

By: Representative Horan

To: Corrections

HOUSE BILL NO. 1130

1 AN ACT TO BRING FORWARD SECTION 47-5-26, MISSISSIPPI CODE OF
 2 1972, WHICH PERTAINS TO THE EMPLOYMENT OF CERTAIN COMMISSIONERS OF
 3 THE DEPARTMENT OF CORRECTIONS, FOR PURPOSES OF AMENDMENT; TO BRING
 4 FORWARD SECTION 47-5-28, MISSISSIPPI CODE OF 1972, WHICH PERTAINS
 5 TO CERTAIN POWERS AND DUTIES OF THE COMMISSIONER OF THE
 6 DEPARTMENT, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION
 7 47-7-3, MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO PAROLE
 8 ELIGIBILITY, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION
 9 47-7-5, MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO THE CREATION
 10 OF THE STATE PAROLE BOARD, FOR PURPOSES OF AMENDMENT; TO BRING
 11 FORWARD SECTION 47-7-13, MISSISSIPPI CODE OF 1972, WHICH PERTAINS
 12 TO THE VOTING REQUIREMENTS OF THE BOARD, FOR PURPOSES OF
 13 AMENDMENT; TO BRING FORWARD SECTION 47-7-17, MISSISSIPPI CODE OF
 14 1972, WHICH PERTAINS TO THE EXAMINATION OF AN OFFENDER'S RECORD,
 15 FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION 47-7-18,
 16 MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO CONDITIONS FOR RELEASE
 17 OF PAROLE-ELIGIBLE INMATES, FOR PURPOSES OF AMENDMENT; TO BRING
 18 FORWARD SECTION 47-7-27, MISSISSIPPI CODE OF 1972, WHICH PERTAINS
 19 TO THE RETURN OF A VIOLATOR OF PAROLE OR EARNED RELEASE
 20 SUPERVISION, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 47-5-26, Mississippi Code of 1972, is
 23 brought forward as follows:

24 47-5-26. (1) The commissioner shall employ the following
 25 personnel:

26 (a) A Deputy Commissioner for Administration and
 27 Finance, who shall supervise and implement all fiscal policies and



28 programs within the department, supervise and implement all hiring
29 and personnel matters within the department, supervise the
30 department's personnel director, supervise and implement all
31 purchasing within the department and supervise and implement all
32 data processing activities within the department, and who shall
33 serve as the Chief Executive Officer of the Division of
34 Administration and Finance. He shall possess either:

35 (i) A master's degree from an accredited four-year
36 college or university in public or business administration,
37 accounting, economics or a directly related field, and four (4)
38 years of experience in work related to the above-described duties,
39 one (1) year of which must have included line or functional
40 supervision; or

41 (ii) A bachelor's degree from an accredited
42 four-year college or university in public or business
43 administration, accounting, economics or a directly related field,
44 and six (6) years of experience in work related to the
45 above-described duties, one (1) year of which must have included
46 line or functional supervision. Certification by the State of
47 Mississippi as a certified public accountant may be substituted
48 for one (1) year of the required experience.

49 (b) A Deputy Commissioner for Community Corrections,
50 who shall initiate and administer programs, including, but not
51 limited to, supervision of probationers, parolees and
52 suspensioners, counseling, community-based treatment, interstate



53 compact administration and enforcement, prevention programs,
54 halfway houses and group homes, technical violation centers,
55 restitution centers, presentence investigations, and work and
56 educational releases, and shall serve as the Chief Executive
57 Officer of the Division of Community Services. The Deputy
58 Commissioner for Community Corrections is charged with full and
59 complete cooperation with the State Parole Board and shall make
60 monthly reports to the Chairman of the Parole Board in the form
61 and type required by the chairman, in his discretion, for the
62 proper performance of the probation and parole functions. After a
63 plea or verdict of guilty to a felony is entered against a person
64 and before he is sentenced, the Deputy Commissioner for Community
65 Corrections shall procure from any available source and shall file
66 in the presentence records any information regarding any criminal
67 history of the person such as fingerprints, dates of arrests,
68 complaints, civil and criminal charges, investigative reports of
69 arresting and prosecuting agencies, reports of the National Crime
70 Information Center, the nature and character of each offense,
71 noting all particular circumstances thereof and any similar data
72 about the person. The Deputy Commissioner for Community
73 Corrections shall keep an accurate and complete duplicate record
74 of this file and shall furnish the duplicate to the department.
75 This file shall be placed in and shall constitute a part of the
76 inmate's master file. The Deputy Commissioner for Community
77 Corrections shall furnish this file to the State Parole Board when



78 the file is needed in the course of its official duties. He shall
79 possess either: (i) a master's degree in counseling, corrections
80 psychology, guidance, social work, criminal justice or some
81 related field and at least four (4) years' full-time experience in
82 such field, including at least one (1) year of supervisory
83 experience; or (ii) a bachelor's degree in a field described in
84 subparagraph (i) of this paragraph and at least six (6) years'
85 full-time work in corrections, one (1) year of which shall have
86 been at the supervisory level.

87 (c) A Deputy Commissioner for Institutions, who shall
88 administer institutions, reception and diagnostic centers,
89 prerelease centers and other facilities and programs provided
90 therein, and shall serve as the Chief Executive Officer of the
91 Division of Institutions. He shall possess either: (i) a
92 master's degree in counseling, criminal justice, psychology,
93 guidance, social work, business or some related field, and at
94 least four (4) years' full-time experience in corrections,
95 including at least one (1) year of correctional management
96 experience; or (ii) a bachelor's degree in a field described in
97 subparagraph (i) of this paragraph and at least six (6) years'
98 full-time work in corrections, four (4) years of which shall have
99 been at the correctional management level.

100 (d) A Deputy Commissioner for Programs, Education and
101 Reentry, who shall initiate and administer programs, including but
102 not limited to, education services, religious services, moral



103 rehabilitation, alcohol and drug rehabilitation, and court
104 reentry. The Deputy Commissioner for Programs, Education and
105 Reentry may coordinate with any educational institution to develop
106 a program for moral rehabilitation with an emphasis on promoting
107 effective programs for release. The Deputy Commissioner for
108 Programs, Education and Reentry shall focus on reentry programs
109 aimed at reducing recidivism. The programs shall incorporate a
110 moral component focused on providing offenders with an opportunity
111 to make positive changes while incarcerated that will enable them
112 to be productive members of society upon their release. Such
113 deputy commissioner shall possess either:

114 (i) A master's degree in counseling, corrections,
115 psychology, guidance, social work, criminal justice or some
116 related field and at least four (4) years' full-time experience in
117 such field, including at least one (1) year of supervisory
118 experience; or

119 (ii) A bachelor's degree in a field described in
120 subparagraph (i) of this paragraph and at least six (6) years
121 full-time work in corrections, one (1) year of which shall have
122 been at the supervisory level.

123 (e) A Deputy Commissioner for Workforce Development who
124 shall serve as the Chief Executive Officer of Prison Industries
125 and Director of Prison Agricultural Enterprises. The Deputy
126 Commissioner for Workforce Development shall work in collaboration
127 with the Executive Director of the Office of Workforce Development



128 to implement workforce development programs within the corrections
129 system which align with the strategic plan for an integrated
130 workforce development system for the state, as described in
131 Section 37-153-7. Such deputy commissioner shall be a person with
132 extensive experience in development of economic, human and
133 physical resources, with an emphasis in the corrections or reentry
134 environments preferred. The Deputy Commissioner for Workforce
135 Development shall have at least a bachelor's degree from a
136 state-accredited institution and no less than eight (8) years of
137 professional experience related to workforce development. The
138 Deputy Commissioner for Workforce Development, with the assistance
139 from the Office of Workforce Development, shall:

140 (i) Inventory and measure the effectiveness of
141 current workforce development programs in the state corrections
142 system, with the goal of eliminating any programs which do not
143 result in desired outcomes, including, but not limited to, an
144 increase in employment in reentering offenders, a better
145 environment within correctional facilities in the state, or a
146 reduction in recidivism;

147 (ii) Partner with educational institutions to
148 provide additional opportunities in workforce development programs
149 for offenders leading to high-wage, high-skill jobs upon reentry;

150 (iii) Provide information, as appropriate, to
151 offenders on workforce development programs available within the
152 corrections system;



153 (iv) Work with industry to identify barriers which
154 inhibit offender reentry and employment and evaluate the
155 responsiveness of the corrections system and other support
156 entities to the needs of industry;

157 (v) Develop short- and long-term goals for the
158 state related to workforce development and reentry offender
159 employment within the corrections system, and

160 (vi) Perform a comprehensive review of workforce
161 development in the corrections system, including the amount
162 expended on programs supported by state or federal money and their
163 outcomes.

164 Out of the deputy commissioners employed under this
165 subsection (1), as set out in paragraphs (a) through (e), the
166 commissioner shall designate one (1) of the commissioners as an
167 executive deputy commissioner who shall have the duties prescribed
168 under Section 47-5-8.

169 (2) The commissioner shall employ an administrative
170 assistant for parole matters who shall be selected by the State
171 Parole Board who shall be an employee of the department assigned
172 to the State Parole Board and who shall be located at the office
173 of the State Parole Board, and who shall work under the guidance,
174 supervision and direction of the board.

175 (3) The administrative assistant for parole matters shall
176 receive an annual salary to be established by the Legislature.
177 The salaries of department employees not established by the



178 Legislature shall receive an annual salary established by the
179 State Personnel Board.

180 (4) The commissioner shall employ a superintendent for the
181 Parchman facility, Central Mississippi Correctional Facility and
182 South Mississippi Correctional Institution of the Department of
183 Corrections. The Superintendent of the Mississippi State
184 Penitentiary shall reside on the grounds of the Parchman facility.
185 Each superintendent shall appoint an officer in charge when he is
186 absent.

187 Each superintendent shall develop and implement a plan for
188 the prevention and control of an inmate riot and shall file a
189 report with the Chairman of the Senate Corrections Committee and
190 the Chairman of the House Penitentiary Committee on the first day
191 of each regular session of the Legislature regarding the status of
192 the plan.

193 In order that the grievances and complaints of inmates,
194 employees and visitors at each facility may be heard in a timely
195 and orderly manner, each superintendent shall appoint or designate
196 an employee at the facility to hear grievances and complaints and
197 to report grievances and complaints to the superintendent. Each
198 superintendent shall institute procedures as are necessary to
199 provide confidentiality to those who file grievances and
200 complaints.

201 (5) For a one-year period beginning July 1, 2016, any person
202 authorized for employment under this section shall not be subject



203 to the rules, regulations and procedures of the State Personnel
204 Board, except as otherwise provided under Section 25-9-127(5).

205 **SECTION 2.** Section 47-5-28, Mississippi Code of 1972, is
206 brought forward as follows:

207 47-5-28. The commissioner shall have the following powers
208 and duties:

209 (a) To implement and administer laws and policy
210 relating to corrections and coordinate the efforts of the
211 department with those of the federal government and other state
212 departments and agencies, county governments, municipal
213 governments, and private agencies concerned with providing
214 offender services;

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

220 (c) To promulgate and publish such rules, regulations
221 and policies of the department as are needed for the efficient
222 government and maintenance of all facilities and programs in
223 accord insofar as possible with currently accepted standards of
224 adult offender care and treatment;

225 (d) To provide the Parole Board with suitable and
226 sufficient office space and support resources and staff necessary



227 to conduct Parole Board business under the guidance of the
228 Chairman of the Parole Board;

229 (e) To contract for transitional reentry center beds
230 that will be used as noncorrections housing for offenders released
231 from the department on parole, probation or post-release
232 supervision but do not have appropriate housing available upon
233 release. At least one hundred (100) but no more than eight
234 hundred (800) transitional reentry center beds contracted by the
235 department and chosen by the Parole Board shall be available for
236 the Parole Board to place parolees without appropriate housing;

237 (f) To designate deputy commissioners while performing
238 their officially assigned duties relating to the custody, control,
239 transportation, recapture or arrest of any offender within the
240 jurisdiction of the department or any offender of any jail,
241 penitentiary, public workhouse or overnight lockup of the state or
242 any political subdivision thereof not within the jurisdiction of
243 the department, to the status of peace officers anywhere in the
244 state in any matter relating to the custody, control,
245 transportation or recapture of such offender, and shall have the
246 status of law enforcement officers and peace officers as
247 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

248 For the purpose of administration and enforcement of this
249 chapter, deputy commissioners of the Mississippi Department of
250 Corrections, who are certified by the Mississippi Board on Law
251 Enforcement Officer Standards and Training, have the powers of a



252 law enforcement officer of this state. Such powers shall include
253 to make arrests and to serve and execute search warrants and other
254 valid legal process anywhere within the State of Mississippi while
255 performing their officially assigned duties relating to the
256 custody, control, transportation, recapture or arrest of any
257 offender within the jurisdiction of the department or any offender
258 of any jail, penitentiary, public workhouse or overnight lockup of
259 the state or any political subdivision thereof not within the
260 jurisdiction of the department in any matter relating to the
261 custody, control, transportation or recapture of such offender;

262 (g) To make an annual report to the Governor and the
263 Legislature reflecting the activities of the department and make
264 recommendations for improvement of the services to be performed by
265 the department;

266 (h) To cooperate fully with periodic independent
267 internal investigations of the department and to file the report
268 with the Governor and the Legislature;

269 (i) To contract with licensed special care facilities
270 for paroled inmates to provide authorized medical services and
271 support services for medically frail inmates who have been paroled
272 and who have voluntarily submitted to the Department of Corrections
273 an address to one of the licensed care facilities to receive such
274 services; and



275 (j) To perform such other duties necessary to
276 effectively and efficiently carry out the purposes of the
277 department as may be directed by the Governor.

278 **SECTION 3.** Section 47-7-3, Mississippi Code of 1972, is
279 brought forward as follows:

280 47-7-3. (1) Every prisoner who has been convicted of any
281 offense against the State of Mississippi, and is confined in the
282 execution of a judgment of such conviction in the Mississippi
283 Department of Corrections for a definite term or terms of one (1)
284 year or over, or for the term of his or her natural life, whose
285 record of conduct shows that such prisoner has observed the rules
286 of the department, and who has served the minimum required time
287 for parole eligibility, may be released on parole as set forth
288 herein:

289 (a) **Habitual offenders.** Except as provided by Sections
290 99-19-81 through 99-19-87, no person sentenced as a confirmed and
291 habitual criminal shall be eligible for parole;

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

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

298 (i) Capital murder committed on or after July 1,
299 1994, as defined in Section 97-3-19(2);



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

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

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

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

313 (f) **Drug trafficking.** No person sentenced for
314 trafficking and aggravated trafficking, as defined in Section
315 41-29-139(f) through (g), shall be eligible for parole;

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

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

323 1. **Nonviolent crimes.** All persons sentenced
324 for a nonviolent offense shall be eligible for parole only after



325 they have served twenty-five percent (25%) or ten (10) years,
326 whichever is less, of the sentence or sentences imposed by the
327 trial court. For purposes of this paragraph, "nonviolent crime"
328 means a felony not designated as a crime of violence in Section
329 97-3-2.

330 2. **Violent crimes.** A person who is sentenced
331 for a violent offense as defined in Section 97-3-2, except robbery
332 with a deadly weapon as defined in Section 97-3-79, drive-by
333 shooting as defined in Section 97-3-109, and carjacking as defined
334 in Section 97-3-117, shall be eligible for parole only after
335 having served fifty percent (50%) or twenty (20) years, whichever
336 is less, of the sentence or sentences imposed by the trial court.
337 Those persons sentenced for robbery with a deadly weapon as
338 defined in Section 97-3-79, drive-by shooting as defined in
339 Section 97-3-109, and carjacking as defined in Section 97-3-117,
340 shall be eligible for parole only after having served sixty
341 percent (60%) or twenty-five (25) years, whichever is less, of the
342 sentence or sentences imposed by the trial court.

343 3. **Nonviolent and nonhabitual drug offenses.**
344 A person who has been sentenced to a drug offense pursuant to
345 Section 41-29-139(a) through (d), whose crime was committed after
346 June 30, 1995, shall be eligible for parole only after he has
347 served twenty-five percent (25%) or ten (10) years, whichever is
348 less, of the sentence or sentences imposed.



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

355 (iii) **Geriatric parole.** Notwithstanding the
356 provisions in subparagraph (i) of this paragraph (h), a person
357 serving a sentence who has reached the age of sixty (60) or older
358 and who has served no less than ten (10) years of the sentence or
359 sentences imposed by the trial court shall be eligible for parole.
360 Any person eligible for parole under this subparagraph (iii) shall
361 be required to have a parole hearing before the board prior to
362 parole release. No inmate shall be eligible for parole under this
363 subparagraph (iii) of this paragraph (h) if:

- 364 1. The inmate is sentenced as a habitual
365 offender under Sections 99-19-81 through 99-19-87;
 - 366 2. The inmate is sentenced for a crime of
367 violence under Section 97-3-2;
 - 368 3. The inmate is sentenced for an offense
369 that specifically prohibits parole release;
 - 370 4. The inmate is sentenced for trafficking in
371 controlled substances under Section 41-29-139(f);
 - 372 5. The inmate is sentenced for a sex crime;
- 373 or



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

376 (iv) **Parole consideration as authorized by the**
377 **trial court.** Notwithstanding the provisions of paragraph (a) of
378 this subsection, any offender who has not committed a crime of
379 violence under Section 97-3-2 and has served twenty-five percent
380 (25%) or more of his sentence may be paroled by the State Parole
381 Board if, after the sentencing judge or if the sentencing judge is
382 retired, disabled or incapacitated, the senior circuit judge
383 authorizes the offender to be eligible for parole consideration;
384 or if the senior circuit judge must be recused, another circuit
385 judge of the same district or a senior status judge may hear and
386 decide the matter. A petition for parole eligibility
387 consideration pursuant to this subparagraph (iv) shall be filed in
388 the original criminal cause or causes, and the offender shall
389 serve an executed copy of the petition on the District Attorney.
390 The court may, in its discretion, require the District Attorney to
391 respond to the petition.

392 (2) The State Parole Board shall, by rules and regulations,
393 establish a method of determining a tentative parole hearing date
394 for each eligible offender taken into the custody of the
395 Department of Corrections. The tentative parole hearing date
396 shall be determined within ninety (90) days after the department
397 has assumed custody of the offender. Except as provided in
398 Section 47-7-18, the parole hearing date shall occur when the



399 offender is within thirty (30) days of the month of his parole
400 eligibility date. Any parole eligibility date shall not be
401 earlier than as required in this section.

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

407 (4) Any inmate within forty-eight (48) months of his parole
408 eligibility date and who meets the criteria established by the
409 classification board shall receive priority for placement in any
410 educational development and job-training programs that are part of
411 his or her parole case plan. Any inmate refusing to participate
412 in an educational development or job-training program, including,
413 but not limited to, programs required as part of the case plan,
414 shall be in jeopardy of noncompliance with the case plan and may
415 be denied parole.

416 (5) In addition to other requirements, if an offender is
417 convicted of a drug or driving under the influence felony, the
418 offender must complete a drug and alcohol rehabilitation program
419 prior to parole, or the offender shall be required to complete a
420 postrelease drug and alcohol program as a condition of parole.

421 (6) Except as provided in subsection (1)(a) through (h) of
422 this section, all other persons shall be eligible for parole after
423 serving twenty-five percent (25%) of the sentence or sentences



424 imposed by the trial court, or, if sentenced to thirty (30) years
425 or more, after serving ten (10) years of the sentence or sentences
426 imposed by the trial court.

427 (7) The Corrections and Criminal Justice Oversight Task
428 Force established in Section 47-5-6 shall develop and submit
429 recommendations to the Governor and to the Legislature annually on
430 or before December 1st concerning issues relating to juvenile and
431 habitual offender parole reform and to review and monitor the
432 implementation of Chapter 479, Laws of 2021.

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

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

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

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

442 47-7-5. (1) The State Parole Board, created under former
443 Section 47-7-5, is hereby created, continued and reconstituted and
444 shall be composed of five (5) members. The Governor shall appoint
445 the members with the advice and consent of the Senate. All terms
446 shall be at the will and pleasure of the Governor. Any vacancy
447 shall be filled by the Governor, with the advice and consent of
448 the Senate. The Governor shall appoint a chairman of the board.



449 (2) Any person who is appointed to serve on the board shall
450 possess at least a bachelor's degree or a high school diploma and
451 four (4) years' work experience. Each member shall devote his
452 full time to the duties of his office and shall not engage in any
453 other business or profession or hold any other public office. A
454 member shall receive compensation or per diem in addition to his
455 or her salary. Each member shall keep such hours and workdays as
456 required of full-time state employees under Section 25-1-98.
457 Individuals shall be appointed to serve on the board without
458 reference to their political affiliations. Each board member,
459 including the chairman, may be reimbursed for actual and necessary
460 expenses as authorized by Section 25-3-41. Each member of the
461 board shall complete annual training developed based on guidance
462 from the National Institute of Corrections, the Association of
463 Paroling Authorities International, or the American Probation and
464 Parole Association. Each first-time appointee of the board shall,
465 within sixty (60) days of appointment, or as soon as practical,
466 complete training for first-time Parole Board members developed in
467 consideration of information from the National Institute of
468 Corrections, the Association of Paroling Authorities
469 International, or the American Probation and Parole Association.

470 (3) The board shall have exclusive responsibility for the
471 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
472 shall have exclusive authority for revocation of the same. The



473 board shall have exclusive responsibility for investigating
474 clemency recommendations upon request of the Governor.

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

478 (5) The budget of the board shall be funded through a
479 separate line item within the general appropriation bill for the
480 support and maintenance of the department. Employees of the
481 department which are employed by or assigned to the board shall
482 work under the guidance and supervision of the board. There shall
483 be an executive secretary to the board who shall be responsible
484 for all administrative and general accounting duties related to
485 the board. The executive secretary shall keep and preserve all
486 records and papers pertaining to the board.

487 (6) The board shall have no authority or responsibility for
488 supervision of offenders granted a release for any reason,
489 including, but not limited to, probation, parole or executive
490 clemency or other offenders requiring the same through interstate
491 compact agreements. The supervision shall be provided exclusively
492 by the staff of the Division of Community Corrections of the
493 department.

494 (7) (a) The Parole Board is authorized to select and place
495 offenders in an electronic monitoring program under the conditions
496 and criteria imposed by the Parole Board. The conditions,
497 restrictions and requirements of Section 47-7-17 and Sections



498 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
499 any offender placed in an electronic monitoring program by the
500 Parole Board.

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

505 (c) The department shall have absolute immunity from
506 liability for any injury resulting from a determination by the
507 Parole Board that an offender be placed in an electronic
508 monitoring program.

509 (8) (a) The Parole Board shall maintain a central registry
510 of paroled inmates. The Parole Board shall place the following
511 information on the registry: name, address, photograph, crime for
512 which paroled, the date of the end of parole or flat-time date and
513 other information deemed necessary. The Parole Board shall
514 immediately remove information on a parolee at the end of his
515 parole or flat-time date.

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

520 (c) The Parole Board shall utilize an Internet website
521 or other electronic means to release or publish the information.



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

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

528 (10) This section shall stand repealed on July 1, 2025.

529 **SECTION 5.** Section 47-7-13, Mississippi Code of 1972, is
530 brought forward as follows:

531 47-7-13. A majority of the board shall constitute a quorum
532 for the transaction of all business. A decision to parole an
533 offender convicted of murder or a sex-related crime shall require
534 the affirmative vote of three (3) members. The board shall
535 maintain, in minute book form, a copy of each of its official
536 actions with the reasons therefor. Suitable and sufficient office
537 space and support resources and staff necessary to conducting
538 Parole Board business shall be provided by the Department of
539 Corrections. However, the principal place for conducting parole
540 hearings shall be the State Penitentiary at Parchman.

541 **SECTION 6.** Section 47-7-17, Mississippi Code of 1972, is
542 brought forward as follows:

543 47-7-17. (1) Within one (1) year after his admission and at
544 such intervals thereafter as it may determine, the board shall
545 secure and consider all pertinent information regarding each
546 offender, except any under sentence of death or otherwise



547 ineligible for parole, including the circumstances of his offense,
548 his previous social history, his previous criminal record,
549 including any records of law enforcement agencies or of a youth
550 court regarding that offender's juvenile criminal history, his
551 conduct, employment and attitude while in the custody of the
552 department, the case plan created to prepare the offender for
553 parole, and the reports of such physical and mental examinations
554 as have been made. The board shall furnish at least three (3)
555 months' written notice to each such offender of the date on which
556 he is eligible for parole.

557 (2) Except as provided in Section 47-7-18, the board shall
558 require a parole-eligible offender to have a hearing as required
559 in this chapter before the board and to be interviewed. The
560 hearing shall be held no later than thirty (30) days prior to the
561 month of eligibility. No application for parole of a person
562 convicted of a capital offense shall be considered by the board
563 unless and until notice of the filing of such application shall
564 have been published at least once a week for two (2) weeks in a
565 newspaper published in or having general circulation in the county
566 in which the crime was committed. The board shall, within thirty
567 (30) days prior to the scheduled hearing, also give notice of the
568 filing of the application for parole to the victim of the offense
569 for which the prisoner is incarcerated and being considered for
570 parole or, in case the offense be homicide, a designee of the
571 immediate family of the victim, provided the victim or designated



572 family member has furnished in writing a current address to the
573 board for such purpose. The victim or designated family member
574 shall be provided an opportunity to be heard by the board before
575 the board makes a decision regarding release on parole. The board
576 shall consider whether any restitution ordered has been paid in
577 full. Parole release shall, at the hearing, be ordered only for
578 the best interest of society, not as an award of clemency; it
579 shall not be considered to be a reduction of sentence or pardon.
580 An offender shall be placed on parole only when arrangements have
581 been made for his proper employment or for his maintenance and
582 care, and when the board believes that he is able and willing to
583 fulfill the obligations of a law-abiding citizen. When the board
584 determines that the offender will need transitional housing upon
585 release in order to improve the likelihood of the offender
586 becoming a law-abiding citizen, the board may parole the offender
587 with the condition that the inmate spends no more than six (6)
588 months in a transitional reentry center. At least fifteen (15)
589 days prior to the release of an offender on parole, the director
590 of records of the department shall give the written notice which
591 is required pursuant to Section 47-5-177. Every offender while on
592 parole shall remain in the legal custody of the department from
593 which he was released and shall be amenable to the orders of the
594 board. Upon determination by the board that an offender is
595 eligible for release by parole, notice shall also be given within
596 at least fifteen (15) days before release, by the board to the



597 victim of the offense or the victim's family member, as indicated
598 above, regarding the date when the offender's release shall occur,
599 provided a current address of the victim or the victim's family
600 member has been furnished in writing to the board for such
601 purpose.

602 (3) Failure to provide notice to the victim or the victim's
603 family member of the filing of the application for parole or of
604 any decision made by the board regarding parole shall not
605 constitute grounds for vacating an otherwise lawful parole
606 determination nor shall it create any right or liability, civilly
607 or criminally, against the board or any member thereof.

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

611 (5) The board may adopt such other rules not inconsistent
612 with law as it may deem proper or necessary with respect to the
613 eligibility of offenders for parole, the conduct of parole
614 hearings, or conditions to be imposed upon parolees, including a
615 condition that the parolee submit, as provided in Section 47-5-601
616 to any type of breath, saliva or urine chemical analysis test, the
617 purpose of which is to detect the possible presence of alcohol or
618 a substance prohibited or controlled by any law of the State of
619 Mississippi or the United States. The board shall have the
620 authority to adopt rules related to the placement of certain
621 offenders on unsupervised parole and for the operation of



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

625 **SECTION 7.** Section 47-7-18, Mississippi Code of 1972, is
626 brought forward as follows:

627 47-7-18 (1) No inmate convicted of a sex offense as defined
628 by Section 45-33-23(h), a crime of violence as defined by Section
629 97-3-2, or both, nor an inmate who is eligible for geriatric
630 parole shall be released on parole without a hearing before the
631 Parole Board as required by Section 47-7-17. All other inmates
632 eligible for parole pursuant to Section 47-7-3 shall be released
633 from incarceration to parole supervision on the inmate's parole
634 eligibility date, without a hearing before the board, if:

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

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

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

641 (d) The inmate has agreed to the conditions of
642 supervision; and

643 (e) The inmate has a discharge plan approved by the
644 board.

645 (2) At least thirty (30) days prior to an inmate's parole
646 eligibility date, the department shall notify the board in writing



647 of the inmate's compliance or noncompliance with the case plan.
648 If an inmate fails to meet a requirement of the case plan, prior
649 to the parole eligibility date, he or she shall have a hearing
650 before the board to determine if completion of the case plan can
651 occur while in the community.

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

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

658 (5) A hearing shall be held by the board if a law
659 enforcement official from the community to which the inmate will
660 return contacts the board or the department and requests a hearing
661 to consider information relevant to public safety risks posed by
662 the inmate if paroled at the initial parole eligibility date. The
663 law enforcement official shall submit an explanation documenting
664 these concerns for the board to consider.

665 (6) If a parole hearing is held, the board may determine the
666 inmate has sufficiently complied with the case plan or that the
667 incomplete case plan is not the fault of the inmate and that
668 granting parole is not incompatible with public safety, the board
669 may then parole the inmate with appropriate conditions. If the
670 board determines that the inmate has sufficiently complied with
671 the case plan but the discharge plan indicates that the inmate



672 does not have appropriate housing immediately upon release, the
673 board may parole the inmate to a transitional reentry center with
674 the condition that the inmate spends no more than six (6) months
675 in the center. If the board determines that the inmate has not
676 substantively complied with the requirement(s) of the case plan it
677 may deny parole. If the board denies parole, the board may
678 schedule a subsequent parole hearing and, if a new date is
679 scheduled, the board shall identify the corrective action the
680 inmate will need to take in order to be granted parole. Any
681 inmate not released at the time of the inmate's initial parole
682 date shall have a parole hearing at least every year.

683 **SECTION 8.** Section 47-7-27, Mississippi Code of 1972, is
684 brought forward as follows:

685 47-7-27. (1) The board may, at any time and upon a showing
686 of probable violation of parole, issue a warrant for the return of
687 any paroled offender to the custody of the department. The
688 warrant shall authorize all persons named therein to return the
689 paroled offender to actual custody of the department from which he
690 was paroled.

691 (2) Any field supervisor may arrest an offender without a
692 warrant or may deputize any other person with power of arrest by
693 giving him a written statement setting forth that the offender
694 has, in the judgment of that field supervisor, violated the
695 conditions of his parole or earned-release supervision. The
696 written statement delivered with the offender by the arresting



697 officer to the official in charge of the department facility from
698 which the offender was released or other place of detention
699 designated by the department shall be sufficient warrant for the
700 detention of the offender.

701 (3) The field supervisor, after making an arrest, shall
702 present to the detaining authorities a similar statement of the
703 circumstances of violation. The field supervisor shall at once
704 notify the board or department of the arrest and detention of the
705 offender and shall submit a written report showing in what manner
706 the offender has violated the conditions of parole or
707 earned-release supervision. An offender for whose return a
708 warrant has been issued by the board shall, after the issuance of
709 the warrant, be deemed a fugitive from justice.

710 (4) Whenever an offender is arrested on a warrant for an
711 alleged violation of parole as herein provided, the board shall
712 hold an informal preliminary hearing within seventy-two (72) hours
713 to determine whether there is reasonable cause to believe the
714 person has violated a condition of parole. A preliminary hearing
715 shall not be required when the offender is not under arrest on a
716 warrant or the offender signed a waiver of a preliminary hearing.
717 The preliminary hearing may be conducted electronically.

718 (5) The right of the State of Mississippi to extradite
719 persons and return fugitives from justice, from other states to
720 this state, shall not be impaired by this chapter and shall remain
721 in full force and effect. An offender convicted of a felony



722 committed while on parole, whether in the State of Mississippi or
723 another state, shall immediately have his parole revoked upon
724 presentment of a certified copy of the commitment order to the
725 board. If an offender is on parole and the offender is convicted
726 of a felony for a crime committed prior to the offender being
727 placed on parole, whether in the State of Mississippi or another
728 state, the offender may have his parole revoked upon presentment
729 of a certified copy of the commitment order to the board.

730 (6) (a) The board shall hold a hearing for any parolee who
731 is detained as a result of a warrant or a violation report within
732 twenty-one (21) days of the parolee's admission to detention. The
733 board may, in its discretion, terminate the parole or modify the
734 terms and conditions thereof. If the board revokes parole for one
735 or more technical violations the board shall impose a period of
736 imprisonment to be served in a technical violation center operated
737 by the department not to exceed ninety (90) days for the first
738 revocation and not to exceed one hundred twenty (120) days for the
739 second revocation. For the third revocation, the board may impose
740 a period of imprisonment to be served in a technical violation
741 center for up to one hundred and eighty (180) days or the board
742 may impose the remainder of the suspended portion of the sentence.
743 For the fourth and any subsequent revocation, the board may impose
744 up to the remainder of the suspended portion of the sentence. The
745 period of imprisonment in a technical violation center imposed
746 under this section shall not be reduced in any manner.



747 (b) If the board does not hold a hearing or does not
748 take action on the violation within the twenty-one-day time frame
749 in paragraph (a) of this subsection, the parolee shall be released
750 from detention and shall return to parole status. The board may
751 subsequently hold a hearing and may revoke parole or may continue
752 parole and modify the terms and conditions of parole. If the
753 board revokes parole for one or more technical violations the
754 board shall impose a period of imprisonment to be served in a
755 technical violation center operated by the department not to
756 exceed ninety (90) days for the first revocation and not to exceed
757 one hundred twenty (120) days for the second revocation. For the
758 third revocation, the board may impose a period of imprisonment to
759 be served in a technical violation center for up to one hundred
760 eighty (180) days or the board may impose the remainder of the
761 suspended portion of the sentence. For the fourth and any
762 subsequent revocation, the board may impose up to the remainder of
763 the suspended portion of the sentence. The period of imprisonment
764 in a technical violation center imposed under this section shall
765 not be reduced in any manner.

766 (c) For a parolee charged with one or more technical
767 violations who has not been detained awaiting the revocation
768 hearing, the board may hold a hearing within a reasonable time.
769 The board may revoke parole or may continue parole and modify the
770 terms and conditions of parole. If the board revokes parole for
771 one or more technical violations the board shall impose a period



772 of imprisonment to be served in a technical violation center
773 operated by the department not to exceed ninety (90) days for the
774 first revocation and not to exceed one hundred twenty (120) days
775 for the second revocation. For the third revocation, the board
776 may impose a period of imprisonment to be served in a technical
777 violation center for up to one hundred eighty (180) days or the
778 board may impose the remainder of the suspended portion of the
779 sentence. For the fourth and any subsequent revocation, the board
780 may impose up to the remainder of the suspended portion of the
781 sentence. The period of imprisonment in a technical violation
782 center imposed under this section shall not be reduced in any
783 manner.

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

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

793 (9) The board shall provide semiannually to the Oversight
794 Task Force the number of warrants issued for an alleged violation
795 of parole, the average time between detention on a warrant and
796 preliminary hearing, the average time between detention on a



797 warrant and revocation hearing, the number of ninety-day sentences
798 in a technical violation center issued by the board, the number of
799 one-hundred-twenty-day sentences in a technical violation center
800 issued by the board, the number of one-hundred-eighty-day
801 sentences issued by the board, and the number and average length
802 of the suspended sentences imposed by the board in response to a
803 violation.

804 **SECTION 9.** This act shall take effect and be in force from
805 and after July 1, 2023.

