

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 539

1 AN ACT TO AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF AN INMATE IS ORDERED TO ANY ALCOHOL AND/OR DRUG
3 TREATMENT AS SPECIFIED IN HIS OR HER CASE PLAN, THEN THE TREATMENT
4 SHALL COMMENCE WITHIN THE FIRST 90 DAYS OF ADMISSION; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 47-7-3.1, Mississippi Code of 1972, is
8 amended as follows:

9 47-7-3.1. (1) In consultation with the Parole Board, the
10 department shall develop a case plan for all parole-eligible
11 inmates to guide an inmate's rehabilitation while in the
12 department's custody and to reduce the likelihood of recidivism
13 after release.

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

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

17 (b) Any programming or treatment requirements contained
18 in the sentencing order; and



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

21 If an inmate is ordered to any alcohol and/or drug treatment,
22 then the treatment shall commence within ninety (90) days of
23 admission.

24 (3) With respect to parole-eligible inmates admitted to the
25 department's custody on or after July 1, 2021, the department
26 shall complete the case plan within ninety (90) days of admission.
27 With respect to parole-eligible inmates admitted to the
28 department's custody before July 1, 2021, the department shall
29 complete the case plan by January 1, 2022.

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

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

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

39 (5) With respect to parole-eligible inmates admitted to the
40 department's custody after July 1, 2021, the department shall
41 ensure that the case plan is achievable prior to the inmate's
42 parole eligibility date. With respect to parole-eligible inmates
43 admitted to the department's custody before July 1, 2021, the



44 department shall, to the extent possible, ensure that the case
45 plan is achievable prior to the inmate's parole eligibility date
46 or next parole hearing date, or date of release, whichever is
47 sooner.

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

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

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

61 (9) If the Department of Corrections fails to adequately
62 provide opportunity and access for the completion of such case
63 plans, the Department of Corrections shall, to the extent
64 possible, contract with regional jail facilities that offer
65 educational development and job-training programs to facilitate
66 the fulfillment of the case plans of parole-eligible inmates.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2022.

