

By: Senator(s) Hill

To: Corrections

SENATE BILL NO. 2117

1 AN ACT TO AUTHORIZE THE MISSISSIPPI PAROLE BOARD TO REVIEW
 2 AND APPROVE THE RELEASE OF AN OFFENDER UNDER THE EARNED-TIME
 3 ALLOWANCE PROGRAM; TO ESTABLISH THE PROCEDURE TO BE FOLLOWED BY
 4 THE PAROLE BOARD IN REVIEWING THE MISSISSIPPI DEPARTMENT OF
 5 CORRECTIONS' RECOMMENDATION TO PLACE AN OFFENDER UNDER
 6 EARNED-RELEASE SUPERVISION; TO AUTHORIZE A HEARING BE HELD
 7 REGARDING THE PROPOSED RELEASE OF AN OFFENDER AND THAT CERTAIN
 8 NOTICE BE PROVIDED TO VICTIMS REGARDING SUCH RELEASE, UNDER
 9 CERTAIN CIRCUMSTANCES; TO AMEND SECTIONS 47-5-138 AND 47-7-5,
 10 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING SECTION;
 11 TO AMEND SECTION 47-5-177, MISSISSIPPI CODE OF 1972, TO PROVIDE
 12 THAT CERTAIN LOCAL LAW ENFORCEMENT OFFICIALS SHALL BE NOTIFIED 15
 13 DAYS BEFORE OFFENDERS ARE PLACED UNDER EARNED-RELEASE SUPERVISION;
 14 AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) The Parole Board shall review and issue a
 17 ruling on the department's recommendation to place an offender on
 18 earned-release supervision under the earned-time allowance program
 19 as provided in Sections 47-5-138 and 47-5-139.

20 (2) The department shall provide the board with all
 21 pertinent information regarding an offender who is eligible for
 22 release under the earned-time allowance program. Within one (1)
 23 year before the offender's conditional earned-time release date,



24 the department shall provide to the board the following
25 information about the offender in writing:

26 (a) The circumstances of the offense;

27 (b) The offender's previous social history;

28 (c) The offender's previous criminal record, including
29 any records of law enforcement agencies or of a youth court
30 regarding the offender's juvenile criminal history;

31 (d) The offender's conduct, employment and attitude
32 while in the department's custody; and

33 (e) Any reports of physical and mental examinations
34 that have been made.

35 (3) (a) Except as provided in paragraph (b) of this
36 subsection, the board may require an offender to have a hearing
37 before the board and to be interviewed before ruling on the
38 department's recommendation to place the offender on
39 earned-release supervision.

40 (b) The board shall not issue a ruling on the
41 department's recommendation to place an offender convicted of a
42 capital offense on earned-release supervision without holding a
43 hearing and providing notice as follows:

44 (i) Notice of the department's recommended
45 earned-time release supervision date for the offender shall be
46 published at least once a week for two (2) weeks in a newspaper
47 published in or having general circulation in the county in which
48 the crime was committed.



49 (ii) Within thirty (30) days prior to the
50 scheduled hearing, the board shall provide notice of the
51 department's recommended earned-release supervision of an offender
52 to the victim of the offense for which the offender is sentenced
53 and may be approved to serve under earned-release supervision or,
54 if offense is homicide, to a designee of the victim's immediate
55 family. Notice is contingent on the victim or the victim's
56 designee, whichever applies, providing in writing a current
57 address to the board for this purpose.

58 (c) The hearing, if required by this subsection or by
59 the board, shall be held no later than thirty (30) days prior to
60 the month of eligibility.

61 (4) The department's recommendation to place an offender
62 under earned-release supervision may be approved by the board only
63 for the best interest of society. If the board determines that
64 releasing the offender poses a substantial public safety risk, the
65 board shall deny the department's recommendation to place the
66 offender under earned-release supervision. The board shall notify
67 the department of its ruling in writing within three (3) business
68 days.

69 (5) The board shall establish rules and regulations related
70 to its duty to review and approve earned-release supervision.
71 Those rules and regulations shall be promulgated in accordance
72 with the Mississippi Administrative Procedures Act and shall be
73 consistent with the provisions of this section.



74 **SECTION 2.** Section 47-5-138, Mississippi Code of 1972, is
75 amended as follows:

76 47-5-138. (1) The department may promulgate rules and
77 regulations to carry out an earned-time allowance program based on
78 the good conduct and performance of an inmate. An inmate is
79 eligible to receive an earned-time allowance of one-half (1/2) of
80 the period of confinement imposed by the court except those
81 inmates excluded by law. When an inmate is committed to the
82 custody of the department, the department shall determine a
83 conditional earned-time release date by subtracting the
84 earned-time allowance from an inmate's term of sentence. This
85 subsection does not apply to any sentence imposed after June 30,
86 1995.

87 (2) For any sentence imposed after June 30, 1995, an inmate
88 may receive an earned-time allowance of four and one-half (4-1/2)
89 days for each thirty (30) days served if the department determines
90 that the inmate has complied with the good conduct and performance
91 requirements of the earned-time allowance program. The
92 earned-time allowance under this subsection shall not exceed
93 fifteen percent (15%) of an inmate's term of sentence; however,
94 beginning July 1, 2006, no person under the age of twenty-one (21)
95 who has committed a nonviolent offense, and who is under the
96 jurisdiction of the Department of Corrections, shall be subject to
97 the fifteen percent (15%) limitation for earned-time allowances as
98 described in this subsection (2). When an inmate is committed to



99 the custody of the department, the department shall determine a
100 conditional earned-time release date by subtracting the
101 earned-time allowance from an inmate's term of sentence.

102 (* * *3) An inmate may forfeit all or part of his
103 earned-time allowance for a serious violation of rules. No
104 forfeiture of the earned-time allowance shall be effective except
105 upon approval of the commissioner, or his designee, and forfeited
106 earned time may not be restored.

107 (* * *4) (a) For the purposes of this subsection, "final
108 order" means an order of a state or federal court that dismisses a
109 lawsuit brought by an inmate while the inmate was in the custody
110 of the Department of Corrections as frivolous, malicious or for
111 failure to state a claim upon which relief could be granted.

112 (b) On receipt of a final order, the department shall
113 forfeit:

114 (i) Sixty (60) days of an inmate's accrued earned
115 time if the department has received one (1) final order as defined
116 herein;

117 (ii) One hundred twenty (120) days of an inmate's
118 accrued earned time if the department has received two (2) final
119 orders as defined herein;

120 (iii) One hundred eighty (180) days of an inmate's
121 accrued earned time if the department has received three (3) or
122 more final orders as defined herein.



123 (c) The department may not restore earned time
124 forfeited under this subsection.

125 (* * *5) (a) The department shall furnish at least three
126 (3) months' written notice to the offender of the date on which he
127 may be placed under earned-release supervision.

128 (b) If an inmate * * * meets the good conduct and
129 performance requirements of the earned-time allowance program and
130 the inmate's record is examined and approved by the State Parole
131 Board for earned-time release supervision, as prescribed under
132 Section 1 of this act, then the inmate may be released on his
133 conditional earned-time release date. Before an inmate may be
134 considered for release on his earned-time release date, the
135 department shall provide adequate notice to the Parole Board of
136 such date, as prescribed under Section 1 of this act.

137 * * *

138 (6) Any inmate, who is released before the expiration of his
139 term of sentence under this section, shall be placed under
140 earned-release supervision until the expiration of the term of
141 sentence. The inmate shall retain inmate status and remain under
142 the jurisdiction of the department. The period of earned-release
143 supervision shall be conducted in the same manner as a period of
144 supervised parole. The department shall develop rules, terms and
145 conditions for the earned-release supervision program. The
146 commissioner shall designate the appropriate hearing officer



147 within the department to conduct revocation hearings for inmates
148 violating the conditions of earned-release supervision.

149 (7) If the earned-release supervision is revoked, the inmate
150 shall serve the remainder of the sentence, but the time the inmate
151 served on earned-release supervision before revocation * * * shall
152 be applied to reduce his sentence.

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

155 47-7-5. (1) The State Parole Board, created under former
156 Section 47-7-5, is hereby created, continued and reconstituted and
157 shall be composed of five (5) members. The Governor shall appoint
158 the members with the advice and consent of the Senate. All terms
159 shall be at the will and pleasure of the Governor. Any vacancy
160 shall be filled by the Governor, with the advice and consent of
161 the Senate. The Governor shall appoint a chairman of the board.

162 (2) Any person who is appointed to serve on the board shall
163 possess at least a bachelor's degree or a high school diploma and
164 four (4) years' work experience. Each member shall devote his
165 full time to the duties of his office and shall not engage in any
166 other business or profession or hold any other public office. A
167 member shall receive compensation or per diem in addition to his
168 or her salary. Each member shall keep such hours and workdays as
169 required of full-time state employees under Section 25-1-98.
170 Individuals shall be appointed to serve on the board without
171 reference to their political affiliations. Each board member,



172 including the chairman, may be reimbursed for actual and necessary
173 expenses as authorized by Section 25-3-41. Each member of the
174 board shall complete annual training developed based on guidance
175 from the National Institute of Corrections, the Association of
176 Paroling Authorities International, or the American Probation and
177 Parole Association. Each first-time appointee of the board shall,
178 within sixty (60) days of appointment, or as soon as practical,
179 complete training for first-time Parole Board members developed in
180 consideration of information from the National Institute of
181 Corrections, the Association of Paroling Authorities
182 International, or the American Probation and Parole Association.

183 (3) The board shall have exclusive responsibility for the
184 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
185 shall have exclusive authority for revocation of the same. The
186 board shall have exclusive responsibility for investigating
187 clemency recommendations upon request of the Governor. The board
188 shall have the authority to review and approve the department's
189 recommendation to place an offender under earned-release
190 supervision.

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

194 (5) The budget of the board shall be funded through a
195 separate line item within the general appropriation bill for the
196 support and maintenance of the department. Employees of the



197 department which are employed by or assigned to the board shall
198 work under the guidance and supervision of the board. There shall
199 be an executive secretary to the board who shall be responsible
200 for all administrative and general accounting duties related to
201 the board. The executive secretary shall keep and preserve all
202 records and papers pertaining to the board.

203 (6) The board shall have no authority or responsibility for
204 supervision of offenders granted a release for any reason,
205 including, but not limited to, earned-release supervision,
206 probation, parole or executive clemency or other offenders
207 requiring the same through interstate compact agreements. The
208 supervision shall be provided exclusively by the staff of the
209 Division of Community Corrections of the department.

210 (7) (a) The Parole Board is authorized to select and place
211 offenders in an electronic monitoring program under the conditions
212 and criteria imposed by the Parole Board. The conditions,
213 restrictions and requirements of Section 47-7-17 and Sections
214 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
215 any offender placed in an electronic monitoring program by the
216 Parole Board.

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



221 (c) The department shall have absolute immunity from
222 liability for any injury resulting from a determination by the
223 Parole Board that an offender be placed in an electronic
224 monitoring program.

225 (8) (a) The Parole Board shall maintain a central registry
226 of paroled inmates. The Parole Board shall place the following
227 information on the registry: name, address, photograph, crime for
228 which paroled, the date of the end of parole or flat-time date and
229 other information deemed necessary. The Parole Board shall
230 immediately remove information on a parolee at the end of his
231 parole or flat-time date.

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

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

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

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

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



245 **SECTION 4.** Section 47-5-177, Mississippi Code of 1972, is
246 amended as follows:

247 47-5-177. At least fifteen (15) days prior to the placement
248 of an offender under earned-release supervision or the release of
249 an offender from the physical custody of the department because of
250 discharge, parole, pardon, temporary personal leave or pass, or
251 otherwise, except for sickness or death in the offender's family,
252 the director of records of the department shall give written or
253 electronic notice of such earned-release supervision or release to
254 the sheriff of the county and to the chief of police of the
255 municipality where the offender was convicted. If the offender is
256 serving the period of earned-release supervision in or is paroled
257 to a county other than the county of conviction, the director of
258 records shall give written or electronic notice of the
259 earned-release supervision or release to the sheriff, district
260 attorney and circuit judge of the county and to the chief of
261 police of the municipality where the offender is serving the
262 period of earned-release supervision in or is paroled and to the
263 sheriff of the county and to the chief of police of the
264 municipality where the offender was convicted. The department
265 shall notify the parole officer of the county where the offender
266 is serving the period of earned-release supervision, paroled or
267 discharged to probation of any chronic mental disorder incurred by
268 the offender, of any type of infectious disease for which the



269 offender has been examined and treated, and of any medications
270 provided to the offender for such conditions.

271 The commissioner shall require the director of records to
272 clearly identify the notice of release of an offender who has been
273 convicted of arson at any time. The fact that the offender to be
274 released had been convicted of arson at any time shall appear
275 prominently on the notice of release and the sheriff shall notify
276 all officials who are responsible for investigation of arson
277 within the county of such offender's release and the chief of
278 police shall notify all such officials within the municipality of
279 such offender's release.

280 **SECTION 5.** This act shall take effect and be in force from
281 and after July 1, 2023.

