

By: Representative Williams-Barnes

To: Corrections

HOUSE BILL NO. 1050

1 AN ACT TO AMEND SECTION 47-5-177, MISSISSIPPI CODE OF 1972,  
 2 TO REDUCE FROM AT LEAST 15 DAYS TO AT LEAST 48 HOURS THE NOTICE OF  
 3 RELEASE THAT THE DEPARTMENT OF CORRECTIONS MUST GIVE TO LOCAL LAW  
 4 ENFORCEMENT WHEN AN OFFENDER IS BEING RELEASED FROM CUSTODY; TO  
 5 AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO REDUCE FROM AT  
 6 LEAST 15 DAYS TO AT LEAST 48 HOURS THE TIME PERIOD THAT A VICTIM  
 7 OF AN OFFENDER, OR THE VICTIM'S FAMILY, MUST BE NOTIFIED BY THE  
 8 PAROLE BOARD WHEN THE OFFENDER IS TO BE RELEASED BY THE BOARD; AND  
 9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-5-177, Mississippi Code of 1972, is  
 12 amended as follows:

13 47-5-177. At least \* \* \* forty-eight (48) hours prior to the  
 14 release of an offender from the custody of the department because  
 15 of discharge, parole, pardon, temporary personal leave or pass, or  
 16 otherwise, except for sickness or death in the offender's family,  
 17 the director of records of the department shall give written or  
 18 electronic notice of such release to the sheriff of the county and  
 19 to the chief of police of the municipality where the offender was  
 20 convicted. If the offender is paroled to a county other than the  
 21 county of conviction, the director of records shall give written



22 or electronic notice of the release to the sheriff, district  
23 attorney and circuit judge of the county and to the chief of  
24 police of the municipality where the offender is paroled and to  
25 the sheriff of the county and to the chief of police of the  
26 municipality where the offender was convicted. The department  
27 shall notify the parole officer of the county where the offender  
28 is paroled or discharged to probation of any chronic mental  
29 disorder incurred by the offender, of any type of infectious  
30 disease for which the offender has been examined and treated, and  
31 of any medications provided to the offender for such conditions.

32 The commissioner shall require the director of records to  
33 clearly identify the notice of release of an offender who has been  
34 convicted of arson at any time. The fact that the offender to be  
35 released had been convicted of arson at any time shall appear  
36 prominently on the notice of release and the sheriff shall notify  
37 all officials who are responsible for investigation of arson  
38 within the county of such offender's release and the chief of  
39 police shall notify all such officials within the municipality of  
40 such offender's release.

41 **SECTION 2.** Section 47-7-17, Mississippi Code of 1972, is  
42 amended as follows:

43 47-7-17. (1) Within one (1) year after his admission and at  
44 such intervals thereafter as it may determine, the board shall  
45 secure and consider all pertinent information regarding each  
46 offender, except any under sentence of death or otherwise



47 ineligible for parole, including the circumstances of his offense,  
48 his previous social history, his previous criminal record,  
49 including any records of law enforcement agencies or of a youth  
50 court regarding that offender's juvenile criminal history, his  
51 conduct, employment and attitude while in the custody of the  
52 department, the case plan created to prepare the offender for  
53 parole, and the reports of such physical and mental examinations  
54 as have been made. The board shall furnish at least three (3)  
55 months' written notice to each such offender of the date on which  
56 he is eligible for parole.

57 (2) Except as provided in Section 47-7-18, the board shall  
58 require a parole-eligible offender to have a hearing as required  
59 in this chapter before the board and to be interviewed. The  
60 hearing shall be held no later than thirty (30) days prior to the  
61 month of eligibility. No application for parole of a person  
62 convicted of a capital offense shall be considered by the board  
63 unless and until notice of the filing of such application shall  
64 have been published at least once a week for two (2) weeks in a  
65 newspaper published in or having general circulation in the county  
66 in which the crime was committed. The board shall, within thirty  
67 (30) days prior to the scheduled hearing, also give notice of the  
68 filing of the application for parole to the victim of the offense  
69 for which the prisoner is incarcerated and being considered for  
70 parole or, in case the offense be homicide, a designee of the  
71 immediate family of the victim, provided the victim or designated



72 family member has furnished in writing a current address to the  
73 board for such purpose. The victim or designated family member  
74 shall be provided an opportunity to be heard by the board before  
75 the board makes a decision regarding release on parole. The board  
76 shall consider whether any restitution ordered has been paid in  
77 full. Parole release shall, at the hearing, be ordered only for  
78 the best interest of society, not as an award of clemency; it  
79 shall not be considered to be a reduction of sentence or pardon.  
80 An offender shall be placed on parole only when arrangements have  
81 been made for his proper employment or for his maintenance and  
82 care, and when the board believes that he is able and willing to  
83 fulfill the obligations of a law-abiding citizen. When the board  
84 determines that the offender will need transitional housing upon  
85 release in order to improve the likelihood of the offender  
86 becoming a law-abiding citizen, the board may parole the offender  
87 with the condition that the inmate spends no more than six (6)  
88 months in a transitional reentry center. At least \* \* \*  
89 forty-eight (48) hours prior to the release of an offender on  
90 parole, the director of records of the department shall give the  
91 written notice which is required pursuant to Section 47-5-177.  
92 Every offender while on parole shall remain in the legal custody  
93 of the department from which he was released and shall be amenable  
94 to the orders of the board. Upon determination by the board that  
95 an offender is eligible for release by parole, notice shall also  
96 be given within \* \* \* forty-eight (48) hours before release, by



97 the board to the victim of the offense or the victim's family  
98 member, as indicated above, regarding the date when the offender's  
99 release shall occur, provided a current address of the victim or  
100 the victim's family member has been furnished in writing to the  
101 board for such purpose.

102 (3) Failure to provide notice to the victim or the victim's  
103 family member of the filing of the application for parole or of  
104 any decision made by the board regarding parole shall not  
105 constitute grounds for vacating an otherwise lawful parole  
106 determination nor shall it create any right or liability, civilly  
107 or criminally, against the board or any member thereof.

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

111 (5) The board may adopt such other rules not inconsistent  
112 with law as it may deem proper or necessary with respect to the  
113 eligibility of offenders for parole, the conduct of parole  
114 hearings, or conditions to be imposed upon parolees, including a  
115 condition that the parolee submit, as provided in Section 47-5-601  
116 to any type of breath, saliva or urine chemical analysis test, the  
117 purpose of which is to detect the possible presence of alcohol or  
118 a substance prohibited or controlled by any law of the State of  
119 Mississippi or the United States. The board shall have the  
120 authority to adopt rules related to the placement of certain  
121 offenders on unsupervised parole and for the operation of



122 transitional reentry centers. However, in no case shall an  
123 offender be placed on unsupervised parole before he has served a  
124 minimum of fifty percent (50%) of the period of supervised parole.

125         **SECTION 3.** This act shall take effect and be in force from  
126 and after July 1, 2022.

