

By: Representatives Wallace, Shanks

To: Corrections; Judiciary B

HOUSE BILL NO. 112

1 AN ACT TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT THE REQUIRED NOTICE FOR A PAROLE HEARING THAT IS SENT  
 3 BY THE STATE PAROLE BOARD TO A VICTIM OF A CRIME OR TO THE  
 4 DESIGNEE OF THE IMMEDIATE FAMILY, IN CASE OF HOMICIDE, MUST BE  
 5 SENT BY CERTIFIED MAIL WHENEVER AN OFFENDER HAS A SCHEDULED PAROLE  
 6 HEARING; TO REQUIRE THAT SUCH NOTICE BE SENT NOT ONLY TO THE  
 7 DESIGNEE OF THE IMMEDIATE FAMILY OF A HOMICIDE VICTIM BUT ALSO TO  
 8 THE IMMEDIATE FAMILY MEMBERS OF A HOMICIDE VICTIM; AND FOR RELATED  
 9 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 as well as to the immediate family  
42 members of the victim, provided the victim or designated family  
43 member \* \* \* or immediate family members have furnished in writing  
44 a current address to the board for such purpose. Such notice  
45 shall be provided by certified mail, return receipt requested, to  
46 the victim of the offense or, in case the offense be homicide, to



47 a designee of the immediate family as well as to immediate family  
48 members. The victim or designated family member shall be provided  
49 an opportunity to be heard by the board before the board makes a  
50 decision regarding release on parole. The board shall consider  
51 whether any restitution ordered has been paid in full. Parole  
52 release shall, at the hearing, be ordered only for the best  
53 interest of society, not as an award of clemency; it shall not be  
54 considered to be a reduction of sentence or pardon. An offender  
55 shall be placed on parole only when arrangements have been made  
56 for his proper employment or for his maintenance and care, and  
57 when the board believes that he is able and willing to fulfill the  
58 obligations of a law-abiding citizen. When the board determines  
59 that the offender will need transitional housing upon release in  
60 order to improve the likelihood of the offender becoming a  
61 law-abiding citizen, the board may parole the offender with the  
62 condition that the inmate spends no more than six (6) months in a  
63 transitional reentry center. At least fifteen (15) days prior to  
64 the release of an offender on parole, the director of records of  
65 the department shall give the written notice which is required  
66 pursuant to Section 47-5-177. Every offender while on parole  
67 shall remain in the legal custody of the department from which he  
68 was released and shall be amenable to the orders of the board.  
69 Upon determination by the board that an offender is eligible for  
70 release by parole, notice shall also be given within at least  
71 fifteen (15) days before release, by the board to the victim of



72 the offense or the victim's family member, as indicated above,  
73 regarding the date when the offender's release shall occur,  
74 provided a current address of the victim or the victim's family  
75 member has been furnished in writing to the board for such  
76 purpose.

77 (3) Failure to provide notice to the victim or the victim's  
78 family member of the filing of the application for parole or of  
79 any decision made by the board regarding parole shall not  
80 constitute grounds for vacating an otherwise lawful parole  
81 determination nor shall it create any right or liability, civilly  
82 or criminally, against the board or any member thereof.

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

86 (5) The board may adopt such other rules not inconsistent  
87 with law as it may deem proper or necessary with respect to the  
88 eligibility of offenders for parole, the conduct of parole  
89 hearings, or conditions to be imposed upon parolees, including a  
90 condition that the parolee submit, as provided in Section 47-5-601  
91 to any type of breath, saliva or urine chemical analysis test, the  
92 purpose of which is to detect the possible presence of alcohol or  
93 a substance prohibited or controlled by any law of the State of  
94 Mississippi or the United States. The board shall have the  
95 authority to adopt rules related to the placement of certain  
96 offenders on unsupervised parole and for the operation of



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

100         **SECTION 2.** This act shall take effect and be in force from  
101 and after its passage.

