

By: Representative Williams-Barnes

To: Corrections

HOUSE BILL NO. 1051

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

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

11 **SECTION 1.** Section 47-7-17, Mississippi Code of 1972, is
 12 amended as follows:

13 47-7-17. (1) Within one (1) year after his admission and at
 14 such intervals thereafter as it may determine, the board shall
 15 secure and consider all pertinent information regarding each
 16 offender, except any under sentence of death or otherwise
 17 ineligible for parole, including the circumstances of his offense,
 18 his previous social history, his previous criminal record,
 19 including any records of law enforcement agencies or of a youth
 20 court regarding that offender's juvenile criminal history, his
 21 conduct, employment and attitude while in the custody of the



22 department, the case plan created to prepare the offender for
23 parole, and the reports of such physical and mental examinations
24 as have been made. The board shall furnish at least three (3)
25 months' written notice to each such offender of the date on which
26 he is eligible for parole.

27 (2) Except as provided in Section 47-7-18, the board shall
28 require a parole-eligible offender to have a hearing as required
29 in this chapter before the board and to be interviewed. The
30 hearing shall be held no later than thirty (30) days prior to the
31 month of eligibility. No application for parole of a person
32 convicted of a capital offense shall be considered by the board
33 unless and until notice of the filing of such application shall
34 have been published at least once a week for two (2) weeks in a
35 newspaper published in or having general circulation in the county
36 in which the crime was committed. The board shall, within thirty
37 (30) days prior to the scheduled hearing, also give notice of the
38 filing of the application for parole to the victim of the offense
39 for which the prisoner is incarcerated and being considered for
40 parole or, in case the offense be homicide, a designee of the
41 immediate family of the victim, provided the victim or designated
42 family member has furnished in writing a current address to the
43 board for such purpose. The victim or designated family member
44 shall be provided an opportunity to be heard by the board before
45 the board makes a decision regarding release on parole. The board
46 shall consider whether any restitution ordered has been paid in



47 full. Parole release shall, at the hearing, be ordered only for
48 the best interest of society, not as an award of clemency; it
49 shall not be considered to be a reduction of sentence or pardon.
50 An offender shall be placed on parole only when arrangements have
51 been made for his proper employment or for his maintenance and
52 care, and when the board believes that he is able and willing to
53 fulfill the obligations of a law-abiding citizen. When the board
54 determines that the offender will need transitional housing upon
55 release in order to improve the likelihood of the offender
56 becoming a law-abiding citizen, the board may parole the offender
57 with the condition that the inmate spends no more than six (6)
58 months in a transitional reentry center. * * * The director of
59 records of the department shall give the written notice which is
60 required pursuant to Section 47-5-177. Every offender while on
61 parole shall remain in the legal custody of the department from
62 which he was released and shall be amenable to the orders of the
63 board. Upon determination by the board that an offender is
64 eligible for release by parole, notice shall also be given
65 within * * * forty-eight (48) hours before release, by the board
66 to the victim of the offense or the victim's family member, as
67 indicated above, regarding the date when the offender's release
68 shall occur, provided a current address of the victim or the
69 victim's family member has been furnished in writing to the board
70 for such purpose.



71 (3) Failure to provide notice to the victim or the victim's
72 family member of the filing of the application for parole or of
73 any decision made by the board regarding parole shall not
74 constitute grounds for vacating an otherwise lawful parole
75 determination nor shall it create any right or liability, civilly
76 or criminally, against the board or any member thereof.

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

80 (5) The board may adopt such other rules not inconsistent
81 with law as it may deem proper or necessary with respect to the
82 eligibility of offenders for parole, the conduct of parole
83 hearings, or conditions to be imposed upon parolees, including a
84 condition that the parolee submit, as provided in Section 47-5-601
85 to any type of breath, saliva or urine chemical analysis test, the
86 purpose of which is to detect the possible presence of alcohol or
87 a substance prohibited or controlled by any law of the State of
88 Mississippi or the United States. The board shall have the
89 authority to adopt rules related to the placement of certain
90 offenders on unsupervised parole and for the operation of
91 transitional reentry centers. However, in no case shall an
92 offender be placed on unsupervised parole before he has served a
93 minimum of fifty percent (50%) of the period of supervised parole.

94 **SECTION 2.** Section 47-5-177, Mississippi Code of 1972, is
95 amended as follows:



96 47-5-177. * * * Forty-eight (48) hours prior to the release
97 of an offender from the custody of the department because of
98 discharge, parole, pardon, temporary personal leave or pass, or
99 otherwise, except for sickness or death in the offender's family,
100 the director of records of the department shall give written or
101 electronic notice of such release to the sheriff of the county and
102 to the chief of police of the municipality where the offender was
103 convicted. If the offender is paroled to a county other than the
104 county of conviction, the director of records shall give written
105 or electronic notice of the release to the sheriff, district
106 attorney and circuit judge of the county and to the chief of
107 police of the municipality where the offender is paroled and to
108 the sheriff of the county and to the chief of police of the
109 municipality where the offender was convicted. The department
110 shall notify the parole officer of the county where the offender
111 is paroled or discharged to probation of any chronic mental
112 disorder incurred by the offender, of any type of infectious
113 disease for which the offender has been examined and treated, and
114 of any medications provided to the offender for such conditions.

115 The commissioner shall require the director of records to
116 clearly identify the notice of release of an offender who has been
117 convicted of arson at any time. The fact that the offender to be
118 released had been convicted of arson at any time shall appear
119 prominently on the notice of release and the sheriff shall notify
120 all officials who are responsible for investigation of arson



121 within the county of such offender's release and the chief of
122 police shall notify all such officials within the municipality of
123 such offender's release.

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

