

By: Senator(s) Sparks

To: Corrections

SENATE BILL NO. 2598

1 AN ACT TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI
 2 EARNED PAROLE ELIGIBILITY ACT OF 2021; TO AMEND SECTION 47-7-3,
 3 MISSISSIPPI CODE OF 1972, TO PROVIDE PAROLE ELIGIBILITY FOR
 4 CERTAIN JUVENILE HOMICIDE OFFENDERS IN COMPLIANCE WITH THE UNITED
 5 STATES SUPREME COURT HOLDING IN THE CASE OF *MILLER V. ALABAMA* TO
 6 BRING FORWARD SECTION 1 OF CHAPTER 479, LAWS OF 2021, TO AMEND
 7 SECTION 47-7-5 AND BRING FORWARD SECTIONS 47-7-3.1, 47-7-3.2,
 8 47-7-15, 47-7-17 AND 47-7-18, MISSISSIPPI CODE OF 1972, IN
 9 CONFORMITY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 1 of Chapter 479, Laws of 2021, is
 12 brought forward as follows:

13 Section 1. This act shall be known and may be cited as the
 14 "Mississippi Earned Parole Eligibility Act."

15 **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is
 16 amended as follows:

17 47-7-3. (1) Every prisoner who has been convicted of any
 18 offense against the State of Mississippi, and is confined in the
 19 execution of a judgment of such conviction in the Mississippi
 20 Department of Corrections for a definite term or terms of one (1)
 21 year or over, or for the term of his or her natural life, whose



22 record of conduct shows that such prisoner has observed the rules
23 of the department, and who has served the minimum required time
24 for parole eligibility, may be released on parole as set forth
25 herein:

26 (a) **Habitual offenders.** Except as provided by Sections
27 99-19-81 through 99-19-87, no person sentenced as a confirmed and
28 habitual criminal shall be eligible for parole;

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

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

35 (i) Capital murder committed on or after July 1,
36 1994, as defined in Section 97-3-19(2);

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

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

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



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

50 (f) **Drug trafficking.** No person sentenced for
51 trafficking and aggravated trafficking, as defined in Section
52 41-29-139(f) through (g), shall be eligible for parole;

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

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

60 1. **Nonviolent crimes.** All persons sentenced
61 for a nonviolent offense shall be eligible for parole only after
62 they have served twenty-five percent (25%) or ten (10) years,
63 whichever is less, of the sentence or sentences imposed by the
64 trial court. For purposes of this paragraph, "nonviolent crime"
65 means a felony not designated as a crime of violence in Section
66 97-3-2.

67 2. **Violent crimes.** A person who is sentenced
68 for a violent offense as defined in Section 97-3-2, except robbery
69 with a deadly weapon as defined in Section 97-3-79, drive-by
70 shooting as defined in Section 97-3-109, and carjacking as defined
71 in Section 97-3-117, shall be eligible for parole only after



72 having served fifty percent (50%) or twenty (20) years, whichever
73 is less, of the sentence or sentences imposed by the trial court.
74 Those persons sentenced for robbery with a deadly weapon as
75 defined in Section 97-3-79, drive-by shooting as defined in
76 Section 97-3-109, and carjacking as defined in Section 97-3-117,
77 shall be eligible for parole only after having served sixty
78 percent (60%) or twenty-five (25) years, whichever is less, of the
79 sentence or sentences imposed by the trial court.

80 **3. Nonviolent and nonhabitual drug offenses.**

81 A person who has been sentenced to a drug offense pursuant to
82 Section 41-29-139(a) through (d), whose crime was committed after
83 June 30, 1995, shall be eligible for parole only after he has
84 served twenty-five percent (25%) or ten (10) years, whichever is
85 less, of the sentence or sentences imposed.

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

92 (iii) **Geriatric parole.** Notwithstanding the
93 provisions in subparagraph (i) of this paragraph (h), a person
94 serving a sentence who has reached the age of sixty (60) or older
95 and who has served no less than ten (10) years of the sentence or
96 sentences imposed by the trial court shall be eligible for parole.



97 Any person eligible for parole under this subparagraph (iii) shall
98 be required to have a parole hearing before the board prior to
99 parole release. No inmate shall be eligible for parole under this
100 subparagraph (iii) of this paragraph (h) if:

101 1. The inmate is sentenced as a habitual
102 offender under Sections 99-19-81 through 99-19-87;

103 2. The inmate is sentenced for a crime of
104 violence under Section 97-3-2;

105 3. The inmate is sentenced for an offense
106 that specifically prohibits parole release;

107 4. The inmate is sentenced for trafficking in
108 controlled substances under Section 41-29-139(f);

109 5. The inmate is sentenced for a sex crime;
110 or

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

113 (iv) **Parole consideration as authorized by the**
114 **trial court.** Notwithstanding the provisions of paragraph (a) of
115 this subsection, any offender who has not committed a crime of
116 violence under Section 97-3-2 and has served twenty-five percent
117 (25%) or more of his sentence may be paroled by the State Parole
118 Board if, after the sentencing judge or if the sentencing judge is
119 retired, disabled or incapacitated, the senior circuit judge
120 authorizes the offender to be eligible for parole consideration;
121 or if the senior circuit judge must be recused, another circuit



122 judge of the same district or a senior status judge may hear and
123 decide the matter. A petition for parole eligibility
124 consideration pursuant to this subparagraph (iv) shall be filed in
125 the original criminal cause or causes, and the offender shall
126 serve an executed copy of the petition on the District Attorney.
127 The court may, in its discretion, require the District Attorney to
128 respond to the petition.

129 (2) Notwithstanding the provisions of subsection (1)(c) and
130 (d) of this section, a person who was under the age of eighteen
131 (18) at the time of the commission of a homicide offense for which
132 the sentence imposed was life in prison with the possibility of
133 parole may be considered eligible for parole release after having
134 served at least forty (40) years of the sentence or sentences
135 imposed by the trial court.

136 (* * *3) The State Parole Board shall, by rules and
137 regulations, establish a method of determining a tentative parole
138 hearing date for each eligible offender taken into the custody of
139 the Department of Corrections. The tentative parole hearing date
140 shall be determined within ninety (90) days after the department
141 has assumed custody of the offender. Except as provided in
142 Section 47-7-18, the parole hearing date shall occur when the
143 offender is within thirty (30) days of the month of his parole
144 eligibility date. Any parole eligibility date shall not be
145 earlier than as required in this section.



146 (* * *4) Notwithstanding any other provision of law, an
147 inmate shall not be eligible to receive earned time, good time or
148 any other administrative reduction of time which shall reduce the
149 time necessary to be served for parole eligibility as provided in
150 subsection (1) of this section.

151 (* * *5) Any inmate within forty-eight (48) months of his
152 parole eligibility date and who meets the criteria established by
153 the classification board shall receive priority for placement in
154 any educational development and job-training programs that are
155 part of his or her parole case plan. Any inmate refusing to
156 participate in an educational development or job-training program,
157 including, but not limited to, programs required as part of the
158 case plan, shall be in jeopardy of noncompliance with the case
159 plan and may be denied parole.

160 (* * *6) In addition to other requirements, if an offender
161 is convicted of a drug or driving under the influence felony, the
162 offender must complete a drug and alcohol rehabilitation program
163 prior to parole, or the offender shall be required to complete a
164 postrelease drug and alcohol program as a condition of parole.

165 (* * *7) Except as provided in subsection (1)(a) through
166 (h) of this section, all other persons shall be eligible for
167 parole after serving twenty-five percent (25%) of the sentence or
168 sentences imposed by the trial court, or, if sentenced to thirty
169 (30) years or more, after serving ten (10) years of the sentence
170 or sentences imposed by the trial court.



171 (* * *8) The Corrections and Criminal Justice Oversight
172 Task Force established in Section 47-5-6 shall develop and submit
173 recommendations to the Governor and to the Legislature annually on
174 or before December 1st concerning issues relating to juvenile and
175 habitual offender parole reform and to review and monitor the
176 implementation of Chapter 479, Laws of 2021.

177 (* * *9) The amendments contained in Chapter 479, Laws of
178 2021, shall apply retroactively from and after July 1, 1995.

179 (* * *10) Notwithstanding provisions to the contrary in
180 this section, a person who was sentenced before July 1, 2021, may
181 be considered for parole if the person's sentence would have been
182 parole eligible before July 1, 2021.

183 (* * *11) This section shall stand repealed on July
184 1, * * * 2028.

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

187 47-7-5. (1) The State Parole Board, created under former
188 Section 47-7-5, is hereby created, continued and reconstituted and
189 shall be composed of five (5) members. The Governor shall appoint
190 the members with the advice and consent of the Senate. All terms
191 shall be at the will and pleasure of the Governor. Any vacancy
192 shall be filled by the Governor, with the advice and consent of
193 the Senate. The Governor shall appoint a chairman of the board.

194 (2) Any person who is appointed to serve on the board shall
195 possess at least a bachelor's degree or a high school diploma and



196 four (4) years' work experience. Each member shall devote his
197 full time to the duties of his office and shall not engage in any
198 other business or profession or hold any other public office. A
199 member shall receive compensation or per diem in addition to his
200 or her salary. Each member shall keep such hours and workdays as
201 required of full-time state employees under Section 25-1-98.

202 Individuals shall be appointed to serve on the board without
203 reference to their political affiliations. Each board member,
204 including the chairman, may be reimbursed for actual and necessary
205 expenses as authorized by Section 25-3-41. Each member of the
206 board shall complete annual training developed based on guidance
207 from the National Institute of Corrections, the Association of
208 Paroling Authorities International, or the American Probation and
209 Parole Association. Each first-time appointee of the board shall,
210 within sixty (60) days of appointment, or as soon as practical,
211 complete training for first-time Parole Board members developed in
212 consideration of information from the National Institute of
213 Corrections, the Association of Paroling Authorities
214 International, or the American Probation and Parole Association.

215 (3) The board shall have exclusive responsibility for the
216 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
217 shall have exclusive authority for revocation of the same. The
218 board shall have exclusive responsibility for investigating
219 clemency recommendations upon request of the Governor.



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

223 (5) The budget of the board shall be funded through a
224 separate line item within the general appropriation bill for the
225 support and maintenance of the department. Employees of the
226 department which are employed by or assigned to the board shall
227 work under the guidance and supervision of the board. There shall
228 be an executive secretary to the board who shall be responsible
229 for all administrative and general accounting duties related to
230 the board. The executive secretary shall keep and preserve all
231 records and papers pertaining to the board.

232 (6) The board shall have no authority or responsibility for
233 supervision of offenders granted a release for any reason,
234 including, but not limited to, probation, parole or executive
235 clemency or other offenders requiring the same through interstate
236 compact agreements. The supervision shall be provided exclusively
237 by the staff of the Division of Community Corrections of the
238 department.

239 (7) (a) The Parole Board is authorized to select and place
240 offenders in an electronic monitoring program under the conditions
241 and criteria imposed by the Parole Board. The conditions,
242 restrictions and requirements of Section 47-7-17 and Sections
243 47-5-1001 through 47-5-1015 shall apply to the Parole Board and



244 any offender placed in an electronic monitoring program by the
245 Parole Board.

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

250 (c) The department shall have absolute immunity from
251 liability for any injury resulting from a determination by the
252 Parole Board that an offender be placed in an electronic
253 monitoring program.

254 (8) (a) The Parole Board shall maintain a central registry
255 of paroled inmates. The Parole Board shall place the following
256 information on the registry: name, address, photograph, crime for
257 which paroled, the date of the end of parole or flat-time date and
258 other information deemed necessary. The Parole Board shall
259 immediately remove information on a parolee at the end of his
260 parole or flat-time date.

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

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



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

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

273 (10) This section shall stand repealed on July 1, * * *
274 2028.

275 **SECTION 4.** Section 47-7-3.1, Mississippi Code of 1972, is
276 brought forward as follows:

277 47-7-3.1. (1) In consultation with the Parole Board, the
278 department shall develop a case plan for all parole-eligible
279 inmates to guide an inmate's rehabilitation while in the
280 department's custody and to reduce the likelihood of recidivism
281 after release.

282 (2) The case plan shall include, but not be limited to:

283 (a) Programming and treatment requirements based on the
284 results of a risk and needs assessment;

285 (b) Any programming or treatment requirements contained
286 in the sentencing order; and

287 (c) General behavior requirements in accordance with
288 the rules and policies of the department.

289 (3) With respect to parole-eligible inmates admitted to the
290 department's custody on or after July 1, 2021, the department
291 shall complete the case plan within ninety (90) days of admission.



292 With respect to parole-eligible inmates admitted to the
293 department's custody before July 1, 2021, the department shall
294 complete the case plan by January 1, 2022.

295 (4) The department shall provide the inmate with a written
296 copy of the case plan and the inmate's caseworker shall explain
297 the conditions set forth in the case plan.

298 (a) Within ninety (90) days of admission, the
299 caseworker shall notify the inmate of their parole eligibility
300 date as calculated in accordance with Section 47-7-3(3);

301 (b) At the time a parole-eligible inmate receives the
302 case plan, the department shall send the case plan to the Parole
303 Board for approval.

304 (5) With respect to parole-eligible inmates admitted to the
305 department's custody after July 1, 2021, the department shall
306 ensure that the case plan is achievable prior to the inmate's
307 parole eligibility date. With respect to parole-eligible inmates
308 admitted to the department's custody before July 1, 2021, the
309 department shall, to the extent possible, ensure that the case
310 plan is achievable prior to the inmate's parole eligibility date
311 or next parole hearing date, or date of release, whichever is
312 sooner.

313 (6) The caseworker shall meet with the inmate every eight
314 (8) weeks from the date the offender received the case plan to
315 review the inmate's case plan progress.



316 (7) Every four (4) months the department shall
317 electronically submit a progress report on each parole-eligible
318 inmate's case plan to the Parole Board. The board may meet to
319 review an inmate's case plan and may provide written input to the
320 caseworker on the inmate's progress toward completion of the case
321 plan.

322 (8) The Parole Board shall provide semiannually to the
323 Oversight Task Force the number of parole hearings held, the
324 number of prisoners released to parole without a hearing and the
325 number of parolees released after a hearing.

326 (9) If the Department of Corrections fails to adequately
327 provide opportunity and access for the completion of such case
328 plans, the Department of Corrections shall, to the extent
329 possible, contract with regional jail facilities that offer
330 educational development and job-training programs to facilitate
331 the fulfillment of the case plans of parole-eligible inmates.

332 **SECTION 5.** Section 47-7-3.2, Mississippi Code of 1972, is
333 brought forward as follows:

334 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
335 47-5-138.1 or 47-5-142, no person convicted of a criminal offense
336 on or after July 1, 2014, shall be released by the department
337 until he or she has served no less than the percentage of the
338 sentence or sentences imposed by the court as set forth below:

339 (a) Twenty-five percent (25%) or ten (10) years,
340 whichever is less, for a nonviolent crime;



341 (b) Fifty percent (50%) or twenty (20) years, whichever
342 is less, for a crime of violence pursuant to Section 97-3-2,
343 except for robbery with a deadly weapon as defined in Section
344 97-3-79, drive-by shooting as defined in Section 97-3-109, or
345 carjacking as defined in Section 97-3-117;

346 (c) Sixty percent (60%) or twenty-five (25) years,
347 whichever is less, for robbery with a deadly weapon as defined in
348 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,
349 or carjacking as defined in Section 97-3-117.

350 (2) This section shall not apply to:

351 (a) Offenders sentenced to life imprisonment;

352 (b) Offenders convicted as habitual offenders pursuant
353 to Sections 99-19-81 through 99-19-87;

354 (c) Offenders serving a sentence for a sex offense; or

355 (d) Offenders serving a sentence for trafficking
356 pursuant to Section 41-29-139(f).

357 **SECTION 6.** Section 47-7-15, Mississippi Code of 1972, is
358 brought forward as follows:

359 47-7-15. The board shall adopt an official seal of which the
360 courts shall take judicial notice. Decisions of the board shall
361 be made by majority vote, except as provided in Section 47-7-5(9).

362 The board shall keep a record of its acts and shall notify
363 each institution of its decisions relating to the persons who are
364 or have been confined therein. At the close of each fiscal year



365 the board shall submit to the Governor and to the Legislature a
366 report with statistical and other data of its work.

367 **SECTION 7.** Section 47-7-17, Mississippi Code of 1972, is
368 brought forward as follows:

369 47-7-17. (1) Within one (1) year after his admission and at
370 such intervals thereafter as it may determine, the board shall
371 secure and consider all pertinent information regarding each
372 offender, except any under sentence of death or otherwise
373 ineligible for parole, including the circumstances of his offense,
374 his previous social history, his previous criminal record,
375 including any records of law enforcement agencies or of a youth
376 court regarding that offender's juvenile criminal history, his
377 conduct, employment and attitude while in the custody of the
378 department, the case plan created to prepare the offender for
379 parole, and the reports of such physical and mental examinations
380 as have been made. The board shall furnish at least three (3)
381 months' written notice to each such offender of the date on which
382 he is eligible for parole.

383 (2) Except as provided in Section 47-7-18, the board shall
384 require a parole-eligible offender to have a hearing as required
385 in this chapter before the board and to be interviewed. The
386 hearing shall be held no later than thirty (30) days prior to the
387 month of eligibility. No application for parole of a person
388 convicted of a capital offense shall be considered by the board
389 unless and until notice of the filing of such application shall



390 have been published at least once a week for two (2) weeks in a
391 newspaper published in or having general circulation in the county
392 in which the crime was committed. The board shall, within thirty
393 (30) days prior to the scheduled hearing, also give notice of the
394 filing of the application for parole to the victim of the offense
395 for which the prisoner is incarcerated and being considered for
396 parole or, in case the offense be homicide, a designee of the
397 immediate family of the victim, provided the victim or designated
398 family member has furnished in writing a current address to the
399 board for such purpose. The victim or designated family member
400 shall be provided an opportunity to be heard by the board before
401 the board makes a decision regarding release on parole. The board
402 shall consider whether any restitution ordered has been paid in
403 full. Parole release shall, at the hearing, be ordered only for
404 the best interest of society, not as an award of clemency; it
405 shall not be considered to be a reduction of sentence or pardon.
406 An offender shall be placed on parole only when arrangements have
407 been made for his proper employment or for his maintenance and
408 care, and when the board believes that he is able and willing to
409 fulfill the obligations of a law-abiding citizen. When the board
410 determines that the offender will need transitional housing upon
411 release in order to improve the likelihood of the offender
412 becoming a law-abiding citizen, the board may parole the offender
413 with the condition that the inmate spends no more than six (6)
414 months in a transitional reentry center. At least fifteen (15)



415 days prior to the release of an offender on parole, the director
416 of records of the department shall give the written notice which
417 is required pursuant to Section 47-5-177. Every offender while on
418 parole shall remain in the legal custody of the department from
419 which he was released and shall be amenable to the orders of the
420 board. Upon determination by the board that an offender is
421 eligible for release by parole, notice shall also be given within
422 at least fifteen (15) days before release, by the board to the
423 victim of the offense or the victim's family member, as indicated
424 above, regarding the date when the offender's release shall occur,
425 provided a current address of the victim or the victim's family
426 member has been furnished in writing to the board for such
427 purpose.

428 (3) Failure to provide notice to the victim or the victim's
429 family member of the filing of the application for parole or of
430 any decision made by the board regarding parole shall not
431 constitute grounds for vacating an otherwise lawful parole
432 determination nor shall it create any right or liability, civilly
433 or criminally, against the board or any member thereof.

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

437 (5) The board may adopt such other rules not inconsistent
438 with law as it may deem proper or necessary with respect to the
439 eligibility of offenders for parole, the conduct of parole



440 hearings, or conditions to be imposed upon parolees, including a
441 condition that the parolee submit, as provided in Section 47-5-601
442 to any type of breath, saliva or urine chemical analysis test, the
443 purpose of which is to detect the possible presence of alcohol or
444 a substance prohibited or controlled by any law of the State of
445 Mississippi or the United States. The board shall have the
446 authority to adopt rules related to the placement of certain
447 offenders on unsupervised parole and for the operation of
448 transitional reentry centers. However, in no case shall an
449 offender be placed on unsupervised parole before he has served a
450 minimum of fifty percent (50%) of the period of supervised parole.

451 **SECTION 8.** Section 47-7-18, Mississippi Code of 1972, is
452 brought forward as follows:

453 47-7-18 (1) No inmate convicted of a sex offense as defined
454 by Section 45-33-23(h), a crime of violence as defined by Section
455 97-3-2, or both, nor an inmate who is eligible for geriatric
456 parole shall be released on parole without a hearing before the
457 Parole Board as required by Section 47-7-17. All other inmates
458 eligible for parole pursuant to Section 47-7-3 shall be released
459 from incarceration to parole supervision on the inmate's parole
460 eligibility date, without a hearing before the board, if:

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

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



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

467 (d) The inmate has agreed to the conditions of
468 supervision; and

469 (e) The inmate has a discharge plan approved by the
470 board.

471 (2) At least thirty (30) days prior to an inmate's parole
472 eligibility date, the department shall notify the board in writing
473 of the inmate's compliance or noncompliance with the case plan.
474 If an inmate fails to meet a requirement of the case plan, prior
475 to the parole eligibility date, he or she shall have a hearing
476 before the board to determine if completion of the case plan can
477 occur while in the community.

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

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

484 (5) A hearing shall be held by the board if a law
485 enforcement official from the community to which the inmate will
486 return contacts the board or the department and requests a hearing
487 to consider information relevant to public safety risks posed by
488 the inmate if paroled at the initial parole eligibility date. The



489 law enforcement official shall submit an explanation documenting
490 these concerns for the board to consider.

491 (6) If a parole hearing is held, the board may determine the
492 inmate has sufficiently complied with the case plan or that the
493 incomplete case plan is not the fault of the inmate and that
494 granting parole is not incompatible with public safety, the board
495 may then parole the inmate with appropriate conditions. If the
496 board determines that the inmate has sufficiently complied with
497 the case plan but the discharge plan indicates that the inmate
498 does not have appropriate housing immediately upon release, the
499 board may parole the inmate to a transitional reentry center with
500 the condition that the inmate spends no more than six (6) months
501 in the center. If the board determines that the inmate has not
502 substantively complied with the requirement(s) of the case plan it
503 may deny parole. If the board denies parole, the board may
504 schedule a subsequent parole hearing and, if a new date is
505 scheduled, the board shall identify the corrective action the
506 inmate will need to take in order to be granted parole. Any
507 inmate not released at the time of the inmate's initial parole
508 date shall have a parole hearing at least every year.

509 **SECTION 9.** This act shall take effect and be in force from
510 and after July 1, 2024.

