

Senate Amendments to House Bill No. 844

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 47-7-17, Mississippi Code of 1972, is
9 amended as follows:
10 47-7-17. (1) Within one (1) year after his admission and at
11 such intervals thereafter as it may determine, the board shall
12 secure and consider all pertinent information regarding each
13 offender, except any under sentence of death or otherwise
14 ineligible for parole, including the circumstances of his offense,
15 his previous social history, his previous criminal record,
16 including any records of law enforcement agencies or of a youth
17 court regarding that offender's juvenile criminal history, his
18 conduct, employment and attitude while in the custody of the
19 department, the case plan created to prepare the offender for
20 parole, and the reports of such physical and mental examinations
21 as have been made. The board shall furnish at least three (3)
22 months' written notice to each such offender of the date on which
23 he is eligible for parole.

24 (2) Except as provided in Section 47-7-18, the board shall
25 require a parole-eligible offender to have a hearing as required
26 in this chapter before the board and to be interviewed. The
27 hearing shall be held no later than thirty (30) days prior to the
28 month of eligibility. No application for parole of a person
29 convicted of a capital offense shall be considered by the board
30 unless and until notice of the filing of such application shall
31 have been published at least once a week for two (2) weeks in a
32 newspaper published in or having general circulation in the county
33 in which the crime was committed. The board shall, within thirty
34 (30) days prior to the scheduled hearing, also give notice of the
35 filing of the application for parole to the victim of the offense
36 for which the prisoner is incarcerated and being considered for
37 parole or, in case the offense be homicide, a designee of the
38 immediate family of the victim, provided the victim or designated
39 family member has furnished in writing a current address to the
40 board for such purpose. The victim or designated family member
41 shall be provided an opportunity to be heard by the board before
42 the board makes a decision regarding release on parole. The board
43 shall consider whether any restitution ordered has been paid in
44 full. Parole release shall, at the hearing, be ordered only for
45 the best interest of society, not as an award of clemency; it
46 shall not be considered to be a reduction of sentence or pardon.
47 An offender shall be placed on parole only when arrangements have
48 been made for his proper employment or for his maintenance and
49 care, and when the board believes that he is able and willing to

50 fulfill the obligations of a law-abiding citizen. When the board
51 determines that the offender will need transitional housing upon
52 release in order to improve the likelihood of the offender
53 becoming a law-abiding citizen, the board may parole the offender
54 with the condition that the inmate spends no more than six (6)
55 months in a transitional reentry center. At least fifteen (15)
56 days prior to the release of an offender on parole, the director
57 of records of the department shall give the written notice which
58 is required pursuant to Section 47-5-177. Every offender while on
59 parole shall remain in the legal custody of the department from
60 which he was released and shall be amenable to the orders of the
61 board. Upon determination by the board that an offender is
62 eligible for release by parole, notice shall also be given within
63 at least fifteen (15) days before release, by the board to the
64 victim of the offense or the victim's family member, as indicated
65 above, regarding the date when the offender's release shall occur,
66 provided a current address of the victim or the victim's family
67 member has been furnished in writing to the board for such
68 purpose.

69 (3) The board shall, within thirty (30) days prior to the
70 scheduled hearing, solicit the written or oral recommendations of
71 the Attorney General, the attorney who prosecuted the case, the
72 judge who presided over the case, the chief of police of the
73 municipality where the offender was convicted, the sheriff of the
74 county where the offender was convicted, and the offender's
75 attorney of record.

76 (4) The board shall, within thirty (30) days prior to the
77 scheduled hearing, also give written or electronic notice of the
78 filing of the application for parole to the attorney who
79 prosecuted the case, the judge who presided over the case, the
80 chief of police of the municipality where the offender was
81 convicted, the sheriff of the county where the offender was
82 convicted, and the offender's attorney of record.

83 (5) If the attorney who prosecuted the case or the judge who
84 presided over the case is not living or serving, solicitation for
85 recommendations under subsection (3) and notice under subsection
86 (4) shall be given to the district attorney and one of the judges
87 of the court in which the offender was convicted.

88 (* * *6) Failure to provide notice to the victim or the
89 victim's family member of the filing of the application for parole
90 or of any decision made by the board regarding parole shall not
91 constitute grounds for vacating an otherwise lawful parole
92 determination nor shall it create any right or liability, civilly
93 or criminally, against the board or any member thereof.

94 (* * *7) A letter of protest against granting an offender
95 parole shall not be treated as the conclusive and only reason for
96 not granting parole.

97 (* * *8) The board may adopt such other rules not
98 inconsistent with law as it may deem proper or necessary with
99 respect to the eligibility of offenders for parole, the conduct of
100 parole hearings, or conditions to be imposed upon parolees,
101 including a condition that the parolee submit, as provided in

102 Section 47-5-601 to any type of breath, saliva or urine chemical
103 analysis test, the purpose of which is to detect the possible
104 presence of alcohol or a substance prohibited or controlled by any
105 law of the State of Mississippi or the United States. The board
106 shall have the authority to adopt rules related to the placement
107 of certain offenders on unsupervised parole and for the operation
108 of transitional reentry centers. However, in no case shall an
109 offender be placed on unsupervised parole before he has served a
110 minimum of fifty percent (50%) of the period of supervised parole.

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2024, and shall stand repealed on June 30, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE MISSISSIPPI STATE PAROLE BOARD TO SOLICIT
3 RECOMMENDATIONS FROM CERTAIN INDIVIDUALS BEFORE A PAROLE HEARING;
4 TO REQUIRE THE MISSISSIPPI STATE PAROLE BOARD TO NOTIFY CERTAIN
5 INDIVIDUALS WITHIN A SET PERIOD OF TIME BEFORE A PAROLE HEARING;
6 AND FOR RELATED PURPOSES.

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Amanda White
Secretary of the Senate