MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Representative Malone To: Corrections

HOUSE BILL NO. 428

AN ACT TO AMEND SECTION 47-5-177, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO GIVE ELECTRONIC NOTICE TO CERTAIN LAW ENFORCEMENT OFFICIALS WHENEVER CERTAIN OFFENDERS ARE BEING RELEASED FROM THE DEPARTMENT OF CORRECTIONS AND TO DELETE THE REQUIREMENT THAT SUCH NOTICE SHALL INCLUDE A COPY OF THE "RELEASE OFFENSE INVESTIGATION" AND THE "SOCIAL ADMISSION REPORT"; TO AMEND SECTIONS 47-7-17, 47-5-157 AND 47-5-173, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-177, Mississippi Code of 1972, is amended as follows:

47-5-177. Within forty-eight (48) hours prior to the release of an offender from the custody of the Department of Corrections because of discharge, parole, pardon, temporary personal leave or pass, or otherwise, except for sickness or death in the offender's family, the Director of Records of the Department of Corrections shall give written or electronic notice of such release * * * to the sheriff of the county and to the chief of police of the municipality where the offender was convicted. If the offender is paroled to a county other than the county of conviction, the Director of Records shall give written or electronic notice of the release to the sheriff, district attorney and circuit judge of the county and to the chief of police of the municipality where the offender is paroled and to the sheriff of the county and to the chief of police of the municipality where the offender was convicted. The * * * Department of Corrections shall notify the parole officer of the county where the offender is paroled or discharged to probation of any chronic mental disorder incurred by the offender, of any type of infectious disease for which the

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

The Commissioner of Corrections shall require the Director of Records to clearly identify the written notice of release of an offender who has been convicted of arson at any time. The fact that the offender to be released had been convicted of arson at any time shall appear prominently on the notice of release and the sheriff shall notify all officials who are responsible for investigation of arson within the county of such offender's release and the chief of police shall notify all such officials within the municipality of such offender's release.

SECTION 2. Section 47-7-17, Mississippi Code of 1972, is amended as follows:

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

Before ruling on the application for parole of any offender, the board may have the offender appear before it and interview him. The hearing shall be held two (2) months prior to the month of eligibility in order for the department to address any special conditions required by the board. No application for parole of a person convicted of a capital offense shall be considered by the board unless and until notice of the filing of such application

shall have been published at least once a week for two (2) weeks in a newspaper published in or having general circulation in the county in which the crime was committed. The board shall also give notice of the filing of the application for parole to the victim of the offense for which the prisoner is incarcerated and being considered for parole or, in case the offense be homicide, a designee of the immediate family of the victim, provided the victim or designated family member has furnished in writing a current address to the board for such purpose. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. An offender shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Within forty-eight (48) hours prior to the release of an offender on parole, the Director of Records of the department shall give the written <u>or electronic</u> notice which is required pursuant to Section 47-5-177. Every offender while on parole shall remain in the legal custody of the department from which he was released and shall be amenable to the orders of the board. The board, upon rejecting the application for parole of any offender, shall within thirty (30) days following such rejection furnish that offender in general terms the reasons therefor in writing. Upon determination by the board that an offender is eligible for release by parole, notice shall also be given by the board to the victim of the offense or the victim's family member, as indicated above, regarding the date when the offender's release shall occur, provided a current address of the victim or the victim's family member has been furnished in writing to the board for such purpose.

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

A letter of protest against granting an offender parole shall not be treated as the conclusive and only reason for not granting parole.

The board may adopt such other rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of offenders for parole, the conduct of parole hearings, or conditions to be imposed upon parolees, including a condition that the parolee submit, as provided in Section 47-5-601 to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or a substance prohibited or controlled by any law of the State of Mississippi or the United States. The board shall have the authority to adopt rules permitting certain offenders to be placed on unsupervised parole. However, in no case shall an offender be placed on unsupervised parole before he has served a minimum of three (3) years of supervised parole.

SECTION 3. Section 47-5-157, Mississippi Code of 1972, is amended as follows:

47-5-157. When an offender is entitled to a discharge from the custody of the department, or is released therefrom on parole, pardon, or otherwise, the commissioner or his designee shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving the offender's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount of commutation received, if any, the trade he has learned, if any, his

proficiency in same, and such description of the offender as may be practicable. Within forty-eight (48) hours prior to the release of an offender as described herein, the director of records of the department shall give the written or electronic notice which is required pursuant to Section 47-5-177. He shall be furnished, if needed, suitable civilian clothes, and all money held to his credit by any official of the correctional system shall be delivered to him.

The amount of money which an offender is entitled to receive from the State of Mississippi when he is discharged from the state correctional system shall be determined as follows:

(a) If he has continuously served his sentence in one (1) year or less flat time, he shall be given Fifteen Dollars ($15.00).

(b) If he has served his sentence in more than one (1) year flat time and in less than ten (10) years flat time, he shall be given Twenty-five Dollars ($25.00).

(c) If he has continuously served his sentence in ten (10) or more years flat time, he shall be given Seventy-five Dollars ($75.00).

(d) If he has continuously served his sentence in twenty (20) or more years flat time, he shall be given One Hundred Dollars ($100.00).

There shall be given in addition to the above specified moneys in subsections (a), (b), (c) and (d), a bus ticket to the county of conviction or to a state line of Mississippi.

SECTION 4. Section 47-5-173, Mississippi Code of 1972, is amended as follows:

47-5-173. The commissioner, or his designees, may grant leave to an offender and may take into consideration sickness or death in the offender's family or the seeking of employment by the offender in connection with application for parole, for a period of time not to exceed ten (10) days. Within forty-eight (48)

hours prior to the release of an offender on leave, the director of records of the department shall give the written or electronic notice required pursuant to Section 47-5-177. However, if an offender is granted leave because of sickness or death in the offender's family, written notice shall not be required but the inmate shall be accompanied by a correctional officer or a law enforcement officer. In all other cases the commissioner, or his designees, shall provide required security when deemed necessary. The commissioner, or his designees, in granting leave, shall take into consideration the conduct and work performance of the offender.

SECTION 5. This act shall take effect and be in force from and after July 1, 2007.

ST: Electronic notice; authorize Department of Corrections to utilize when certain offenders are released.