

By: Senator(s) DeLano

To: Corrections

SENATE BILL NO. 2449

1 AN ACT TO REQUIRE THAT AN INMATE BE GIVEN NOTIFICATION OF
 2 CERTAIN TERMS UPON HIS OR HER RELEASE IF THE INMATE IS ELIGIBLE
 3 FOR PAROLE, POST-RELEASE SUPERVISION OR PROBATION; TO REQUIRE THE
 4 NOTIFICATION TO CONTAIN INFORMATION REGARDING THE TIME PERIOD OF
 5 SUPERVISION, CONDITIONS FOR WHICH AN INMATE MAY BE RETURNED TO
 6 PRISON AND CONDITIONS UPON WHICH AN INMATE'S PERSON, RESIDENCE OR
 7 VEHICLE MAY BE SEARCHED BY ANY LAW ENFORCEMENT OFFICER; TO REQUIRE
 8 THE DEPARTMENT OF CORRECTIONS TO LIST THE RELEASED INMATE ON THE
 9 NATIONAL CRIME INDEX COMPUTER FOR CERTAIN PURPOSES; TO AMEND
 10 SECTIONS 47-7-33.1, 47-7-34, 47-7-35 AND 47-7-47, MISSISSIPPI CODE
 11 OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR
 12 RELATED PURPOSES.

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

14 **SECTION 1.** (1) In addition to any other notice that is
 15 required by state law, a person who is an inmate and is eligible
 16 for release on parole, a post-release supervision program or
 17 probation must be given notice by the releasing entity that he or
 18 she is subject to terms and conditions of his or her release from
 19 prison. The notice must include all of the following:

20 (a) The release date of the person and the maximum
 21 period that the person may be subject to supervision;

22 (b) An advisement that if the person violates any law
 23 or violates any condition of his or her release, he or she may be



24 incarcerated in a county jail or, if previously paroled, be
25 returned to state prison, regardless of whether new charges are
26 filed; and

27 (c) An advisement that he or she and his or her
28 residence and vehicle are subject to search or seizure by a
29 probation or parole officer or any other peace officer at any time
30 of the day or night, with or without a search warrant or with or
31 without cause.

32 The notice required under this subsection must be provided in
33 writing and read aloud to the inmate, and the inmate must
34 acknowledge receipt of the notice before he or she is released.

35 (2) This section only applies to an inmate who is eligible
36 for release on parole, a post-release supervision program or
37 probation on or after July 1, 2024.

38 (3) It is not the intent of the Legislature to authorize law
39 enforcement officers to conduct searches, as authorized under this
40 section, for the sole purpose of harassment.

41 (4) The Mississippi Department of Corrections shall list the
42 parolee or probationer on the National Crime Index Computer, and
43 the list must indicate that the person is on probation or parole
44 and the duration of that probation or parole for reference
45 purposes due to the search conditions.

46 **SECTION 2.** Section 47-7-33.1, Mississippi Code of 1972, is
47 amended as follows:



48 47-7-33.1. (1) The department shall create a discharge plan
49 for any offender returning to the community, regardless of whether
50 the person will discharge from the custody of the department, or
51 is released on parole, pardon, or otherwise. At least ninety (90)
52 days prior to an offender's earliest release date, the
53 commissioner shall conduct a pre-release assessment and complete a
54 written discharge plan based on the assessment results. The
55 discharge plan for parole eligible offenders shall be sent to the
56 parole board at least thirty (30) days prior to the offender's
57 parole eligibility date for approval. The board may suggest
58 changes to the plan that it deems necessary to ensure a successful
59 transition.

60 (2) The pre-release assessment shall identify whether an
61 inmate requires assistance obtaining the following basic needs
62 upon release: transportation, clothing and food, financial
63 resources, identification documents, housing, employment,
64 education, health care and support systems. The discharge plan
65 shall include information necessary to address these needs and the
66 steps being taken by the department to assist in this process,
67 including an up-to-date version of the information described in
68 Section 63-1-309(4). Based on the findings of the assessment, the
69 commissioner shall:

70 (a) Arrange transportation for inmates from the
71 correctional facility to their release destination;



72 (b) Ensure inmates have clean, seasonally appropriate
73 clothing, and provide inmates with a list of food providers and
74 other basic resources immediately accessible upon release;

75 (c) Ensure inmates have a provisional driver's license
76 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi
77 Code of 1972, a regular driver's license if eligible, or a
78 state-issued identification card that is not a Department of
79 Corrections identification card;

80 (d) Assist inmates in identifying safe, affordable
81 housing upon release. If accommodations are not available,
82 determine whether temporary housing is available for at least ten
83 (10) days after release. If temporary housing is not available,
84 the discharge plan shall reflect that satisfactory housing has not
85 been established and the person may be a candidate for
86 transitional reentry center placement;

87 (e) Refer inmates without secured employment to
88 employment opportunities;

89 (f) Provide inmates with contact information of a
90 health care facility/provider in the community in which they plan
91 to reside;

92 (g) Notify family members of the release date and
93 release plan, if the inmate agrees; and

94 (h) Refer inmates to a community or a faith-based
95 organization that can offer support within the first twenty-four
96 (24) hours of release.



97 (3) A written discharge plan shall be provided to the
98 offender and supervising probation officer or parole officer, if
99 applicable.

100 (4) A discharge plan created for a parole-eligible offender
101 shall also include supervision conditions and the intensity of
102 supervision based on the assessed risk to recidivate and whether
103 there is a need for transitional housing. The discharge plan also
104 must include the notification required under Section 1 of this
105 act. The board shall approve discharge plans before an offender
106 is released on parole pursuant to this chapter.

107 **SECTION 3.** Section 47-7-34, Mississippi Code of 1972, is
108 amended as follows:

109 47-7-34. (1) When a court imposes a sentence upon a
110 conviction for any felony committed after June 30, 1995, the
111 court, in addition to any other punishment imposed if the other
112 punishment includes a term of incarceration in a state or local
113 correctional facility, may impose a term of post-release
114 supervision. However, the total number of years of incarceration
115 plus the total number of years of post-release supervision shall
116 not exceed the maximum sentence authorized to be imposed by law
117 for the felony committed. The defendant shall be placed under
118 post-release supervision upon release from the term of
119 incarceration. The period of supervision shall be established by
120 the court.



121 (2) The period of post-release supervision shall be
122 conducted in the same manner as a like period of supervised
123 probation, including a requirement that the defendant shall abide
124 by any terms and conditions as the court may establish. Failure
125 to successfully abide by the terms and conditions shall be grounds
126 to terminate the period of post-release supervision and to
127 recommit the defendant to the correctional facility from which he
128 was previously released. Procedures for termination and
129 recommitment shall be conducted in the same manner as procedures
130 for the revocation of probation and imposition of a suspended
131 sentence as required pursuant to Section 47-7-37.

132 (3) Post-release supervision programs shall be operated
133 through the probation and parole unit of the Division of Community
134 Corrections of the department. The maximum amount of time that
135 the Mississippi Department of Corrections may supervise an
136 offender on the post-release supervision program is five (5)
137 years.

138 (4) Before the defendant is released under a post-release
139 supervision program, the releasing entity shall provide the
140 notification required under Section 1 of this act.

141 **SECTION 4.** Section 47-7-35, Mississippi Code of 1972, is
142 amended as follows:

143 47-7-35. (1) The courts referred to in Section 47-7-33 or
144 47-7-34 shall determine the terms and conditions of probation or
145 post-release supervision and may alter or modify, at any time



146 during the period of probation or post-release supervision, the
147 conditions and may include among them the following or any other:

148 That the offender shall:

149 (a) Commit no offense against the laws of this or any
150 other state of the United States, or of any federal, territorial
151 or tribal jurisdiction of the United States;

152 (b) Avoid injurious or vicious habits;

153 (c) Avoid persons or places of disreputable or harmful
154 character;

155 (d) Report to the probation and parole officer as
156 directed;

157 (e) Permit the probation and parole officer to visit
158 him at home or elsewhere;

159 (f) Work faithfully at suitable employment so far as
160 possible;

161 (g) Remain within a specified area;

162 (h) Pay his fine in one (1) or several sums;

163 (i) Support his dependents;

164 (j) Submit, as provided in Section 47-5-601, to any
165 type of breath, saliva or urine chemical analysis test, the
166 purpose of which is to detect the possible presence of alcohol or
167 a substance prohibited or controlled by any law of the State of
168 Mississippi or the United States;

169 (k) Register as a sex offender if so required under
170 Title 45, Chapter 33.



171 (2) When any court places a defendant on misdemeanor
172 probation, the court must cause to be conducted a search of the
173 probationer's name or other identifying information against the
174 registration information regarding sex offenders maintained under
175 Title 45, Chapter 33. The search may be conducted using the
176 Internet site maintained by the Department of Public Safety Sex
177 Offender Registry.

178 (3) Before a court releases a person on probation or
179 post-release supervision, the releasing entity shall provide the
180 notification required under Section 1 of this act.

181 **SECTION 5.** Section 47-7-47, Mississippi Code of 1972, is
182 amended as follows:

183 47-7-47. (1) The judge of any circuit court may place an
184 offender on a program of earned probation after a period of
185 confinement as set out herein and the judge may seek the advice of
186 the commissioner and shall direct that the defendant be under the
187 supervision of the department.

188 (2) (a) Any circuit court or county court may, upon its own
189 motion, acting upon the advice and consent of the commissioner not
190 earlier than thirty (30) days nor later than one (1) year after
191 the defendant has been delivered to the custody of the department,
192 to which he has been sentenced, suspend the further execution of
193 the sentence and place the defendant on earned probation, except
194 when a death sentence or life imprisonment is the maximum penalty
195 which may be imposed or if the defendant has been confined two (2)



196 or more times for the conviction of a felony on a previous
197 occasion in any court or courts of the United States and of any
198 state or territories thereof or has been convicted of a felony
199 involving the use of a deadly weapon.

200 (b) The authority granted in this subsection shall be
201 exercised by the judge who imposed sentence on the defendant, or
202 his successor.

203 (c) The time limit imposed by paragraph (a) of this
204 subsection is not applicable to those defendants sentenced to the
205 custody of the department prior to April 14, 1977. Persons who
206 are convicted of crimes that carry mandatory sentences shall not
207 be eligible for earned probation.

208 (3) When any circuit or county court places an offender on
209 earned probation, the court shall give notice to the Mississippi
210 Department of Corrections within fifteen (15) days of the court's
211 decision to place the offender on earned probation. Notice shall
212 be delivered to the central office of the Mississippi Department
213 of Corrections and to the regional office of the department which
214 will be providing supervision to the offender on earned probation.

215 (4) If the court places any person on probation or earned
216 probation, the court may order the person, as a condition of
217 probation, to a period of confinement and treatment at a private
218 or public agency or institution, either within or without the
219 state, which treats emotional, mental or drug-related problems.
220 Any person who, as a condition of probation, is confined for



221 treatment at an out-of-state facility shall be supervised pursuant
222 to Section 47-7-71, and any person confined at a private agency
223 shall not be confined at public expense. Time served in any such
224 agency or institution may be counted as time required to meet the
225 criteria of subsection (2) (a).

226 (5) If the court places any person on probation or earned
227 probation, the court may order the person to make appropriate
228 restitution to any victim of his crime or to society through the
229 performance of reasonable work for the benefit of the community.

230 (6) If the court places any person on probation or earned
231 probation, the court may order the person, as a condition of
232 probation, to submit, as provided in Section 47-5-601, to any type
233 of breath, saliva or urine chemical analysis test, the purpose of
234 which is to detect the possible presence of alcohol or a substance
235 prohibited or controlled by any law of the State of Mississippi or
236 the United States.

237 (7) Before a court releases an offender on an earned
238 probation program, the releasing entity shall provide the
239 notification required under Section 1 of this act.

240 **SECTION 6.** This act shall take effect and be in force from
241 and after July 1, 2024.

