

By: Representative Ladner

To: Judiciary B

HOUSE BILL NO. 29

1 AN ACT TO BRING FORWARD SECTIONS 47-7-2 THROUGH 47-7-6,
2 47-7-13 THROUGH 47-7-19, AND 47-7-27, MISSISSIPPI CODE OF 1972,
3 RELATED TO THE POWERS AND DUTIES OF THE PAROLE BOARD FOR POSSIBLE
4 AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-7-2, Mississippi Code of 1972, is
7 brought forward as follows:

8 47-7-2. For purposes of this chapter, the following words
9 shall have the meaning ascribed herein unless the context shall
10 otherwise require:

11 (a) "Adult" means a person who is seventeen (17) years
12 of age or older, or any person convicted of any crime not subject
13 to the provisions of the youth court law, or any person
14 "certified" to be tried as an adult by any youth court in the
15 state.

16 (b) "Board" means the State Parole Board.

17 (c) "Parole case plan" means an individualized, written
18 accountability and behavior change strategy developed by the
19 department in collaboration with the Parole Board to prepare



20 offenders for release on parole at the parole eligibility date.
21 The case plan shall focus on the offender's criminal risk factors
22 that, if addressed, reduce the likelihood of reoffending.

23 (d) "Commissioner" means the Commissioner of
24 Corrections.

25 (e) "Correctional system" means the facilities,
26 institutions, programs and personnel of the department utilized
27 for adult offenders who are committed to the custody of the
28 department.

29 (f) "Criminal risk factors" means characteristics that
30 increase a person's likelihood of reoffending. These
31 characteristics include: antisocial behavior; antisocial
32 personality; criminal thinking; criminal associates; dysfunctional
33 family; low levels of employment or education; poor use of leisure
34 and recreation; and substance abuse.

35 (g) "Department" means the Mississippi Department of
36 Corrections.

37 (h) "Detention" means the temporary care of juveniles
38 and adults who require secure custody for their own or the
39 community's protection in a physically restricting facility prior
40 to adjudication, or retention in a physically restricting facility
41 upon being taken into custody after an alleged parole or probation
42 violation.

43 (i) "Discharge plan" means an individualized written
44 document that provides information to support the offender in



45 meeting the basic needs identified in the pre-release assessment.
46 This information shall include, but is not limited to: contact
47 names, phone numbers, and addresses of referrals and resources.

48 (j) "Evidence-based practices" means supervision
49 policies, procedures, and practices that scientific research
50 demonstrates reduce recidivism.

51 (k) "Facility" or "institution" means any facility for
52 the custody, care, treatment and study of offenders which is under
53 the supervision and control of the department.

54 (l) "Juvenile," "minor" or "youthful" means a person
55 less than seventeen (17) years of age.

56 (m) "Offender" means any person convicted of a crime or
57 offense under the laws and ordinances of the state and its
58 political subdivisions.

59 (n) "Pre-release assessment" means a determination of
60 an offender's ability to attend to basic needs, including, but not
61 limited to, transportation, clothing and food, financial
62 resources, personal identification documents, housing, employment,
63 education, and health care, following release.

64 (o) "Special meetings" means those meetings called by
65 the chairman with at least twenty-four (24) hours' notice or a
66 unanimous waiver of notice.

67 (p) "Supervision plan" means a plan developed by the
68 community corrections department to manage offenders on probation
69 and parole in a way that reduces the likelihood they will commit a



70 new criminal offense or violate the terms of supervision and that
71 increases the likelihood of obtaining stable housing, employment
72 and skills necessary to sustain positive conduct.

73 (q) "Technical violation" means an act or omission by
74 the probationer that violates a condition or conditions of
75 probation placed on the probationer by the court or the probation
76 officer.

77 (r) "Transitional reentry center" means a
78 state-operated or state-contracted facility used to house
79 offenders leaving the physical custody of the Department of
80 Corrections on parole, probation or post-release supervision who
81 are in need of temporary housing and services that reduce their
82 risk to reoffend.

83 (s) "Unit of local government" means a county, city,
84 town, village or other general purpose political subdivision of
85 the state.

86 (t) "Risk and needs assessment" means the determination
87 of a person's risk to reoffend using an actuarial assessment tool
88 validated on Mississippi corrections populations and the needs
89 that, when addressed, reduce the risk to reoffend.

90 **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is
91 brought forward as follows:

92 47-7-3. (1) Every prisoner who has been convicted of any
93 offense against the State of Mississippi, and is confined in the
94 execution of a judgment of such conviction in the Mississippi



95 Department of Corrections for a definite term or terms of one (1)
96 year or over, or for the term of his or her natural life, whose
97 record of conduct shows that such prisoner has observed the rules
98 of the department, and who has served the minimum required time
99 for parole eligibility, may be released on parole as set forth
100 herein:

101 (a) **Habitual offenders.** Except as provided by Sections
102 99-19-81 through 99-19-87, no person sentenced as a confirmed and
103 habitual criminal shall be eligible for parole;

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

108 (c) **Capital offenders.** No person sentenced for the
109 following offenses shall be eligible for parole:

110 (i) Capital murder committed on or after July 1,
111 1994, as defined in Section 97-3-19(2);

112 (ii) Any offense to which an offender is sentenced
113 to life imprisonment under the provisions of Section 99-19-101; or

114 (iii) Any offense to which an offender is
115 sentenced to life imprisonment without eligibility for parole
116 under the provisions of Section 99-19-101, whose crime was
117 committed on or after July 1, 1994;

118 (d) **Murder.** No person sentenced for murder in the
119 first degree, whose crime was committed on or after June 30, 1995,



120 or murder in the second degree, as defined in Section 97-3-19,
121 shall be eligible for parole;

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

125 (f) **Drug trafficking.** No person sentenced for
126 trafficking and aggravated trafficking, as defined in Section
127 41-29-139(f) through (g), shall be eligible for parole;

128 (g) **Offenses specifically prohibiting parole release.**
129 No person shall be eligible for parole who is convicted of any
130 offense that specifically prohibits parole release;

131 (h) (i) **Offenders eligible for parole consideration**
132 **for offenses committed after June 30, 1995.** Except as provided in
133 paragraphs (a) through (g) of this subsection, offenders may be
134 considered eligible for parole release as follows:

135 1. **Nonviolent crimes.** All persons sentenced
136 for a nonviolent offense shall be eligible for parole only after
137 they have served twenty-five percent (25%) or ten (10) years,
138 whichever is less, of the sentence or sentences imposed by the
139 trial court. For purposes of this paragraph, "nonviolent crime"
140 means a felony not designated as a crime of violence in Section
141 97-3-2.

142 2. **Violent crimes.** A person who is sentenced
143 for a violent offense as defined in Section 97-3-2, except robbery
144 with a deadly weapon as defined in Section 97-3-79, drive-by



145 shooting as defined in Section 97-3-109, and carjacking as defined
146 in Section 97-3-117, shall be eligible for parole only after
147 having served fifty percent (50%) or twenty (20) years, whichever
148 is less, of the sentence or sentences imposed by the trial court.
149 Those persons sentenced for robbery with a deadly weapon as
150 defined in Section 97-3-79, drive-by shooting as defined in
151 Section 97-3-109, and carjacking as defined in Section 97-3-117,
152 shall be eligible for parole only after having served sixty
153 percent (60%) or twenty-five (25) years, whichever is less, of the
154 sentence or sentences imposed by the trial court.

155 **3. Nonviolent and nonhabitual drug offenses.**

156 A person who has been sentenced to a drug offense pursuant to
157 Section 41-29-139(a) through (d), whose crime was committed after
158 June 30, 1995, shall be eligible for parole only after he has
159 served twenty-five percent (25%) or ten (10) years, whichever is
160 less, of the sentence or sentences imposed.

161 (ii) **Parole hearing required.** All persons
162 eligible for parole under subparagraph (i) of this paragraph (h)
163 who are serving a sentence or sentences for a crime of violence,
164 as defined in Section 97-3-2, shall be required to have a parole
165 hearing before the Parole Board pursuant to Section 47-7-17, prior
166 to parole release.

167 (iii) **Geriatric parole.** Notwithstanding the
168 provisions in subparagraph (i) of this paragraph (h), a person
169 serving a sentence who has reached the age of sixty (60) or older



170 and who has served no less than ten (10) years of the sentence or
171 sentences imposed by the trial court shall be eligible for parole.
172 Any person eligible for parole under this subparagraph (iii) shall
173 be required to have a parole hearing before the board prior to
174 parole release. No inmate shall be eligible for parole under this
175 subparagraph (iii) of this paragraph (h) if:

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

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

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

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

184 5. The inmate is sentenced for a sex crime;

185 or

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

188 (iv) **Parole consideration as authorized by the**
189 **trial court.** Notwithstanding the provisions of paragraph (a) of
190 this subsection, any offender who has not committed a crime of
191 violence under Section 97-3-2 and has served twenty-five percent
192 (25%) or more of his sentence may be paroled by the State Parole
193 Board if, after the sentencing judge or if the sentencing judge is
194 retired, disabled or incapacitated, the senior circuit judge



195 authorizes the offender to be eligible for parole consideration;
196 or if the senior circuit judge must be recused, another circuit
197 judge of the same district or a senior status judge may hear and
198 decide the matter. A petition for parole eligibility
199 consideration pursuant to this subparagraph (iv) shall be filed in
200 the original criminal cause or causes, and the offender shall
201 serve an executed copy of the petition on the District Attorney.
202 The court may, in its discretion, require the District Attorney to
203 respond to the petition.

204 (2) The State Parole Board shall, by rules and regulations,
205 establish a method of determining a tentative parole hearing date
206 for each eligible offender taken into the custody of the
207 Department of Corrections. The tentative parole hearing date
208 shall be determined within ninety (90) days after the department
209 has assumed custody of the offender. Except as provided in
210 Section 47-7-18, the parole hearing date shall occur when the
211 offender is within thirty (30) days of the month of his parole
212 eligibility date. Any parole eligibility date shall not be
213 earlier than as required in this section.

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



219 (4) Any inmate within forty-eight (48) months of his parole
220 eligibility date and who meets the criteria established by the
221 classification board shall receive priority for placement in any
222 educational development and job-training programs that are part of
223 his or her parole case plan. Any inmate refusing to participate
224 in an educational development or job-training program, including,
225 but not limited to, programs required as part of the case plan,
226 shall be in jeopardy of noncompliance with the case plan and may
227 be denied parole.

228 (5) In addition to other requirements, if an offender is
229 convicted of a drug or driving under the influence felony, the
230 offender must complete a drug and alcohol rehabilitation program
231 prior to parole, or the offender shall be required to complete a
232 postrelease drug and alcohol program as a condition of parole.

233 (6) Except as provided in subsection (1)(a) through (h) of
234 this section, all other persons shall be eligible for parole after
235 serving twenty-five percent (25%) of the sentence or sentences
236 imposed by the trial court, or, if sentenced to thirty (30) years
237 or more, after serving ten (10) years of the sentence or sentences
238 imposed by the trial court.

239 (7) The Corrections and Criminal Justice Oversight Task
240 Force established in Section 47-5-6 shall develop and submit
241 recommendations to the Governor and to the Legislature annually on
242 or before December 1st concerning issues relating to juvenile and



243 habitual offender parole reform and to review and monitor the
244 implementation of Chapter 479, Laws of 2021.

245 (8) The amendments contained in Chapter 479, Laws of 2021,
246 shall apply retroactively from and after July 1, 1995.

247 (9) Notwithstanding provisions to the contrary in this
248 section, a person who was sentenced before July 1, 2021, may be
249 considered for parole if the person's sentence would have been
250 parole eligible before July 1, 2021.

251 (10) This section shall stand repealed on July 1, 2024.

252 **SECTION 3.** Section 47-7-3.1, Mississippi Code of 1972, is
253 brought forward as follows:

254 47-7-3.1. (1) In consultation with the Parole Board, the
255 department shall develop a case plan for all parole-eligible
256 inmates to guide an inmate's rehabilitation while in the
257 department's custody and to reduce the likelihood of recidivism
258 after release.

259 (2) The case plan shall include, but not be limited to:

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

262 (b) Any programming or treatment requirements contained
263 in the sentencing order; and

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

266 (3) With respect to parole-eligible inmates admitted to the
267 department's custody on or after July 1, 2021, the department



268 shall complete the case plan within ninety (90) days of admission.
269 With respect to parole-eligible inmates admitted to the
270 department's custody before July 1, 2021, the department shall
271 complete the case plan by January 1, 2022.

272 (4) The department shall provide the inmate with a written
273 copy of the case plan and the inmate's caseworker shall explain
274 the conditions set forth in the case plan.

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

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

281 (5) With respect to parole-eligible inmates admitted to the
282 department's custody after July 1, 2021, the department shall
283 ensure that the case plan is achievable prior to the inmate's
284 parole eligibility date. With respect to parole-eligible inmates
285 admitted to the department's custody before July 1, 2021, the
286 department shall, to the extent possible, ensure that the case
287 plan is achievable prior to the inmate's parole eligibility date
288 or next parole hearing date, or date of release, whichever is
289 sooner.

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



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

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

303 (9) If the Department of Corrections fails to adequately
304 provide opportunity and access for the completion of such case
305 plans, the Department of Corrections shall, to the extent
306 possible, contract with regional jail facilities that offer
307 educational development and job-training programs to facilitate
308 the fulfillment of the case plans of parole-eligible inmates.

309 **SECTION 4.** Section 47-7-3.2, Mississippi Code of 1972, is
310 brought forward as follows:

311 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
312 47-5-138.1 or 47-5-142, no person convicted of a criminal offense
313 on or after July 1, 2014, shall be released by the department
314 until he or she has served no less than the percentage of the
315 sentence or sentences imposed by the court as set forth below:

316 (a) Twenty-five percent (25%) or ten (10) years,
317 whichever is less, for a nonviolent crime;



318 (b) Fifty percent (50%) or twenty (20) years, whichever
319 is less, for a crime of violence pursuant to Section 97-3-2,
320 except for robbery with a deadly weapon as defined in Section
321 97-3-79, drive-by shooting as defined in Section 97-3-109, or
322 carjacking as defined in Section 97-3-117;

323 (c) Sixty percent (60%) or twenty-five (25) years,
324 whichever is less, for robbery with a deadly weapon as defined in
325 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,
326 or carjacking as defined in Section 97-3-117.

327 (2) This section shall not apply to:

328 (a) Offenders sentenced to life imprisonment;

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

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

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

334 **SECTION 5.** Section 47-7-4, Mississippi Code of 1972, is
335 brought forward as follows:

336 47-7-4. The commissioner and the medical director of the
337 department may place an offender who has served not less than one
338 (1) year of his or her sentence, except an offender convicted of a
339 sex crime, on conditional medical release. However, a nonviolent
340 offender who is bedridden may be placed on conditional medical
341 release regardless of the time served on his or her sentence.
342 Upon the release of a nonviolent offender who is bedridden, the



343 state shall not be responsible or liable for any medical costs
344 that may be incurred if such costs are acquired after the offender
345 is no longer incarcerated due to his or her placement on
346 conditional medical release. The commissioner shall not place an
347 offender on conditional medical release unless the medical
348 director of the department certifies to the commissioner that (a)
349 the offender is suffering from a significant permanent physical
350 medical condition with no possibility of recovery; (b) that his or
351 her further incarceration will serve no rehabilitative purposes;
352 and (c) that the state would incur unreasonable expenses as a
353 result of his or her continued incarceration. Any offender placed
354 on conditional medical release shall be supervised by the Division
355 of Community Corrections of the department for the remainder of
356 his or her sentence. An offender's conditional medical release
357 may be revoked and the offender returned and placed in actual
358 custody of the department if the offender violates an order or
359 condition of his or her conditional medical release. An offender
360 who is no longer bedridden shall be returned and placed in the
361 actual custody of the department.

362 **SECTION 6.** Section 47-7-5, Mississippi Code of 1972, is
363 brought forward as follows:

364 47-7-5. (1) The State Parole Board, created under former
365 Section 47-7-5, is hereby created, continued and reconstituted and
366 shall be composed of five (5) members. The Governor shall appoint
367 the members with the advice and consent of the Senate. All terms



368 shall be at the will and pleasure of the Governor. Any vacancy
369 shall be filled by the Governor, with the advice and consent of
370 the Senate. The Governor shall appoint a chairman of the board.

371 (2) Any person who is appointed to serve on the board shall
372 possess at least a bachelor's degree or a high school diploma and
373 four (4) years' work experience. Each member shall devote his
374 full time to the duties of his office and shall not engage in any
375 other business or profession or hold any other public office. A
376 member shall receive compensation or per diem in addition to his
377 or her salary. Each member shall keep such hours and workdays as
378 required of full-time state employees under Section 25-1-98.
379 Individuals shall be appointed to serve on the board without
380 reference to their political affiliations. Each board member,
381 including the chairman, may be reimbursed for actual and necessary
382 expenses as authorized by Section 25-3-41. Each member of the
383 board shall complete annual training developed based on guidance
384 from the National Institute of Corrections, the Association of
385 Paroling Authorities International, or the American Probation and
386 Parole Association. Each first-time appointee of the board shall,
387 within sixty (60) days of appointment, or as soon as practical,
388 complete training for first-time Parole Board members developed in
389 consideration of information from the National Institute of
390 Corrections, the Association of Paroling Authorities
391 International, or the American Probation and Parole Association.



392 (3) The board shall have exclusive responsibility for the
393 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
394 shall have exclusive authority for revocation of the same. The
395 board shall have exclusive responsibility for investigating
396 clemency recommendations upon request of the Governor.

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

400 (5) The budget of the board shall be funded through a
401 separate line item within the general appropriation bill for the
402 support and maintenance of the department. Employees of the
403 department which are employed by or assigned to the board shall
404 work under the guidance and supervision of the board. There shall
405 be an executive secretary to the board who shall be responsible
406 for all administrative and general accounting duties related to
407 the board. The executive secretary shall keep and preserve all
408 records and papers pertaining to the board.

409 (6) The board shall have no authority or responsibility for
410 supervision of offenders granted a release for any reason,
411 including, but not limited to, probation, parole or executive
412 clemency or other offenders requiring the same through interstate
413 compact agreements. The supervision shall be provided exclusively
414 by the staff of the Division of Community Corrections of the
415 department.



416 (7) (a) The Parole Board is authorized to select and place
417 offenders in an electronic monitoring program under the conditions
418 and criteria imposed by the Parole Board. The conditions,
419 restrictions and requirements of Section 47-7-17 and Sections
420 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
421 any offender placed in an electronic monitoring program by the
422 Parole Board.

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

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

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

438 (b) When a person is placed on parole, the Parole Board
439 shall inform the parolee of the duty to report to the parole



440 officer any change in address ten (10) days before changing
441 address.

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

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

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

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

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

453 47-7-6. (1) The Parole Board, with the assistance of the
454 Department of Corrections, shall collect the following
455 information:

456 (a) The number of offenders supervised on parole;

457 (b) The number of offenders released on parole;

458 (c) The number of parole hearings held;

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

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



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

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

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

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

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

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

479 **SECTION 8.** Section 47-7-13, Mississippi Code of 1972, is
480 brought forward as follows:

481 47-7-13. A majority of the board shall constitute a quorum
482 for the transaction of all business. A decision to parole an
483 offender convicted of murder or a sex-related crime shall require
484 the affirmative vote of three (3) members. The board shall
485 maintain, in minute book form, a copy of each of its official
486 actions with the reasons therefor. Suitable and sufficient office
487 space and support resources and staff necessary to conducting



488 Parole Board business shall be provided by the Department of
489 Corrections. However, the principal place for conducting parole
490 hearings shall be the State Penitentiary at Parchman.

491 **SECTION 9.** Section 47-7-15, Mississippi Code of 1972, is
492 brought forward as follows:

493 47-7-15. The board shall adopt an official seal of which the
494 courts shall take judicial notice. Decisions of the board shall
495 be made by majority vote, except as provided in Section 47-7-5(9).

496 The board shall keep a record of its acts and shall notify
497 each institution of its decisions relating to the persons who are
498 or have been confined therein. At the close of each fiscal year
499 the board shall submit to the Governor and to the Legislature a
500 report with statistical and other data of its work.

501 **SECTION 10.** Section 47-7-17, Mississippi Code of 1972, is
502 brought forward as follows:

503 47-7-17. (1) Within one (1) year after his admission and at
504 such intervals thereafter as it may determine, the board shall
505 secure and consider all pertinent information regarding each
506 offender, except any under sentence of death or otherwise
507 ineligible for parole, including the circumstances of his offense,
508 his previous social history, his previous criminal record,
509 including any records of law enforcement agencies or of a youth
510 court regarding that offender's juvenile criminal history, his
511 conduct, employment and attitude while in the custody of the
512 department, the case plan created to prepare the offender for



513 parole, and the reports of such physical and mental examinations
514 as have been made. The board shall furnish at least three (3)
515 months' written notice to each such offender of the date on which
516 he is eligible for parole.

517 (2) Except as provided in Section 47-7-18, the board shall
518 require a parole-eligible offender to have a hearing as required
519 in this chapter before the board and to be interviewed. The
520 hearing shall be held no later than thirty (30) days prior to the
521 month of eligibility. No application for parole of a person
522 convicted of a capital offense shall be considered by the board
523 unless and until notice of the filing of such application shall
524 have been published at least once a week for two (2) weeks in a
525 newspaper published in or having general circulation in the county
526 in which the crime was committed. The board shall, within thirty
527 (30) days prior to the scheduled hearing, also give notice of the
528 filing of the application for parole to the victim of the offense
529 for which the prisoner is incarcerated and being considered for
530 parole or, in case the offense be homicide, a designee of the
531 immediate family of the victim, provided the victim or designated
532 family member has furnished in writing a current address to the
533 board for such purpose. The victim or designated family member
534 shall be provided an opportunity to be heard by the board before
535 the board makes a decision regarding release on parole. The board
536 shall consider whether any restitution ordered has been paid in
537 full. Parole release shall, at the hearing, be ordered only for



538 the best interest of society, not as an award of clemency; it
539 shall not be considered to be a reduction of sentence or pardon.
540 An offender shall be placed on parole only when arrangements have
541 been made for his proper employment or for his maintenance and
542 care, and when the board believes that he is able and willing to
543 fulfill the obligations of a law-abiding citizen. When the board
544 determines that the offender will need transitional housing upon
545 release in order to improve the likelihood of the offender
546 becoming a law-abiding citizen, the board may parole the offender
547 with the condition that the inmate spends no more than six (6)
548 months in a transitional reentry center. At least fifteen (15)
549 days prior to the release of an offender on parole, the director
550 of records of the department shall give the written notice which
551 is required pursuant to Section 47-5-177. Every offender while on
552 parole shall remain in the legal custody of the department from
553 which he was released and shall be amenable to the orders of the
554 board. Upon determination by the board that an offender is
555 eligible for release by parole, notice shall also be given within
556 at least fifteen (15) days before release, by the board to the
557 victim of the offense or the victim's family member, as indicated
558 above, regarding the date when the offender's release shall occur,
559 provided a current address of the victim or the victim's family
560 member has been furnished in writing to the board for such
561 purpose.



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

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

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

585 **SECTION 11.** Section 47-7-18, Mississippi Code of 1972, is
586 brought forward as follows:



587 47-7-18 (1) No inmate convicted of a sex offense as defined
588 by Section 45-33-23(h), a crime of violence as defined by Section
589 97-3-2, or both, nor an inmate who is eligible for geriatric
590 parole shall be released on parole without a hearing before the
591 Parole Board as required by Section 47-7-17. All other inmates
592 eligible for parole pursuant to Section 47-7-3 shall be released
593 from incarceration to parole supervision on the inmate's parole
594 eligibility date, without a hearing before the board, if:

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

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

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

601 (d) The inmate has agreed to the conditions of
602 supervision; and

603 (e) The inmate has a discharge plan approved by the
604 board.

605 (2) At least thirty (30) days prior to an inmate's parole
606 eligibility date, the department shall notify the board in writing
607 of the inmate's compliance or noncompliance with the case plan.
608 If an inmate fails to meet a requirement of the case plan, prior
609 to the parole eligibility date, he or she shall have a hearing
610 before the board to determine if completion of the case plan can
611 occur while in the community.



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

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

618 (5) A hearing shall be held by the board if a law
619 enforcement official from the community to which the inmate will
620 return contacts the board or the department and requests a hearing
621 to consider information relevant to public safety risks posed by
622 the inmate if paroled at the initial parole eligibility date. The
623 law enforcement official shall submit an explanation documenting
624 these concerns for the board to consider.

625 (6) If a parole hearing is held, the board may determine the
626 inmate has sufficiently complied with the case plan or that the
627 incomplete case plan is not the fault of the inmate and that
628 granting parole is not incompatible with public safety, the board
629 may then parole the inmate with appropriate conditions. If the
630 board determines that the inmate has sufficiently complied with
631 the case plan but the discharge plan indicates that the inmate
632 does not have appropriate housing immediately upon release, the
633 board may parole the inmate to a transitional reentry center with
634 the condition that the inmate spends no more than six (6) months
635 in the center. If the board determines that the inmate has not
636 substantively complied with the requirement(s) of the case plan it



637 may deny parole. If the board denies parole, the board may
638 schedule a subsequent parole hearing and, if a new date is
639 scheduled, the board shall identify the corrective action the
640 inmate will need to take in order to be granted parole. Any
641 inmate not released at the time of the inmate's initial parole
642 date shall have a parole hearing at least every year.

643 **SECTION 12.** Section 47-7-19, Mississippi Code of 1972, is
644 brought forward as follows:

645 47-7-19. It shall be the duty of all correctional system
646 officials to grant to the members of the board or its properly
647 accredited representatives, access at all reasonable times to any
648 person over whom the board may have jurisdiction under this
649 chapter; to provide for the board or such representatives
650 facilities for communicating with and observing the offender; and
651 to furnish to the board such reports as the board shall require
652 concerning the conduct and character of any offender in the
653 Department of Corrections custody and any other facts deemed by
654 the board pertinent in determining whether such offender shall be
655 paroled.

656 It shall be the duty of any judge, district attorney, county
657 attorney, police officer, or other public official of the state,
658 having information with reference to any person eligible for
659 parole, to send such information as may be in his possession or
660 under his control to the board, in writing, upon request of any
661 member or employee thereof.



662 **SECTION 13.** Section 47-7-27, Mississippi Code of 1972, is
663 brought forward as follows:

664 47-7-27. (1) The board may, at any time and upon a showing
665 of probable violation of parole, issue a warrant for the return of
666 any paroled offender to the custody of the department. The
667 warrant shall authorize all persons named therein to return the
668 paroled offender to actual custody of the department from which he
669 was paroled.

670 (2) Any field supervisor may arrest an offender without a
671 warrant or may deputize any other person with power of arrest by
672 giving him a written statement setting forth that the offender
673 has, in the judgment of that field supervisor, violated the
674 conditions of his parole or earned-release supervision. The
675 written statement delivered with the offender by the arresting
676 officer to the official in charge of the department facility from
677 which the offender was released or other place of detention
678 designated by the department shall be sufficient warrant for the
679 detention of the offender.

680 (3) The field supervisor, after making an arrest, shall
681 present to the detaining authorities a similar statement of the
682 circumstances of violation. The field supervisor shall at once
683 notify the board or department of the arrest and detention of the
684 offender and shall submit a written report showing in what manner
685 the offender has violated the conditions of parole or
686 earned-release supervision. An offender for whose return a



687 warrant has been issued by the board shall, after the issuance of
688 the warrant, be deemed a fugitive from justice.

689 (4) Whenever an offender is arrested on a warrant for an
690 alleged violation of parole as herein provided, the board shall
691 hold an informal preliminary hearing within seventy-two (72) hours
692 to determine whether there is reasonable cause to believe the
693 person has violated a condition of parole. A preliminary hearing
694 shall not be required when the offender is not under arrest on a
695 warrant or the offender signed a waiver of a preliminary hearing.
696 The preliminary hearing may be conducted electronically.

697 (5) The right of the State of Mississippi to extradite
698 persons and return fugitives from justice, from other states to
699 this state, shall not be impaired by this chapter and shall remain
700 in full force and effect. An offender convicted of a felony
701 committed while on parole, whether in the State of Mississippi or
702 another state, shall immediately have his parole revoked upon
703 presentment of a certified copy of the commitment order to the
704 board. If an offender is on parole and the offender is convicted
705 of a felony for a crime committed prior to the offender being
706 placed on parole, whether in the State of Mississippi or another
707 state, the offender may have his parole revoked upon presentment
708 of a certified copy of the commitment order to the board.

709 (6) (a) The board shall hold a hearing for any parolee who
710 is detained as a result of a warrant or a violation report within
711 twenty-one (21) days of the parolee's admission to detention. The



712 board may, in its discretion, terminate the parole or modify the
713 terms and conditions thereof. If the board revokes parole for one
714 or more technical violations the board shall impose a period of
715 imprisonment to be served in a technical violation center operated
716 by the department not to exceed ninety (90) days for the first
717 revocation and not to exceed one hundred twenty (120) days for the
718 second revocation. For the third revocation, the board may impose
719 a period of imprisonment to be served in a technical violation
720 center for up to one hundred and eighty (180) days or the board
721 may impose the remainder of the suspended portion of the sentence.
722 For the fourth and any subsequent revocation, the board may impose
723 up to the remainder of the suspended portion of the sentence. The
724 period of imprisonment in a technical violation center imposed
725 under this section shall not be reduced in any manner.

726 (b) If the board does not hold a hearing or does not
727 take action on the violation within the twenty-one-day time frame
728 in paragraph (a) of this subsection, the parolee shall be released
729 from detention and shall return to parole status. The board may
730 subsequently hold a hearing and may revoke parole or may continue
731 parole and modify the terms and conditions of parole. If the
732 board revokes parole for one or more technical violations the
733 board shall impose a period of imprisonment to be served in a
734 technical violation center operated by the department not to
735 exceed ninety (90) days for the first revocation and not to exceed
736 one hundred twenty (120) days for the second revocation. For the



737 third revocation, the board may impose a period of imprisonment to
738 be served in a technical violation center for up to one hundred
739 eighty (180) days or the board may impose the remainder of the
740 suspended portion of the sentence. For the fourth and any
741 subsequent revocation, the board may impose up to the remainder of
742 the suspended portion of the sentence. The period of imprisonment
743 in a technical violation center imposed under this section shall
744 not be reduced in any manner.

745 (c) For a parolee charged with one or more technical
746 violations who has not been detained awaiting the revocation
747 hearing, the board may hold a hearing within a reasonable time.
748 The board may revoke parole or may continue parole and modify the
749 terms and conditions of parole. If the board revokes parole for
750 one or more technical violations the board shall impose a period
751 of imprisonment to be served in a technical violation center
752 operated by the department not to exceed ninety (90) days for the
753 first revocation and not to exceed one hundred twenty (120) days
754 for the second revocation. For the third revocation, the board
755 may impose a period of imprisonment to be served in a technical
756 violation center for up to one hundred eighty (180) days or the
757 board may impose the remainder of the suspended portion of the
758 sentence. For the fourth and any subsequent revocation, the board
759 may impose up to the remainder of the suspended portion of the
760 sentence. The period of imprisonment in a technical violation



761 center imposed under this section shall not be reduced in any
762 manner.

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

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

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

783 **SECTION 14.** This act shall take effect and be in force from
784 and after July 1, 2022.

