13. A majority of the board shall constitute a quorum  
388 for the transaction of all business. \* \* \* The board shall  
389 maintain, in minute book form, a copy of each of its official  
390 actions with the reasons therefor. Suitable and sufficient office  
391 space and support resources and staff necessary to conducting  
392 Parole Board business shall be provided by the Department of  
393 Corrections. However, the principal place for conducting parole  
394 hearings shall be the State Penitentiary at Parchman.

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

397 47-7-15. The board shall adopt an official seal of which the  
398 courts shall take judicial notice. Decisions of the board shall  
399 be made by majority vote, except as provided in Section 47-7-5(9).

400 The board shall keep a record of its acts and shall notify  
401 each institution of its decisions relating to the persons who are

402 or have been confined therein. At the close of each fiscal year  
403 the board shall submit to the Governor and to the Legislature a  
404 report with statistical and other data of its work.

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

407 47-7-17. (1) Within one (1) year after his admission and at  
408 such intervals thereafter as it may determine, the board shall  
409 secure and consider all pertinent information regarding each  
410 offender, except any under sentence of death or otherwise  
411 ineligible for parole, including the circumstances of his offense,  
412 his previous social history, his previous criminal record,  
413 including any records of law enforcement agencies or of a youth  
414 court regarding that offender's juvenile criminal history, his  
415 conduct, employment and attitude while in the custody of the  
416 department, the case plan created to prepare the offender for  
417 parole, and the reports of such physical and mental examinations  
418 as have been made. The board shall furnish at least three (3)  
419 months' written notice to each such offender of the date on which  
420 he is eligible for parole.

421 \* \* \* (2) Except as provided in Section 47-7-18, the  
422 board \* \* \* shall require a parole-eligible offender to have a  
423 hearing as required in this chapter before the board and to be  
424 interviewed. The hearing shall be held no later than thirty (30)  
425 days prior to the month of eligibility. No application for parole  
426 of a person convicted of a capital offense shall be considered by  
427 the board unless and until notice of the filing of such



428 application shall have been published at least once a week for two  
429 (2) weeks in a newspaper published in or having general  
430 circulation in the county in which the crime was committed. The  
431 board shall, within thirty (30) days prior to the scheduled  
432 hearing, also give notice of the filing of the application for  
433 parole to the victim of the offense for which the prisoner is  
434 incarcerated and being considered for parole or, in case the  
435 offense be homicide, a designee of the immediate family of the  
436 victim, provided the victim or designated family member has  
437 furnished in writing a current address to the board for such  
438 purpose. The victim or designated family member shall be provided  
439 an opportunity to be heard by the board before the board makes a  
440 decision regarding release on parole. The board shall consider  
441 whether any restitution ordered has been paid in full. Parole  
442 release shall, at the hearing, be ordered only for the best  
443 interest of society, not as an award of clemency; it shall not be  
444 considered to be a reduction of sentence or pardon. An offender  
445 shall be placed on parole only when arrangements have been made  
446 for his proper employment or for his maintenance and care, and  
447 when the board believes that he is able and willing to fulfill the  
448 obligations of a law-abiding citizen. When the board determines  
449 that the offender will need transitional housing upon release in  
450 order to improve the likelihood of \* \* \* the offender becoming a  
451 law-abiding citizen, the board may parole the offender with the  
452 condition that the inmate spends no more than six (6) months in a  
453 transitional reentry center. At least fifteen (15) days prior to

454 the release of an offender on parole, the director of records of  
455 the department shall give the written notice which is required  
456 pursuant to Section 47-5-177. Every offender while on parole  
457 shall remain in the legal custody of the department from which he  
458 was released and shall be amenable to the orders of the board.  
459 Upon determination by the board that an offender is eligible for  
460 release by parole, notice shall also be given within at least  
461 fifteen (15) days before release, by the board to the victim of  
462 the offense or the victim's family member, as indicated above,  
463 regarding the date when the offender's release shall occur,  
464 provided a current address of the victim or the victim's family  
465 member has been furnished in writing to the board for such  
466 purpose.

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

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

476 (5) The board may adopt such other rules not inconsistent  
477 with law as it may deem proper or necessary with respect to the  
478 eligibility of offenders for parole, the conduct of parole  
479 hearings, or conditions to be imposed upon parolees, including a

480 condition that the parolee submit, as provided in Section 47-5-601  
481 to any type of breath, saliva or urine chemical analysis test, the  
482 purpose of which is to detect the possible presence of alcohol or  
483 a substance prohibited or controlled by any law of the State of  
484 Mississippi or the United States. The board shall have the  
485 authority to adopt rules related to the placement of certain  
486 offenders on unsupervised parole and for the operation of  
487 transitional reentry centers. However, in no case shall an  
488 offender be placed on unsupervised parole before he has served a  
489 minimum of fifty percent (50%) of the period of supervised parole.

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

492 47-7-18 (1) \* \* \* No inmate convicted of a sex offense as  
493 defined by Section 45-33-23(h), a crime of violence as defined by  
494 Section 97-3-2, or both, nor an inmate who is eligible for  
495 geriatric parole shall be released on parole without a hearing  
496 before the Parole Board as required by Section 47-7-17. All other  
497 inmates eligible for parole pursuant to Section 47-7-3 \* \* \* shall  
498 be released from incarceration to parole supervision on the  
499 inmate's parole eligibility date, without a hearing before the  
500 board, if:

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

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

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

507 (d) The inmate has agreed to the conditions of  
508 supervision; and

509 (e) The inmate has a discharge plan approved by the  
510 board.

511 (2) At least thirty (30) days prior to an inmate's parole  
512 eligibility date, the department shall notify the board in writing  
513 of the inmate's compliance or noncompliance with the case plan.  
514 If an inmate fails to meet a requirement of the case plan, prior  
515 to the parole eligibility date, he or she shall have a hearing  
516 before the board to determine if completion of the case plan can  
517 occur while in the community.

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

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

524 (5) A hearing shall be held by the board if a law  
525 enforcement official from the community to which the inmate will  
526 return contacts the board or the department and requests a hearing  
527 to consider information relevant to public safety risks posed by  
528 the inmate if paroled at the initial parole eligibility date. The  
529 law enforcement official shall submit an explanation documenting  
530 these concerns for the board to consider.

531 (6) If a parole hearing is held, the board may determine the  
532 inmate has sufficiently complied with the case plan or that the  
533 incomplete case plan is not the fault of the inmate and that  
534 granting parole is not incompatible with public safety, the board  
535 may then parole the inmate with appropriate conditions. If the  
536 board determines that the inmate has sufficiently complied with  
537 the case plan but the discharge plan indicates that the inmate  
538 does not have appropriate housing immediately upon release, the  
539 board may parole the inmate to a transitional reentry center with  
540 the condition that the inmate spends no more than six (6) months  
541 in the center. If the board determines that the inmate has not  
542 substantively complied with the requirement(s) of the case plan it  
543 may deny parole. If the board denies parole, the board may  
544 schedule a subsequent parole hearing and, if a new date is  
545 scheduled, the board shall identify the corrective action the  
546 inmate will need to take in order to be granted parole. Any  
547 inmate not released at the time of the inmate's initial parole  
548 date shall have a parole hearing at least every year, except  
549 inmates sentenced for a crime of violence, as defined by Section  
550 97-3-2, who shall have a hearing not more than every two (2)  
551 years.

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

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

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.

SS26\HB525A.1J

Eugene S. Clarke  
Secretary of the Senate