

By: Representative Horan

To: Corrections

HOUSE BILL NO. 908

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT AN INMATE, AS LONG AS THE INMATE IS NOT CONVICTED OF  
3 A SEX OFFENSE OR OF CAPITAL MURDER OR SENTENCED TO DEATH, SHALL BE  
4 ELIGIBLE FOR PAROLE IF HE OR SHE HAS BEEN DIAGNOSED WITH A  
5 TERMINAL ILLNESS OR DISEASE AND HAS A LIFE EXPECTANCY OF A YEAR OR  
6 LESS OR IS COMPLETELY DISABLED AND DOES NOT HAVE THE ABILITY TO  
7 PROVIDE SELF-CARE AND HE OR SHE IS BEDRIDDEN OR THE INMATE HAS  
8 LIMITED SELF-CARE CAPACITY AND IS BEDRIDDEN AT LEAST 50% OF WAKING  
9 HOURS; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PROVIDE TO THE  
10 PAROLE BOARD, EVERY THIRTY DAYS, A LIST OF INMATES WHO MAY BE  
11 ELIGIBLE FOR PAROLE ELIGIBILITY DUE TO CERTAIN MEDICAL CONDITIONS;  
12 TO REQUIRE THE DEPARTMENT OR ITS MEDICAL DIRECTOR TO NOTIFY THE  
13 PAROLE BOARD OF ANY INMATE WHO IS DIAGNOSED WITH A TERMINAL  
14 ILLNESS OR DISEASE WITHIN SEVENTY-TWO HOURS OF THE DIAGNOSIS; TO  
15 AMEND SECTION 47-7-4, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
16 PAROLE BOARD, ALONG WITH THE COMMISSIONER OF CORRECTIONS AND THE  
17 DEPARTMENT OF CORRECTION'S MEDICAL DIRECTOR, TO PLACE CERTAIN  
18 OFFENDERS ON CONDITIONAL MEDICAL RELEASE IF THE OFFENDERS HAVE  
19 BEEN DIAGNOSED WITH A TERMINAL ILLNESS OR DISEASE AND HAVE A LIFE  
20 EXPECTANCY OF A YEAR OR LESS OR ARE COMPLETELY DISABLED AND DO NOT  
21 HAVE THE ABILITY TO PROVIDE SELF-CARE AND ARE BEDRIDDEN OR THE  
22 OFFENDER HAS LIMITED SELF-CARE CAPACITY AND IS BEDRIDDEN AT LEAST  
23 50% OF WAKING HOURS; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO  
24 PROVIDE TO THE PAROLE BOARD, EVERY THIRTY DAYS, A LIST OF INMATES  
25 WHO MAY BE ELIGIBLE FOR CONDITIONAL MEDICAL RELEASE DUE TO CERTAIN  
26 MEDICAL CONDITIONS; TO REQUIRE THE DEPARTMENT OR ITS MEDICAL  
27 DIRECTOR TO NOTIFY THE PAROLE BOARD OF ANY INMATE WHO IS DIAGNOSED  
28 WITH A TERMINAL ILLNESS OR DISEASE WITHIN SEVENTY-TWO HOURS OF THE  
29 DIAGNOSIS; TO AUTHORIZE THE STATE PAROLE BOARD TO APPROVE  
30 SUPERVISED RESIDENTIAL CARE FACILITIES TO BE MONITORED BY THE  
31 PAROLE BOARD AND THE STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT A  
32 SUPERVISED RESIDENTIAL CARE FACILITY SHALL HOUSE INMATES THAT ARE  
33 ON PAROLE UNDER CONDITIONAL MEDICAL RELEASE; TO PROVIDE THAT SUCH  
34 FACILITY SHALL HAVE ENHANCED SECURITY AND MAY OPERATE AS A NURSING



35 HOME, END-STAGE RENAL DISEASE FACILITY, LONG-TERM CARE HOSPITAL  
36 FACILITY, ASSISTED LIVING FACILITY OR HOSPICE CARE FACILITY; TO  
37 AUTHORIZED THE BOARD TO GRANT MEDICAL PAROLE TO "MEDICALLY FRAIL"  
38 PAROLED INMATES AND TO AUTHORIZE THE INMATES TO BE REFERRED TO  
39 LICENSED SPECIAL CARE FACILITIES; TO AMEND SECTION 47-7-5,  
40 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAROLE BOARD TO PLACE  
41 CERTAIN OFFENDERS ON CONDITIONAL MEDICAL RELEASE AND TO EXTEND THE  
42 DATE OF REPEAL ON THIS SECTION; TO AMEND SECTION 47-7-17,  
43 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAROLE BOARD TO ORDER A  
44 PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION, WHEN NECESSARY, WHEN  
45 MAKING A PAROLE DECISION; TO AUTHORIZE THE DEPARTMENT OF  
46 CORRECTIONS TO PROVIDE FOR HOSPICE CARE SERVICES FOR INMATES WHO  
47 ARE CONFINED IN FACILITIES UNDER THE JURISDICTION OF THE  
48 DEPARTMENT AND WHO ARE TERMINALLY ILL; TO AUTHORIZE THE DEPARTMENT  
49 TO HAVE THOSE HOSPICE CARE SERVICES PROVIDED BY PROPERLY QUALIFIED  
50 EMPLOYEES OF THE DEPARTMENT OR TO CONTRACT FOR THE PROVISION OF  
51 THE HOSPICE CARE SERVICES; TO PROVIDE THAT IF THE DEPARTMENT  
52 PROVIDES THE HOSPICE CARE SERVICES WITH DEPARTMENT EMPLOYEES, THE  
53 DEPARTMENT IS NOT REQUIRED TO HAVE A LICENSE UNDER THE MISSISSIPPI  
54 HOSPICE LAW; TO AMEND SECTION 41-85-5, MISSISSIPPI CODE OF 1972,  
55 TO CONFORM TO THE PRECEDING PROVISIONS; TO AMEND SECTIONS 43-11-1  
56 AND 43-11-13, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM  
57 "SPECIAL CARE FACILITIES FOR PAROLED INMATES" AND PRESCRIBE  
58 CONDITIONS FOR LICENSURE BY THE STATE DEPARTMENT OF HEALTH; TO  
59 AMEND SECTION 47-5-28, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
60 DEPARTMENT OF CORRECTIONS TO CONTRACT WITH LICENSED SPECIAL CARE  
61 FACILITIES FOR PAROLED INMATES TO PROVIDE AUTHORIZED MEDICAL  
62 SERVICES AND SUPPORT SERVICES FOR MEDICALLY FRAIL INMATES WHO HAVE  
63 BEEN PAROLED AND COMMITTED TO THE CUSTODY OF SUCH FACILITIES; TO  
64 CODIFY SECTION 43-13-117.6, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
65 AND DIRECT THE DIVISION OF MEDICAID TO APPLY FOR NECESSARY WAIVERS  
66 FOR MEDICAID REIMBURSEMENT FOR SERVICES PROVIDED AT SUCH SPECIAL  
67 CARE FACILITIES FOR PAROLED INMATES; AND FOR RELATED PURPOSES.

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

69 **SECTION 1.** Section 47-7-3, Mississippi Code of 1972, is  
70 amended as follows:

71 47-7-3. (1) Every prisoner who has been convicted of any  
72 offense against the State of Mississippi, and is confined in the  
73 execution of a judgment of such conviction in the Mississippi  
74 Department of Corrections for a definite term or terms of one (1)  
75 year or over, or for the term of his or her natural life, whose  
76 record of conduct shows that such prisoner has observed the rules



77 of the department, and who has served the minimum required time  
78 for parole eligibility, may be released on parole as set forth  
79 herein:

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

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

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

89 (i) Capital murder committed on or after July 1,  
90 1994, as defined in Section 97-3-19(2);

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

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

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



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

104 (f) **Drug trafficking.** No person sentenced for  
105 trafficking and aggravated trafficking, as defined in Section  
106 41-29-139(f) through (g), shall be eligible for parole;

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

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

114 1. **Nonviolent crimes.** All persons sentenced  
115 for a nonviolent offense shall be eligible for parole only after  
116 they have served twenty-five percent (25%) or ten (10) years,  
117 whichever is less, of the sentence or sentences imposed by the  
118 trial court. For purposes of this paragraph, "nonviolent crime"  
119 means a felony not designated as a crime of violence in Section  
120 97-3-2.

121 2. **Violent crimes.** A person who is sentenced  
122 for a violent offense as defined in Section 97-3-2, except robbery  
123 with a deadly weapon as defined in Section 97-3-79, drive-by  
124 shooting as defined in Section 97-3-109, and carjacking as defined  
125 in Section 97-3-117, shall be eligible for parole only after



126 having served fifty percent (50%) or twenty (20) years, whichever  
127 is less, of the sentence or sentences imposed by the trial court.  
128 Those persons sentenced for robbery with a deadly weapon as  
129 defined in Section 97-3-79, drive-by shooting as defined in  
130 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
131 shall be eligible for parole only after having served sixty  
132 percent (60%) or twenty-five (25) years, whichever is less, of the  
133 sentence or sentences imposed by the trial court.

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

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

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

146 (iii) **Geriatric parole.** Notwithstanding the  
147 provisions in subparagraph (i) of this paragraph (h), a person  
148 serving a sentence who has reached the age of sixty (60) or older  
149 and who has served no less than ten (10) years of the sentence or  
150 sentences imposed by the trial court shall be eligible for parole.



151 Any person eligible for parole under this subparagraph (iii) shall  
152 be required to have a parole hearing before the board prior to  
153 parole release. No inmate shall be eligible for parole under this  
154 subparagraph (iii) of this paragraph (h) if:

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

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

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

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

163 5. The inmate is sentenced for a sex crime;  
164 or

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

167 (iv) **Parole consideration as authorized by the**  
168 **trial court.** Notwithstanding the provisions of paragraph (a) of  
169 this subsection, any offender who has not committed a crime of  
170 violence under Section 97-3-2 and has served twenty-five percent  
171 (25%) or more of his sentence may be paroled by the State Parole  
172 Board if, after the sentencing judge or if the sentencing judge is  
173 retired, disabled or incapacitated, the senior circuit judge  
174 authorizes the offender to be eligible for parole consideration;  
175 or if the senior circuit judge must be recused, another circuit



176 judge of the same district or a senior status judge may hear and  
177 decide the matter. A petition for parole eligibility  
178 consideration pursuant to this subparagraph (iv) shall be filed in  
179 the original criminal cause or causes, and the offender shall  
180 serve an executed copy of the petition on the District Attorney.  
181 The court may, in its discretion, require the District Attorney to  
182 respond to the petition.

183 (2) Notwithstanding any other provision of law, an inmate,  
184 except an inmate who has been convicted of capital murder as  
185 defined in Section 97-13-13 or who has been sentenced to death for  
186 another capital offense pursuant to Section 99-19-101, or who has  
187 been convicted of a sex offense as defined in Section 45-33-23(h),  
188 shall be eligible for parole if:

189 (a) The inmate has been diagnosed with a terminal  
190 illness or disease and has a life expectancy of twelve (12) months  
191 or less;

192 (b) The inmate is completely disabled such that he or  
193 she cannot carry out any self-care and he or she is bedridden; or

194 (c) The inmate is at limited self-care capacity such  
195 that he or she is bedridden at least fifty percent (50%) of waking  
196 hours.

197 Any offenders who are paroled pursuant to this subsection may  
198 be transitioned to an extended care facility that has the sole  
199 purpose of providing health care services for such paroled



200 offenders or a facility that is solely devoted to providing health  
201 care services to such offenders.

202 (3) (a) The Department of Corrections shall provide to the  
203 State Parole Board a listing of all inmates who meet the criteria  
204 under subsection (2) of this section every thirty (30) days,  
205 regardless of whether an inmate has made such a request. The  
206 State Parole Board may request necessary documentation from the  
207 Department of Corrections and/or the state medical director at any  
208 time in order to determine the parole eligibility of any inmate  
209 pursuant to this section.

210 (b) The Department of Corrections or the medical  
211 director of the department shall notify the parole board of any  
212 inmate who is diagnosed with a terminal illness or disease within  
213 seventy-two (72) hours of such diagnosis.

214 (c) The Department of Corrections shall assist any  
215 inmate in making a request for parole eligibility if such a  
216 request is made by an inmate.

217 ( \* \* \*4) The State Parole Board shall, by rules and  
218 regulations, establish a method of determining a tentative parole  
219 hearing date for each eligible offender taken into the custody of  
220 the Department of Corrections. The tentative parole hearing date  
221 shall be determined within ninety (90) days after the department  
222 has assumed custody of the offender. Except as provided in  
223 Section 47-7-18, the parole hearing date shall occur when the  
224 offender is within thirty (30) days of the month of his parole





225 eligibility date. Any parole eligibility date shall not be  
226 earlier than as required in this section.

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

232 ( \* \* \*6) Any inmate within forty-eight (48) months of his  
233 parole eligibility date and who meets the criteria established by  
234 the classification board shall receive priority for placement in  
235 any educational development and job-training programs that are  
236 part of his or her parole case plan. Any inmate refusing to  
237 participate in an educational development or job-training program,  
238 including, but not limited to, programs required as part of the  
239 case plan, shall be in jeopardy of noncompliance with the case  
240 plan and may be denied parole.

241 ( \* \* \*7) In addition to other requirements, if an offender  
242 is convicted of a drug or driving under the influence felony, the  
243 offender must complete a drug and alcohol rehabilitation program  
244 prior to parole, or the offender shall be required to complete a  
245 postrelease drug and alcohol program as a condition of parole.

246 ( \* \* \*8) Except as provided in subsection (1)(a) through  
247 (h) and in subsection (2) of this section, all other persons shall  
248 be eligible for parole after serving twenty-five percent (25%) of  
249 the sentence or sentences imposed by the trial court, or, if



250 sentenced to thirty (30) years or more, after serving ten (10)  
251 years of the sentence or sentences imposed by the trial court.

252 ( \* \* \*9) The Corrections and Criminal Justice Oversight  
253 Task Force established in Section 47-5-6 shall develop and submit  
254 recommendations to the Governor and to the Legislature annually on  
255 or before December 1st concerning issues relating to juvenile and  
256 habitual offender parole reform and to review and monitor the  
257 implementation of Chapter 479, Laws of 2021.

258 ( \* \* \*10) The amendments contained in Chapter 479, Laws of  
259 2021, shall apply retroactively from and after July 1, 1995.

260 ( \* \* \*11) Notwithstanding provisions to the contrary in  
261 this section, a person who was sentenced before July 1, 2021, may  
262 be considered for parole if the person's sentence would have been  
263 parole eligible before July 1, 2021.

264 ( \* \* \*12) This section shall stand repealed on July 1,  
265 2024.

266 **SECTION 2.** Section 47-7-4, Mississippi Code of 1972, is  
267 amended as follows:

268 47-7-4. (1) The commissioner and the medical director of  
269 the department or the State Parole Board may place an offender who  
270 has served not less than one (1) year of his or her sentence,  
271 except an offender convicted of \* \* \* a sex offense as defined in  
272 Section 45-33-23(h) or who has been convicted of capital murder as  
273 defined in Section 97-13-13 or who has been sentenced to death for



274 another capital offense pursuant to Section 99-19-101, may be  
275 placed on conditional medical release if:

276 (a) The offender has been diagnosed with a terminal  
277 illness or disease and has a life expectancy of twelve (12) months  
278 or less;

279 (b) The offender is completely disabled such that he or  
280 she cannot carry out any self-care and he or she is bedridden; or

281 (c) The offender is at limited self-care capacity such  
282 that he or she is bedridden at least fifty percent (50%) of waking  
283 hours.

284 (2) (a) The Department of Corrections shall provide to the  
285 State Parole Board a listing of all inmates who meet the criteria  
286 under subsection (1) of this section every thirty (30) days,  
287 regardless of whether an inmate has made such a request. The  
288 State Parole Board may request necessary documentation from the  
289 Department of Corrections and/or the state medical director at any  
290 time in order to determine whether an offender may be placed on  
291 conditional medical release pursuant to this section.

292 (b) The Department of Corrections or the medical  
293 director of the department shall notify the parole board of any  
294 inmate who is diagnosed with a terminal illness or disease within  
295 seventy-two (72) hours of such diagnosis.

296 (c) The Department of Corrections or the State Parole  
297 Board, as the case may be, shall assist any inmate in making a



298 request for conditional medical release if such a request is made  
299 by an inmate.

300 Any offenders who are placed on conditional medical release  
301 pursuant to this subsection may be transitioned to an extended  
302 care facility that has the sole purpose of providing health care  
303 services for such paroled offenders or a facility that is solely  
304 devoted to providing health care services to such offenders.

305 (3) Upon the release of \* \* \* an offender \* \* \* pursuant to  
306 this section, the state shall not be responsible or liable for any  
307 medical costs that may be incurred if such costs are acquired  
308 after the offender is no longer incarcerated due to his or her  
309 placement on conditional medical release. The commissioner or the  
310 parole board shall not place an offender on conditional medical  
311 release unless the medical director of the department certifies to  
312 the commissioner that (a) the offender is suffering from a \* \* \*  
313 medical condition prescribed in subsection (1) of this section;  
314 (b) that his or her further incarceration will serve no  
315 rehabilitative purposes; and (c) that the state would incur  
316 unreasonable expenses as a result of his or her continued  
317 incarceration. Any offender placed on conditional medical release  
318 shall be supervised by the Division of Community Corrections of  
319 the department for the remainder of his or her sentence. An  
320 offender's conditional medical release may be revoked and the  
321 offender returned and placed in actual custody of the department  
322 if the offender violates an order or condition of his or her



323 conditional medical release. An offender who is no longer  
324 bedridden shall be returned and placed in the actual custody of  
325 the department.

326 (4) The State Parole Board is authorized to approve  
327 supervised residential care facilities to be monitored by the  
328 State Parole Board and the State Department of Health. A  
329 supervised residential care facility shall house inmates who are  
330 on parole under conditional medical release. The State Board of  
331 Health shall include in the State Health Plan any supervised  
332 residential care facility designed by the State Parole Board to be  
333 funded as if included in Title 41, Chapter 13, Mississippi Code of  
334 1972. Patients housed in a supervised residential care facility  
335 shall be eligible for Medicaid. A supervised residential care  
336 facility shall have enhanced security and may be operated as a  
337 nursing home, end-stage renal disease facility, long-term care  
338 hospital facility, assisted living facility or hospice care  
339 facility. A supervised residential care facility shall provide a  
340 standard of medical care for patients the same as if such patients  
341 were still in the custody of the Department of Corrections. The  
342 State Parole Board shall agree for the department to compensate a  
343 supervised residential care facility for enhanced security as it  
344 compensates other facilities for housing paroled inmates.

345 (5) (a) The State Parole Board may grant a medical parole  
346 and referral to licensed special care facilities for paroled



347 inmates for an inmate determined to be "medically frail" as  
348 defined in this subsection.

349 (b) For purposes of this subsection (5), the term  
350 "medically frail" means an individual who is a minimal threat to  
351 society as a result of his or her medical condition, whose ability  
352 to perform activities of daily living is significantly impaired,  
353 and who may have limited mobility as the result of one or more of  
354 the following conditions from which the individual is not expected  
355 to recover:

356 (i) A disabling mental disorder, including  
357 dementia, Alzheimer's or a similar degenerative brain disorder;

358 (ii) A serious and complex medical condition; or

359 (iii) A physical disability.

360 (c) The following conditions apply to a parole granted  
361 under this subsection (5):

362 (i) An inmate who has been sentenced to capital  
363 punishment is not eligible;

364 (ii) An inmate who has been convicted as a  
365 criminal sex offender is not eligible;

366 (iii) An inmate does not pose a public safety risk  
367 as determined by the State Parole Board;

368 (iv) If the prisoner is incapacitated, an  
369 individual legally entitled to agree to the inmate's placement  
370 agrees to the inmate's placement in a licensed special care  
371 facility for paroled inmates or in a medical facility where



372 medical care and treatment are determined to be appropriate for  
373 the parolee by the State Parole Board;

374 (v) An inmate shall agree to the release of his or  
375 her medical records that are directly relevant to the condition or  
376 conditions rendering the inmate medically frail to the prosecutor  
377 of the county from which the inmate was committed before the State  
378 Parole Board determines whether or not to grant parole under this  
379 subsection (5);

380 (vi) If the inmate is granted parole under this  
381 subsection (5), the inmate shall agree to the quarterly release of  
382 his or her medical records that are directly relevant to the  
383 condition or conditions rendering the inmate medically frail at  
384 the request of the prosecutor of the county from which the inmate  
385 was committed;

386 (vii) The parolee shall adhere to the terms of his  
387 or her parole for the length of his or her parole term, and the  
388 parole shall be for a term not less than the time necessary to  
389 reach the prisoner's earliest release date;

390 (viii) A parolee who violates the terms of his or  
391 her parole or is determined not to be eligible for parole under  
392 this subsection (5) may be transferred to a setting more  
393 appropriate for the medical needs of the parolee;

394 (ix) The Department of Corrections or the State  
395 Parole Board shall not retain authority over the medical treatment  
396 plan for the inmate granted parole under this subsection (5);



397                   (x) The department and the State Parole Board  
398 shall ensure that the placement and terms and conditions of parole  
399 granted under this subsection (5) do not violate any other state  
400 or federal regulations;

401                   (xi) A medical facility utilized by the department  
402 to facilitate parole under this subsection (5) shall be operated  
403 in a manner that ensures the safety of the residents of the  
404 facility.

405                   (d) The Mississippi Department of Corrections may enter  
406 into contracts to facilitate the placement of paroled inmates  
407 under this subsection (5). The Mississippi Department of  
408 Corrections shall appoint a specialist in the appropriate field of  
409 medicine, who is not employed by the department, to evaluate the  
410 condition of the inmate considered for parole under this  
411 subsection (5) and to report on that condition to the department  
412 and the State Parole Board. The State Parole Board shall  
413 determine whether the inmate is medically frail in consultation  
414 with the Mississippi Department of Health.

415                   **SECTION 3.** Section 47-7-5, Mississippi Code of 1972, is  
416 amended as follows:

417                   47-7-5. (1) The State Parole Board, created under former  
418 Section 47-7-5, is hereby created, continued and reconstituted and  
419 shall be composed of five (5) members. The Governor shall appoint  
420 the members with the advice and consent of the Senate. All terms  
421 shall be at the will and pleasure of the Governor. Any vacancy





422 shall be filled by the Governor, with the advice and consent of  
423 the Senate. The Governor shall appoint a chairman of the board.

424 (2) Any person who is appointed to serve on the board shall  
425 possess at least a bachelor's degree or a high school diploma and  
426 four (4) years' work experience. Each member shall devote his or  
427 her full time to the duties of his office and shall not engage in  
428 any other business or profession or hold any other public office.  
429 A member shall receive compensation or per diem in addition to his  
430 or her salary. Each member shall keep such hours and workdays as  
431 required of full-time state employees under Section 25-1-98.  
432 Individuals shall be appointed to serve on the board without  
433 reference to their political affiliations. Each board member,  
434 including the chairman, may be reimbursed for actual and necessary  
435 expenses as authorized by Section 25-3-41. Each member of the  
436 board shall complete annual training developed based on guidance  
437 from the National Institute of Corrections, the Association of  
438 Paroling Authorities International, or the American Probation and  
439 Parole Association. Each first-time appointee of the board shall,  
440 within sixty (60) days of appointment, or as soon as practical,  
441 complete training for first-time Parole Board members developed in  
442 consideration of information from the National Institute of  
443 Corrections, the Association of Paroling Authorities  
444 International, or the American Probation and Parole Association.

445 (3) The board shall have exclusive responsibility for the  
446 granting of parole as provided by Sections 47-7-3 and 47-7-17 and



447 shall have exclusive authority for revocation of the same. The  
448 board shall have exclusive responsibility for investigating  
449 clemency recommendations upon request of the Governor.

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

453 (5) The budget of the board shall be funded through a  
454 separate line item within the general appropriation bill for the  
455 support and maintenance of the department. Employees of the  
456 department which are employed by or assigned to the board shall  
457 work under the guidance and supervision of the board. There shall  
458 be an executive secretary to the board who shall be responsible  
459 for all administrative and general accounting duties related to  
460 the board. The executive secretary shall keep and preserve all  
461 records and papers pertaining to the board.

462 (6) The board shall have no authority or responsibility for  
463 supervision of offenders granted a release for any reason,  
464 including, but not limited to, probation, parole or executive  
465 clemency or other offenders requiring the same through interstate  
466 compact agreements. The supervision shall be provided exclusively  
467 by the staff of the Division of Community Corrections of the  
468 department.

469 (7) (a) The Parole Board is authorized to select and place  
470 offenders in an electronic monitoring program under the conditions  
471 and criteria imposed by the Parole Board. The conditions,



472 restrictions and requirements of Section 47-7-17 and Sections  
473 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
474 any offender placed in an electronic monitoring program by the  
475 Parole Board.

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

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

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

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

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



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

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

503 (10) The Parole Board is authorized to place offenders on  
504 conditional medical release pursuant to Section 47-7-4.

505 ( \* \* \* 11) This section shall stand repealed on July  
506 1, \* \* \* 2026.

507 **SECTION 4.** Section 47-7-17, Mississippi Code of 1972, is  
508 amended as follows:

509 47-7-17. (1) Within one (1) year after his or her admission  
510 and at such intervals thereafter as it may determine, the board  
511 shall secure and consider all pertinent information regarding each  
512 offender, except any under sentence of death or otherwise  
513 ineligible for parole, including the circumstances of his or her  
514 offense, his or her previous social history, his or her previous  
515 criminal record, including any records of law enforcement agencies  
516 or of a youth court regarding that offender's juvenile criminal  
517 history, his or her conduct, employment and attitude while in the  
518 custody of the department, the case plan created to prepare the  
519 offender for parole, and the reports of such physical and mental  
520 examinations as have been made. The Parole Board may also order a  
521 psychiatric or psychological examination when it determines such



522 examination is necessary to making a parole decision. The board  
523 shall furnish at least three (3) months' written notice to each  
524 such offender of the date on which he is eligible for parole.

525 (2) Except as provided in Section 47-7-18, the board shall  
526 require a parole-eligible offender to have a hearing as required  
527 in this chapter before the board and to be interviewed. The  
528 hearing shall be held no later than thirty (30) days prior to the  
529 month of eligibility. No application for parole of a person  
530 convicted of a capital offense shall be considered by the board  
531 unless and until notice of the filing of such application shall  
532 have been published at least once a week for two (2) weeks in a  
533 newspaper published in or having general circulation in the county  
534 in which the crime was committed. The board shall, within thirty  
535 (30) days prior to the scheduled hearing, also give notice of the  
536 filing of the application for parole to the victim of the offense  
537 for which the prisoner is incarcerated and being considered for  
538 parole or, in case the offense be homicide, a designee of the  
539 immediate family of the victim, provided the victim or designated  
540 family member has furnished in writing a current address to the  
541 board for such purpose. The victim or designated family member  
542 shall be provided an opportunity to be heard by the board before  
543 the board makes a decision regarding release on parole. The board  
544 shall consider whether any restitution ordered has been paid in  
545 full. Parole release shall, at the hearing, be ordered only for  
546 the best interest of society, not as an award of clemency; it



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



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

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

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

594 **SECTION 5.** The Department of Corrections is authorized to  
595 provide for hospice care services for inmates who are confined in



596 facilities under the jurisdiction of the department and who are  
597 terminally ill as defined in Section 41-85-3. The department may  
598 have those hospice care services provided by properly qualified  
599 employees of the department or may contract for the providing of  
600 the hospice care services. If the department provides the hospice  
601 care services with department employees, the department is not  
602 required to have a license under the Mississippi Hospice Law.

603 **SECTION 6.** Section 41-85-5, Mississippi Code of 1972, is  
604 amended as follows:

605 41-85-5. (1) It is unlawful for a person to operate or  
606 maintain a hospice, use the title "hospice," or represent that the  
607 person provides a hospice program of care, without first obtaining  
608 a license therefor from the department.

609 (2) The license shall be displayed in a conspicuous place  
610 inside the hospice program office; shall be valid only in the  
611 possession of the person to which it is issued; shall not be  
612 subject to sale, assignment or other transfer, voluntary or  
613 involuntary; and shall not be valid for any hospice other than the  
614 hospice for which originally issued.

615 (3) Services provided by a hospital, nursing home or other  
616 health care facility or health care provider shall not be  
617 considered to constitute a hospice program of care unless such  
618 facility, provider or care giver establishes a freestanding or  
619 distinct hospice unit, staff, facility and services to provide  
620 hospice home care, homelike inpatient hospice care, or outpatient





621 hospice care under the separate and distinct administrative  
622 authority of a hospice program.

623 (4) A license for a hospice program shall not be issued if  
624 the hospice is to be located in an area in violation of any local  
625 zoning ordinances or regulations.

626 (5) The Department of Corrections may provide hospice care  
627 services to inmates confined in facilities under the jurisdiction  
628 of the department as authorized under Section 5 of this act  
629 without a license issued under this chapter.

630 **SECTION 7.** Section 43-11-1, Mississippi Code of 1972, is  
631 amended as follows:

632 43-11-1. When used in this chapter, the following words  
633 shall have the following meaning:

634 (a) "Institutions for the aged or infirm" means a place  
635 either governmental or private that provides group living  
636 arrangements for four (4) or more persons who are unrelated to the  
637 operator and who are being provided food, shelter and personal  
638 care, whether any such place is organized or operated for profit  
639 or not. The term "institution for the aged or infirm" includes  
640 nursing homes, pediatric skilled nursing facilities, psychiatric  
641 residential treatment facilities, convalescent homes, homes for  
642 the aged \* \* \*, adult foster care facilities \* \* \* and special  
643 care facilities for paroled inmates, provided that these  
644 institutions fall within the scope of the definitions set forth  
645 above. The term "institution for the aged or infirm" does not



646 include hospitals, clinics or mental institutions devoted  
647 primarily to providing medical service, and does not include any  
648 private residence in which the owner of the residence is providing  
649 personal care services to disabled or homeless veterans under an  
650 agreement with, and in compliance with the standards prescribed  
651 by, the United States Department of Veterans Affairs, if the owner  
652 of the residence also provided personal care services to disabled  
653 or homeless veterans at any time during calendar year 2008.

654 (b) "Person" means any individual, firm, partnership,  
655 corporation, company, association or joint-stock association, or  
656 any licensee herein or the legal successor thereof.

657 (c) "Personal care" means assistance rendered by  
658 personnel of the home to aged or infirm residents in performing  
659 one or more of the activities of daily living, which includes, but  
660 is not limited to, the bathing, walking, excretory functions,  
661 feeding, personal grooming and dressing of such residents.

662 (d) "Psychiatric residential treatment facility" means  
663 any nonhospital establishment with permanent facilities which  
664 provides a twenty-four-hour program of care by qualified  
665 therapists, including, but not limited to, duly licensed mental  
666 health professionals, psychiatrists, psychologists,  
667 psychotherapists and licensed certified social workers, for  
668 emotionally disturbed children and adolescents referred to such  
669 facility by a court, local school district or by the Department of  
670 Human Services, who are not in an acute phase of illness requiring



671 the services of a psychiatric hospital, and are in need of such  
672 restorative treatment services. For purposes of this paragraph,  
673 the term "emotionally disturbed" means a condition exhibiting one  
674 or more of the following characteristics over a long period of  
675 time and to a marked degree, which adversely affects educational  
676 performance:

677                   1. An inability to learn which cannot be explained  
678 by intellectual, sensory or health factors;

679                   2. An inability to build or maintain satisfactory  
680 relationships with peers and teachers;

681                   3. Inappropriate types of behavior or feelings  
682 under normal circumstances;

683                   4. A general pervasive mood of unhappiness or  
684 depression; or

685                   5. A tendency to develop physical symptoms or  
686 fears associated with personal or school problems. An  
687 establishment furnishing primarily domiciliary care is not within  
688 this definition.

689                   (e) "Pediatric skilled nursing facility" means an  
690 institution or a distinct part of an institution that is primarily  
691 engaged in providing to inpatients skilled nursing care and  
692 related services for persons under twenty-one (21) years of age  
693 who require medical or nursing care or rehabilitation services for  
694 the rehabilitation of injured, disabled or sick persons.



695 (f) "Licensing agency" means the State Department of  
696 Health.

697 (g) "Medical records" mean, without restriction, those  
698 medical histories, records, reports, summaries, diagnoses and  
699 prognoses, records of treatment and medication ordered and given,  
700 notes, entries, x-rays and other written or graphic data prepared,  
701 kept, made or maintained in institutions for the aged or infirm  
702 that pertain to residency in, or services rendered to residents  
703 of, an institution for the aged or infirm.

704 (h) "Adult foster care facility" means a home setting  
705 for vulnerable adults in the community who are unable to live  
706 independently due to physical, emotional, developmental or mental  
707 impairments, or in need of emergency and continuing protective  
708 social services for purposes of preventing further abuse or  
709 neglect and for safeguarding and enhancing the welfare of the  
710 abused or neglected vulnerable adult. Adult foster care programs  
711 shall be designed to meet the needs of vulnerable adults with  
712 impairments through individual plans of care, which provide a  
713 variety of health, social and related support services in a  
714 protective setting, enabling participants to live in the  
715 community. Adult foster care programs may be (i) traditional,  
716 where the foster care provider lives in the residence and is the  
717 primary caregiver to clients in the home; (ii) corporate, where  
718 the foster care home is operated by a corporation with shift staff  
719 delivering services to clients; or (iii) shelter, where the foster



720 care home accepts clients on an emergency short-term basis for up  
721 to thirty (30) days.

722 (i) "Special care facilities for paroled inmates" means  
723 long-term care and skilled nursing facilities licensed as special  
724 care facilities for medically frail paroled inmates, formed to  
725 ease the burden of prison overcrowding and provide compassionate  
726 release and medical parole initiatives while impacting economic  
727 outcomes for the Mississippi Prison System. The facilities shall  
728 meet all Mississippi Department of Health and federal centers for  
729 Medicare and Medicaid Services (CMS) requirements and shall be  
730 regulated by both agencies; provided, however, such regulations  
731 shall not be as restrictive as those required for personal care  
732 homes and other institutions devoted primarily to providing  
733 medical services. The facilities will offer physical,  
734 occupational and speech therapy, nursing services, wound care, a  
735 dedicated COVID services unit, individualized patient centered  
736 plans of care, social services, spiritual services, physical  
737 activities, transportation, medication, durable medical equipment,  
738 personalized meal plans by a licensed dietician and security  
739 services. There may be up to three (3) facilities located in each  
740 Public Service Commission district, to be designated by the  
741 Chairman of the State Parole Board or his designee.

742 **SECTION 8.** Section 43-11-13, Mississippi Code of 1972, is  
743 amended as follows:



744 43-11-13. (1) The licensing agency shall adopt, amend,  
745 promulgate and enforce such rules, regulations and standards,  
746 including classifications, with respect to all institutions for  
747 the aged or infirm to be licensed under this chapter as may be  
748 designed to further the accomplishment of the purpose of this  
749 chapter in promoting adequate care of individuals in those  
750 institutions in the interest of public health, safety and welfare.  
751 Those rules, regulations and standards shall be adopted and  
752 promulgated by the licensing agency and shall be recorded and  
753 indexed in a book to be maintained by the licensing agency in its  
754 main office in the State of Mississippi, entitled "Rules,  
755 Regulations and Minimum Standards for Institutions for the Aged or  
756 Infirm" and the book shall be open and available to all  
757 institutions for the aged or infirm and the public generally at  
758 all reasonable times. Upon the adoption of those rules,  
759 regulations and standards, the licensing agency shall mail copies  
760 thereof to all those institutions in the state that have filed  
761 with the agency their names and addresses for this purpose, but  
762 the failure to mail the same or the failure of the institutions to  
763 receive the same shall in no way affect the validity thereof. The  
764 rules, regulations and standards may be amended by the licensing  
765 agency, from time to time, as necessary to promote the health,  
766 safety and welfare of persons living in those institutions.

767 (2) The licensee shall keep posted in a conspicuous place on  
768 the licensed premises all current rules, regulations and minimum



769 standards applicable to fire protection measures as adopted by the  
770 licensing agency. The licensee shall furnish to the licensing  
771 agency at least once each six (6) months a certificate of approval  
772 and inspection by state or local fire authorities. Failure to  
773 comply with state laws and/or municipal ordinances and current  
774 rules, regulations and minimum standards as adopted by the  
775 licensing agency, relative to fire prevention measures, shall be  
776 prima facie evidence for revocation of license.

777 (3) The State Board of Health shall promulgate rules and  
778 regulations restricting the storage, quantity and classes of drugs  
779 allowed in personal care homes and adult foster care facilities.  
780 Residents requiring administration of Schedule II Narcotics as  
781 defined in the Uniform Controlled Substances Law may be admitted  
782 to a personal care home. Schedule drugs may only be allowed in a  
783 personal care home if they are administered or stored utilizing  
784 proper procedures under the direct supervision of a licensed  
785 physician or nurse.

786 (4) (a) Notwithstanding any determination by the licensing  
787 agency that skilled nursing services would be appropriate for a  
788 resident of a personal care home, that resident, the resident's  
789 guardian or the legally recognized responsible party for the  
790 resident may consent in writing for the resident to continue to  
791 reside in the personal care home, if approved in writing by a  
792 licensed physician. However, no personal care home shall allow  
793 more than two (2) residents, or ten percent (10%) of the total



794 number of residents in the facility, whichever is greater, to  
795 remain in the personal care home under the provisions of this  
796 subsection (4). This consent shall be deemed to be appropriately  
797 informed consent as described in the regulations promulgated by  
798 the licensing agency. After that written consent has been  
799 obtained, the resident shall have the right to continue to reside  
800 in the personal care home for as long as the resident meets the  
801 other conditions for residing in the personal care home. A copy  
802 of the written consent and the physician's approval shall be  
803 forwarded by the personal care home to the licensing agency.

804 (b) The State Board of Health shall promulgate rules  
805 and regulations restricting the handling of a resident's personal  
806 deposits by the director of a personal care home. Any funds given  
807 or provided for the purpose of supplying extra comforts,  
808 conveniences or services to any resident in any personal care  
809 home, and any funds otherwise received and held from, for or on  
810 behalf of any such resident, shall be deposited by the director or  
811 other proper officer of the personal care home to the credit of  
812 that resident in an account that shall be known as the Resident's  
813 Personal Deposit Fund. No more than one (1) month's charge for  
814 the care, support, maintenance and medical attention of the  
815 resident shall be applied from the account at any one time. After  
816 the death, discharge or transfer of any resident for whose benefit  
817 any such fund has been provided, any unexpended balance remaining  
818 in his personal deposit fund shall be applied for the payment of





819 care, cost of support, maintenance and medical attention that is  
820 accrued. If any unexpended balance remains in that resident's  
821 personal deposit fund after complete reimbursement has been made  
822 for payment of care, support, maintenance and medical attention,  
823 and the director or other proper officer of the personal care home  
824 has been or shall be unable to locate the person or persons  
825 entitled to the unexpended balance, the director or other proper  
826 officer may, after the lapse of one (1) year from the date of that  
827 death, discharge or transfer, deposit the unexpended balance to  
828 the credit of the personal care home's operating fund.

829 (c) The State Board of Health shall promulgate rules  
830 and regulations requiring personal care homes to maintain records  
831 relating to health condition, medicine dispensed and administered,  
832 and any reaction to that medicine. The director of the personal  
833 care home shall be responsible for explaining the availability of  
834 those records to the family of the resident at any time upon  
835 reasonable request.

836 (5) The State Board of Health and the Mississippi Department  
837 of Corrections shall jointly issue rules and regulations for the  
838 operation of the special care facilities for paroled inmates.

839 ( \* \* \*6) (a) For the purposes of this subsection

840 ( \* \* \*6):

841 (i) "Licensed entity" means a hospital, nursing  
842 home, personal care home, home health agency, hospice or adult  
843 foster care facility;



844 (ii) "Covered entity" means a licensed entity or a  
845 health care professional staffing agency;

846 (iii) "Employee" means any individual employed by  
847 a covered entity, and also includes any individual who by contract  
848 provides to the patients, residents or clients being served by the  
849 covered entity direct, hands-on, medical patient care in a  
850 patient's, resident's or client's room or in treatment or recovery  
851 rooms. The term "employee" does not include health care  
852 professional/vocational technical students performing clinical  
853 training in a licensed entity under contracts between their  
854 schools and the licensed entity, and does not include students at  
855 high schools located in Mississippi who observe the treatment and  
856 care of patients in a licensed entity as part of the requirements  
857 of an allied-health course taught in the high school, if:

858 1. The student is under the supervision of a  
859 licensed health care provider; and

860 2. The student has signed an affidavit that  
861 is on file at the student's school stating that he or she has not  
862 been convicted of or pleaded guilty or nolo contendere to a felony  
863 listed in paragraph (d) of this subsection ( \* \* \*6), or that any  
864 such conviction or plea was reversed on appeal or a pardon was  
865 granted for the conviction or plea. Before any student may sign  
866 such an affidavit, the student's school shall provide information  
867 to the student explaining what a felony is and the nature of the  
868 felonies listed in paragraph (d) of this subsection ( \* \* \*6).



869           However, the health care professional/vocational technical  
870 academic program in which the student is enrolled may require the  
871 student to obtain criminal history record checks. In such  
872 incidences, paragraph (a)(iii)1 and 2 of this subsection ( \* \* \*6)  
873 does not preclude the licensing entity from processing submitted  
874 fingerprints of students from healthcare-related  
875 professional/vocational technical programs who, as part of their  
876 program of study, conduct observations and provide clinical care  
877 and services in a covered entity.

878           (b) Under regulations promulgated by the State Board of  
879 Health, the licensing agency shall require to be performed a  
880 criminal history record check on (i) every new employee of a  
881 covered entity who provides direct patient care or services and  
882 who is employed on or after July 1, 2003, and (ii) every employee  
883 of a covered entity employed before July 1, 2003, who has a  
884 documented disciplinary action by his or her present employer. In  
885 addition, the licensing agency shall require the covered entity to  
886 perform a disciplinary check with the professional licensing  
887 agency of each employee, if any, to determine if any disciplinary  
888 action has been taken against the employee by that agency.

889           Except as otherwise provided in paragraph (c) of this  
890 subsection ( \* \* \*6), no such employee hired on or after July 1,  
891 2003, shall be permitted to provide direct patient care until the  
892 results of the criminal history record check have revealed no  
893 disqualifying record or the employee has been granted a waiver.



894 In order to determine the employee applicant's suitability for  
895 employment, the applicant shall be fingerprinted. Fingerprints  
896 shall be submitted to the licensing agency from scanning, with the  
897 results processed through the Department of Public Safety's  
898 Criminal Information Center. The fingerprints shall then be  
899 forwarded by the Department of Public Safety to the Federal Bureau  
900 of Investigation for a national criminal history record check.  
901 The licensing agency shall notify the covered entity of the  
902 results of an employee applicant's criminal history record check.  
903 If the criminal history record check discloses a felony  
904 conviction, guilty plea or plea of nolo contendere to a felony of  
905 possession or sale of drugs, murder, manslaughter, armed robbery,  
906 rape, sexual battery, sex offense listed in Section 45-33-23(h),  
907 child abuse, arson, grand larceny, burglary, gratification of lust  
908 or aggravated assault, or felonious abuse and/or battery of a  
909 vulnerable adult that has not been reversed on appeal or for which  
910 a pardon has not been granted, the employee applicant shall not be  
911 eligible to be employed by the covered entity.

912 (c) Any such new employee applicant may, however, be  
913 employed on a temporary basis pending the results of the criminal  
914 history record check, but any employment contract with the new  
915 employee shall be voidable if the new employee receives a  
916 disqualifying criminal history record check and no waiver is  
917 granted as provided in this subsection ( \* \* \*6).



918 (d) Under regulations promulgated by the State Board of  
919 Health, the licensing agency shall require every employee of a  
920 covered entity employed before July 1, 2003, to sign an affidavit  
921 stating that he or she has not been convicted of or pleaded guilty  
922 or nolo contendere to a felony of possession or sale of drugs,  
923 murder, manslaughter, armed robbery, rape, sexual battery, any sex  
924 offense listed in Section 45-33-23(h), child abuse, arson, grand  
925 larceny, burglary, gratification of lust, aggravated assault, or  
926 felonious abuse and/or battery of a vulnerable adult, or that any  
927 such conviction or plea was reversed on appeal or a pardon was  
928 granted for the conviction or plea. No such employee of a covered  
929 entity hired before July 1, 2003, shall be permitted to provide  
930 direct patient care until the employee has signed the affidavit  
931 required by this paragraph (d). All such existing employees of  
932 covered entities must sign the affidavit required by this  
933 paragraph (d) within six (6) months of the final adoption of the  
934 regulations promulgated by the State Board of Health. If a person  
935 signs the affidavit required by this paragraph (d), and it is  
936 later determined that the person actually had been convicted of or  
937 pleaded guilty or nolo contendere to any of the offenses listed in  
938 this paragraph (d) and the conviction or plea has not been  
939 reversed on appeal or a pardon has not been granted for the  
940 conviction or plea, the person is guilty of perjury. If the  
941 offense that the person was convicted of or pleaded guilty or nolo  
942 contendere to was a violent offense, the person, upon a conviction



943 of perjury under this paragraph, shall be punished as provided in  
944 Section 97-9-61. If the offense that the person was convicted of  
945 or pleaded guilty or nolo contendere to was a nonviolent offense,  
946 the person, upon a conviction of perjury under this paragraph,  
947 shall be punished by a fine of not more than Five Hundred Dollars  
948 (\$500.00), or by imprisonment in the county jail for not more than  
949 six (6) months, or by both such fine and imprisonment.

950 (e) The covered entity may, in its discretion, allow  
951 any employee who is unable to sign the affidavit required by  
952 paragraph (d) of this subsection ( \* \* \*6) or any employee  
953 applicant aggrieved by an employment decision under this  
954 subsection ( \* \* \*6) to appear before the covered entity's hiring  
955 officer, or his or her designee, to show mitigating circumstances  
956 that may exist and allow the employee or employee applicant to be  
957 employed by the covered entity. The covered entity, upon report  
958 and recommendation of the hiring officer, may grant waivers for  
959 those mitigating circumstances, which shall include, but not be  
960 limited to: (i) age at which the crime was committed; (ii)  
961 circumstances surrounding the crime; (iii) length of time since  
962 the conviction and criminal history since the conviction; (iv)  
963 work history; (v) current employment and character references; and  
964 (vi) other evidence demonstrating the ability of the individual to  
965 perform the employment responsibilities competently and that the  
966 individual does not pose a threat to the health or safety of the  
967 patients of the covered entity.



968 (f) The licensing agency may charge the covered entity  
969 submitting the fingerprints a fee not to exceed Fifty Dollars  
970 (\$50.00), which covered entity may, in its discretion, charge the  
971 same fee, or a portion thereof, to the employee applicant. Any  
972 increase in the fee charged by the licensing agency under this  
973 paragraph shall be in accordance with the provisions of Section  
974 41-3-65. Any costs incurred by a covered entity implementing this  
975 subsection ( \* \* \*6) shall be reimbursed as an allowable cost  
976 under Section 43-13-116.

977 (g) If the results of an employee applicant's criminal  
978 history record check reveals no disqualifying event, then the  
979 covered entity shall, within two (2) weeks of the notification of  
980 no disqualifying event, provide the employee applicant with a  
981 notarized letter signed by the chief executive officer of the  
982 covered entity, or his or her authorized designee, confirming the  
983 employee applicant's suitability for employment based on his or  
984 her criminal history record check. An employee applicant may use  
985 that letter for a period of two (2) years from the date of the  
986 letter to seek employment with any covered entity without the  
987 necessity of an additional criminal history record check. Any  
988 covered entity presented with the letter may rely on the letter  
989 with respect to an employee applicant's criminal background and is  
990 not required for a period of two (2) years from the date of the  
991 letter to conduct or have conducted a criminal history record  
992 check as required in this subsection ( \* \* \*6).



993           (h) The licensing agency, the covered entity, and their  
994 agents, officers, employees, attorneys and representatives, shall  
995 be presumed to be acting in good faith for any employment decision  
996 or action taken under this subsection ( \* \* \*6). The presumption  
997 of good faith may be overcome by a preponderance of the evidence  
998 in any civil action. No licensing agency, covered entity, nor  
999 their agents, officers, employees, attorneys and representatives  
1000 shall be held liable in any employment decision or action based in  
1001 whole or in part on compliance with or attempts to comply with the  
1002 requirements of this subsection ( \* \* \*6).

1003           (i) The licensing agency shall promulgate regulations  
1004 to implement this subsection ( \* \* \*6).

1005           (j) The provisions of this subsection ( \* \* \*6) shall  
1006 not apply to:

1007                   (i) Applicants and employees of the University of  
1008 Mississippi Medical Center for whom criminal history record checks  
1009 and fingerprinting are obtained in accordance with Section  
1010 37-115-41; or

1011                   (ii) Health care professional/vocational technical  
1012 students for whom criminal history record checks and  
1013 fingerprinting are obtained in accordance with Section 37-29-232.

1014           ( \* \* \*7) The State Board of Health shall promulgate rules,  
1015 regulations and standards regarding the operation of adult foster  
1016 care facilities.





1017           **SECTION 9.** Section 47-5-28, Mississippi Code of 1972, is  
1018 amended as follows:

1019           47-5-28. The commissioner shall have the following powers  
1020 and duties:

1021                   (a) To implement and administer laws and policy  
1022 relating to corrections and coordinate the efforts of the  
1023 department with those of the federal government and other state  
1024 departments and agencies, county governments, municipal  
1025 governments, and private agencies concerned with providing  
1026 offender services;

1027                   (b) To establish standards, in cooperation with other  
1028 state agencies having responsibility as provided by law, provide  
1029 technical assistance, and exercise the requisite supervision as it  
1030 relates to correctional programs over all state-supported adult  
1031 correctional facilities and community-based programs;

1032                   (c) To promulgate and publish such rules, regulations  
1033 and policies of the department as are needed for the efficient  
1034 government and maintenance of all facilities and programs in  
1035 accord insofar as possible with currently accepted standards of  
1036 adult offender care and treatment;

1037                   (d) To provide the Parole Board with suitable and  
1038 sufficient office space and support resources and staff necessary  
1039 to \* \* \* conduct Parole Board business under the guidance of the  
1040 Chairman of the Parole Board;



1041 (e) To contract for transitional reentry center beds  
1042 that will be used as noncorrections housing for offenders released  
1043 from the department on parole, probation or post-release  
1044 supervision but do not have appropriate housing available upon  
1045 release. At least one hundred (100) but no more than eight  
1046 hundred (800) transitional reentry center beds contracted by the  
1047 department and chosen by the Parole Board shall be available for  
1048 the Parole Board to place parolees without appropriate housing;

1049 (f) To designate deputy commissioners while performing  
1050 their officially assigned duties relating to the custody, control,  
1051 transportation, recapture or arrest of any offender within the  
1052 jurisdiction of the department or any offender of any jail,  
1053 penitentiary, public workhouse or overnight lockup of the state or  
1054 any political subdivision thereof not within the jurisdiction of  
1055 the department, to the status of peace officers anywhere in the  
1056 state in any matter relating to the custody, control,  
1057 transportation or recapture of such offender, and shall have the  
1058 status of law enforcement officers and peace officers as  
1059 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

1060 For the purpose of administration and enforcement of this  
1061 chapter, deputy commissioners of the Mississippi Department of  
1062 Corrections, who are certified by the Mississippi Board on Law  
1063 Enforcement Officer Standards and Training, have the powers of a  
1064 law enforcement officer of this state. Such powers shall include  
1065 to make arrests and to serve and execute search warrants and other



1066 valid legal process anywhere within the State of Mississippi while  
1067 performing their officially assigned duties relating to the  
1068 custody, control, transportation, recapture or arrest of any  
1069 offender within the jurisdiction of the department or any offender  
1070 of any jail, penitentiary, public workhouse or overnight lockup of  
1071 the state or any political subdivision thereof not within the  
1072 jurisdiction of the department in any matter relating to the  
1073 custody, control, transportation or recapture of such  
1074 offender \* \* \*;

1075 (g) To make an annual report to the Governor and the  
1076 Legislature reflecting the activities of the department and make  
1077 recommendations for improvement of the services to be performed by  
1078 the department;

1079 (h) To cooperate fully with periodic independent  
1080 internal investigations of the department and to file the report  
1081 with the Governor and the Legislature;

1082 (i) To make personnel actions for a period of one (1)  
1083 year beginning July 1, 2016, that are exempt from State Personnel  
1084 Board rules, regulations and procedures in order to give the  
1085 commissioner flexibility in making an orderly, effective and  
1086 timely reorganization and realignment of the department; \* \* \*

1087 (j) To contract with licensed special care facilities  
1088 for paroled inmates to provide authorized medical services and  
1089 support services for medically frail inmates who have been paroled  
1090 and committed to the custody of such facility; and



1091 ( \* \* \*k) To perform such other duties necessary to  
1092 effectively and efficiently carry out the purposes of the  
1093 department as may be directed by the Governor.

1094 **SECTION 10.** The following shall be codified as Section  
1095 43-13-117.6, Mississippi Code of 1972:

1096 43-13-117.6. (1) The Division of Medicaid may apply to the  
1097 federal centers for Medicare and Medicaid Services (CMS) for  
1098 necessary waivers to provide federal funding under the Medicaid  
1099 program for providing reimbursement for authorized services to  
1100 medically frail inmates who qualify for nursing home-level care  
1101 and who the state deems are not public safety risks, provided  
1102 through a Special Care Facility for Paroled Inmates licensed by  
1103 the State Department of Health under contract with the Mississippi  
1104 Department of Corrections, as specifically authorized under this  
1105 act.

1106 (2) The program for paroled inmates shall be funded from  
1107 monies that are appropriated or otherwise made available to the  
1108 division specifically to cover the cost of the paroled inmate  
1109 program and shall not be a part of the division's regular  
1110 appropriation for the operation of the federal-state Medicaid  
1111 program. This program shall be a separate program within the  
1112 Division of Medicaid as the administering agent.

1113 **SECTION 11.** This act shall take effect and be in force from  
1114 and after July 1, 2022.

