

By: Senator(s) Barnett, Jackson (11th),  
Sparks, Butler, Wiggins, Jackson (32nd),  
Simmons (13th)

To: Corrections

SENATE BILL NO. 2795  
(As Sent to Governor)

1 AN ACT ENTITLED THE "MISSISSIPPI EARNED PAROLE ELIGIBILITY  
2 ACT"; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
3 PRESCRIBE CONDITIONS FOR PAROLE ELIGIBILITY AND TO PROVIDE  
4 LIMITATIONS ON INMATE ELIGIBILITY TO PETITION THE SENTENCING COURT  
5 FOR PAROLE ELIGIBILITY IF THE INMATE IS SERVING A SENTENCE FOR A  
6 CRIME OF VIOLENCE OR NONVIOLENCE; TO AMEND SECTION 47-7-3.1,  
7 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INMATE CASE PLANNING AND  
8 TO PRESCRIBE DATES FOR THE MISSISSIPPI DEPARTMENT OF CORRECTIONS  
9 TO COMPLETE CASE PLANS FOR PAROLE-ELIGIBLE INMATES TO ENSURE THAT  
10 THE PLAN IS ACHIEVABLE; TO AMEND SECTION 47-7-3.2, MISSISSIPPI  
11 CODE OF 1972, TO PROVIDE A MINIMUM TIME THAT OFFENDERS CONVICTED  
12 OF A CRIME OF VIOLENCE MUST SERVE BEFORE RELEASE AND A MINIMUM  
13 PERCENTAGE OF OTHER SENTENCES THAT OTHER OFFENDERS MUST SERVE  
14 BEFORE RELEASE; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972,  
15 TO REMOVE PROHIBITION AGAINST COMPENSATION OR PER DIEM OF THE  
16 MISSISSIPPI PAROLE BOARD, ITS REQUIREMENTS, AND THE MINIMUM VOTE  
17 REQUIRED TO GRANT PAROLE TO AN INMATE CONVICTED OF CAPITAL MURDER  
18 OR SEX OFFENSE; TO AMEND SECTION 47-7-15, MISSISSIPPI CODE OF  
19 1972, IN CONFORMITY; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF  
20 1972, TO PROVIDE THAT THE VICTIM OR DESIGNATED FAMILY MEMBER SHALL  
21 BE PROVIDED AN OPPORTUNITY TO BE HEARD BY THE PAROLE BOARD PRIOR  
22 TO A PAROLE DECISION; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE  
23 OF 1972, TO REQUIRE CERTAIN PAROLE HEARINGS FOR SEX OFFENDERS; AND  
24 FOR RELATED PURPOSES.

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

26 **SECTION 1.** This act shall be known and may be cited as the  
27 "Mississippi Earned Parole Eligibility Act."

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



30 47-7-3. (1) Every prisoner who has been convicted of any  
31 offense against the State of Mississippi, and is confined in the  
32 execution of a judgment of such conviction in the Mississippi  
33 Department of Corrections for a definite term or terms of one (1)  
34 year or over, or for the term of his or her natural life, whose  
35 record of conduct shows that such prisoner has observed the rules  
36 of the department, and who has served \* \* \* the minimum required  
37 time for parole eligibility, may be released on parole as \* \* \*  
38 set forth herein:

39 (a) **Habitual offenders.** Except as provided by Sections  
40 99-19-81 through 99-19-87, no \* \* \* person sentenced as a  
41 confirmed and habitual criminal \* \* \* shall be eligible for  
42 parole;

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

47 (c) \* \* \* **Capital offenders.** No person \* \* \* sentenced  
48 for the following offenses shall be eligible for parole:

49 (i) Capital murder committed on or after July 1,  
50 1994, as defined in Section 97-3-19(2);

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

53 (iii) Any offense to which an offender is  
54 sentenced to life imprisonment without eligibility for parole



55 under the provisions of Section 99-19-101, whose crime was  
56 committed on or after July 1, 1994;

57 \* \* \*

58 (d) **Murder.** No person \* \* \* sentenced for murder in  
59 the first degree, whose crime was committed on or after June 30,  
60 1995, or murder in the second degree, as defined in Section  
61 97-3-19, shall be eligible for parole;

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

66 (f) **Drug trafficking.** No person sentenced for  
67 trafficking and aggravated trafficking, as defined in Section  
68 41-29-139(f) through (g), shall be eligible for parole;

69 ( \* \* \*g) **Offenses specifically prohibiting parole**  
70 **release.** No person shall be eligible for parole who is  
71 convicted \* \* \* of any offense that specifically prohibits parole  
72 release;

73 ( \* \* \*h) (i) \* \* \* **Offenders eligible for parole**  
74 **consideration for offenses committed after June 30, 1995.** Except  
75 as provided in paragraphs (a) through (g) of this subsection,  
76 offenders may be considered eligible for parole release as  
77 follows:

78 **1. Nonviolent crimes.** All persons sentenced  
79 for a nonviolent offense shall be eligible for parole only after



80 they have served twenty-five percent (25%) or ten (10) years,  
81 whichever is less, of the sentence or sentences imposed by the  
82 trial court. For purposes of this paragraph, "nonviolent crime"  
83 means a felony not designated as a crime of violence in Section  
84 97-3-2.

85 2. **Violent crimes.** A person who is sentenced  
86 for a violent offense as defined in Section 97-3-2, except robbery  
87 with a deadly weapon as defined in Section 97-3-79, drive-by  
88 shooting as defined in Section 97-3-109, and carjacking as defined  
89 in Section 97-3-117, shall be eligible for parole only after  
90 having served fifty percent (50%) or twenty (20) years, whichever  
91 is less, of the sentence or sentences imposed by the trial court.  
92 Those persons sentenced for robbery with a deadly weapon as  
93 defined in Section 97-3-79, drive-by shooting as defined in  
94 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
95 shall be eligible for parole only after having served sixty  
96 percent (60%) or twenty-five (25) years, whichever is less, of the  
97 sentence or sentences imposed by the trial court.

98 3. **Nonviolent and nonhabitual drug offenses.**  
99 A person who has been sentenced to a drug offense pursuant to  
100 Section 41-29-139(a) through (d), whose crime was committed after  
101 June 30, 1995, shall be eligible for parole only after he has  
102 served twenty-five percent (25%) or ten (10) years, whichever is  
103 less, of the sentence or sentences imposed.



104 (ii) Parole hearing required. All persons  
105 eligible for parole under subparagraph (i) of this paragraph (h)  
106 who are serving a sentence or sentences for a crime of violence,  
107 as defined in Section 97-3-2, shall be required to have a parole  
108 hearing before the Parole Board pursuant to Section 47-7-17, prior  
109 to parole release.

110 ( \* \* \* iii) Geriatric parole. Notwithstanding the  
111 provisions in subparagraph (i) of this paragraph ( \* \* \* h), a  
112 person serving a sentence who has reached the age of sixty (60) or  
113 older and who has served no less than ten (10) years of the  
114 sentence or sentences imposed by the trial court shall be eligible  
115 for parole. Any person eligible for parole under this \* \* \*  
116 subparagraph (iii) shall be required to have a parole hearing  
117 before the board prior to parole release. No inmate shall be  
118 eligible for parole under this subparagraph ( \* \* \* iii) of this  
119 paragraph ( \* \* \* h) if:

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

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

124 3. The inmate is sentenced for an offense  
125 that specifically prohibits parole release;

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



128                   5. The inmate is sentenced for a sex crime;  
129 or

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

132                   ( \* \* \*iv) **Parole consideration as authorized by**  
133 **the trial court.** Notwithstanding the provisions of paragraph (a)  
134 of this subsection, any offender who has not committed a crime of  
135 violence under Section 97-3-2 and has served twenty-five percent  
136 (25%) or more of his sentence may be paroled by the State Parole  
137 Board if, after the sentencing judge or if the sentencing judge is  
138 retired, disabled or incapacitated, the senior circuit judge  
139 authorizes the offender to be eligible for parole consideration;  
140 or if the senior circuit judge must be recused, another circuit  
141 judge of the same district or a senior status judge may hear and  
142 decide the matter \* \* \*. A petition for parole eligibility  
143 consideration pursuant to this subparagraph (iv) shall be filed in  
144 the original criminal cause or causes, and the offender shall  
145 serve an executed copy of the petition on the District Attorney.  
146 The court may, in its discretion, require the District Attorney to  
147 respond to the petition.

148                   \* \* \*

149                   ( \* \* \*2) The State Parole Board shall, by rules and  
150 regulations, establish a method of determining a tentative parole  
151 hearing date for each eligible offender taken into the custody of  
152 the Department of Corrections. The tentative parole hearing date



153 shall be determined within ninety (90) days after the department  
154 has assumed custody of the offender. Except as provided in  
155 Section 47-7-18, the parole hearing date shall occur when the  
156 offender is within thirty (30) days of the month of his parole  
157 eligibility date. \* \* \* Any parole eligibility date shall not be  
158 earlier than as required in this section.

159 ( \* \* \*3) Notwithstanding any other provision of law, an  
160 inmate shall not be eligible to receive earned time, good time or  
161 any other administrative reduction of time which shall reduce the  
162 time necessary to be served for parole eligibility as provided in  
163 subsection (1) of this section.

164 (4) Any inmate within \* \* \* forty-eight (48) months of his  
165 parole eligibility date and who meets the criteria established by  
166 the classification board shall receive priority for placement in  
167 any educational development and job-training programs that are  
168 part of his or her parole case plan. Any inmate refusing to  
169 participate in an educational development or job-training  
170 program \* \* \*, including, but not limited to, programs required as  
171 part of the case plan, shall be in jeopardy of noncompliance with  
172 the case plan and may be denied parole.

173 (5) In addition to other requirements, if an offender is  
174 convicted of a drug or driving under the influence felony, the  
175 offender must complete a drug and alcohol rehabilitation program  
176 prior to parole, or the offender shall be required to complete a  
177 postrelease drug and alcohol program as a condition of parole.



178       (6) Except as provided in subsection (1)(a) through (h) of  
179 this section, all other persons shall be eligible for parole after  
180 servng twenty-five percent (25%) of the sentence or sentences  
181 imposed by the trial court, or, if sentenced to thirty (30) years  
182 or more, after serving ten (10) years of the sentence or sentences  
183 imposed by the trial court.

184       (7) The Corrections and Criminal Justice Oversight Task  
185 Force established in Section 47-5-6 shall develop and submit  
186 recommendations to the Governor and to the Legislature annually on  
187 or before December 1st concerning issues relating to juvenile and  
188 habitual offender parole reform and to review and monitor the  
189 implementation of Senate Bill No. 2795, 2021 Regular Session.

190       (8) The amendments contained in this act shall apply  
191 retroactively from and after July 1, 1995.

192       (9) Notwithstanding provisions to the contrary in this  
193 section, a person who was sentenced before the effective date of  
194 this act may be considered for parole if the person's sentence  
195 would have been parole eligible before the date on which this act  
196 becomes effective.

197       (10) This section shall stand repealed on July 1, 2024.

198       **SECTION 3.** Section 47-7-3.1, Mississippi Code of 1972, is  
199 amended as follows:

200       47-7-3.1. (1) In consultation with the Parole Board, the  
201 department shall develop a case plan for all parole-eligible  
202 inmates to guide an inmate's rehabilitation while in the





203 department's custody and to reduce the likelihood of recidivism  
204 after release.

205 (2) \* \* \* The case plan \* \* \* shall include, but not be  
206 limited to:

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

209 (b) Any programming or treatment requirements contained  
210 in the sentencing order; and

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

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

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

219 ( \* \* \*4) The department shall provide the inmate with a  
220 written copy of the case plan and the inmate's caseworker shall  
221 explain the conditions set forth in the case plan.

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

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



228           ( \* \* \*5) With respect to parole-eligible inmates admitted  
229 to the department's custody after July 1, 2021, the department  
230 shall ensure that the case plan is achievable prior to the  
231 inmate's parole eligibility date. With respect to parole-eligible  
232 inmates admitted to the department's custody before July 1, 2021,  
233 the department shall, to the extent possible, ensure that the case  
234 plan is achievable prior to the inmate's parole eligibility date  
235 or next parole hearing date, or date of release, whichever is  
236 sooner.

237           ( \* \* \*6) The caseworker shall meet with the inmate every  
238 eight (8) weeks from the date the offender received the case plan  
239 to review the inmate's case plan progress.

240           ( \* \* \*7) Every four (4) months the department shall  
241 electronically submit a progress report on each parole-eligible  
242 inmate's case plan to the Parole Board. The board may meet to  
243 review an inmate's case plan and may provide written input to the  
244 caseworker on the inmate's progress toward completion of the case  
245 plan.

246           ( \* \* \*8) The Parole Board shall provide semiannually to the  
247 Oversight Task Force the number of parole hearings held, the  
248 number of prisoners released to parole without a hearing and the  
249 number of parolees released after a hearing.

250           (9) If the Department of Corrections fails to adequately  
251 provide opportunity and access for the completion of such case  
252 plans, the Department of Corrections shall, to the extent



253 possible, contract with regional jail facilities that offer  
254 educational development and job-training programs to facilitate  
255 the fulfillment of the case plans of parole-eligible inmates.

256 **SECTION 4.** Section 47-7-3.2, Mississippi Code of 1972, is  
257 amended as follows:

258 47-7-3.2. (1) Notwithstanding \* \* \* Section 47-5-138,  
259 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a  
260 criminal offense on or after July 1, 2014, shall be released by  
261 the department until he or she has served no less than \* \* \* the  
262 percentage of the sentence or sentences imposed by the court as  
263 set forth below:

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

266 (b) Fifty percent (50%) or twenty (20) years, whichever  
267 is less, for a crime of violence pursuant to Section 97-3-2,  
268 except for robbery with a deadly weapon as defined in Section  
269 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
270 carjacking as defined in Section 97-3-117;

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

275 (2) This section shall not apply to:

276 (a) Offenders sentenced to life imprisonment;



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

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

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

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

284 47-7-5. (1) The State Parole Board, created under former  
285 Section 47-7-5, is hereby created, continued and reconstituted and  
286 shall be composed of five (5) members. The Governor shall appoint  
287 the members with the advice and consent of the Senate. All terms  
288 shall be at the will and pleasure of the Governor. Any vacancy  
289 shall be filled by the Governor, with the advice and consent of  
290 the Senate. The Governor shall appoint a chairman of the board.

291 (2) Any person who is appointed to serve on the board shall  
292 possess at least a bachelor's degree or a high school diploma and  
293 four (4) years' work experience. Each member shall devote his  
294 full time to the duties of his office and shall not engage in any  
295 other business or profession or hold any other public office. A  
296 member shall \* \* \* receive compensation or per diem in addition to  
297 his salary \* \* \*. Each member shall keep such hours and workdays  
298 as required of full-time state employees under Section 25-1-98.  
299 Individuals shall be appointed to serve on the board without  
300 reference to their political affiliations. Each board member,  
301 including the chairman, may be reimbursed for actual and necessary



302 expenses as authorized by Section 25-3-41. Each member of the  
303 board shall complete annual training developed based on guidance  
304 from the National Institute of Corrections, the Association of  
305 Paroling Authorities International, or the American Probation and  
306 Parole Association. Each first-time appointee of the board shall,  
307 within sixty (60) days of appointment, or as soon as practical,  
308 complete training for first-time Parole Board members developed in  
309 consideration of information from the National Institute of  
310 Corrections, the Association of Paroling Authorities  
311 International, or the American Probation and Parole Association.

312 (3) The board shall have exclusive responsibility for the  
313 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
314 shall have exclusive authority for revocation of the same. The  
315 board shall have exclusive responsibility for investigating  
316 clemency recommendations upon request of the Governor.

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

320 (5) The budget of the board shall be funded through a  
321 separate line item within the general appropriation bill for the  
322 support and maintenance of the department. Employees of the  
323 department which are employed by or assigned to the board shall  
324 work under the guidance and supervision of the board. There shall  
325 be an executive secretary to the board who shall be responsible  
326 for all administrative and general accounting duties related to



327 the board. The executive secretary shall keep and preserve all  
328 records and papers pertaining to the board.

329 (6) The board shall have no authority or responsibility for  
330 supervision of offenders granted a release for any reason,  
331 including, but not limited to, probation, parole or executive  
332 clemency or other offenders requiring the same through interstate  
333 compact agreements. The supervision shall be provided exclusively  
334 by the staff of the Division of Community Corrections of the  
335 department.

336 (7) (a) The Parole Board is authorized to select and place  
337 offenders in an electronic monitoring program under the conditions  
338 and criteria imposed by the Parole Board. The conditions,  
339 restrictions and requirements of Section 47-7-17 and Sections  
340 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
341 any offender placed in an electronic monitoring program by the  
342 Parole Board.

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

347 (c) The department shall have absolute immunity from  
348 liability for any injury resulting from a determination by the  
349 Parole Board that an offender be placed in an electronic  
350 monitoring program.



351 (8) (a) The Parole Board shall maintain a central registry  
352 of paroled inmates. The Parole Board shall place the following  
353 information on the registry: name, address, photograph, crime for  
354 which paroled, the date of the end of parole or flat-time date and  
355 other information deemed necessary. The Parole Board shall  
356 immediately remove information on a parolee at the end of his  
357 parole or flat-time date.

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

362 (c) The Parole Board shall utilize an internet website  
363 or other electronic means to release or publish the information.

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

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

370 (10) This section shall stand repealed on July 1, 2022.

371 **SECTION 6.** Section 47-7-15, Mississippi Code of 1972, is  
372 amended as follows:

373 47-7-15. The board shall adopt an official seal of which the  
374 courts shall take judicial notice. Decisions of the board shall  
375 be made by majority vote, except as provided in Section 47-7-5(9).



376 The board shall keep a record of its acts and shall notify  
377 each institution of its decisions relating to the persons who are  
378 or have been confined therein. At the close of each fiscal year  
379 the board shall submit to the Governor and to the Legislature a  
380 report with statistical and other data of its work.

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

383 47-7-17. (1) Within one (1) year after his admission and at  
384 such intervals thereafter as it may determine, the board shall  
385 secure and consider all pertinent information regarding each  
386 offender, except any under sentence of death or otherwise  
387 ineligible for parole, including the circumstances of his offense,  
388 his previous social history, his previous criminal record,  
389 including any records of law enforcement agencies or of a youth  
390 court regarding that offender's juvenile criminal history, his  
391 conduct, employment and attitude while in the custody of the  
392 department, the case plan created to prepare the offender for  
393 parole, and the reports of such physical and mental examinations  
394 as have been made. The board shall furnish at least three (3)  
395 months' written notice to each such offender of the date on which  
396 he is eligible for parole.

397 \* \* \* (2) Except as provided in Section 47-7-18, the  
398 board \* \* \* shall require a parole-eligible offender to have a  
399 hearing as required in this chapter before the board and to be  
400 interviewed. The hearing shall be held no later than thirty (30)





401 days prior to the month of eligibility. No application for parole  
402 of a person convicted of a capital offense shall be considered by  
403 the board unless and until notice of the filing of such  
404 application shall have been published at least once a week for two  
405 (2) weeks in a newspaper published in or having general  
406 circulation in the county in which the crime was committed. The  
407 board shall, within thirty (30) days prior to the scheduled  
408 hearing, also give notice of the filing of the application for  
409 parole to the victim of the offense for which the prisoner is  
410 incarcerated and being considered for parole or, in case the  
411 offense be homicide, a designee of the immediate family of the  
412 victim, provided the victim or designated family member has  
413 furnished in writing a current address to the board for such  
414 purpose. The victim or designated family member shall be provided  
415 an opportunity to be heard by the board before the board makes a  
416 decision regarding release on parole. The board shall consider  
417 whether any restitution ordered has been paid in full. Parole  
418 release shall, at the hearing, be ordered only for the best  
419 interest of society, not as an award of clemency; it shall not be  
420 considered to be a reduction of sentence or pardon. An offender  
421 shall be placed on parole only when arrangements have been made  
422 for his proper employment or for his maintenance and care, and  
423 when the board believes that he is able and willing to fulfill the  
424 obligations of a law-abiding citizen. When the board determines  
425 that the offender will need transitional housing upon release in



426 order to improve the likelihood of \* \* \* the offender becoming a  
427 law-abiding citizen, the board may parole the offender with the  
428 condition that the inmate spends no more than six (6) months in a  
429 transitional reentry center. At least fifteen (15) days prior to  
430 the release of an offender on parole, the director of records of  
431 the department shall give the written notice which is required  
432 pursuant to Section 47-5-177. Every offender while on parole  
433 shall remain in the legal custody of the department from which he  
434 was released and shall be amenable to the orders of the board.  
435 Upon determination by the board that an offender is eligible for  
436 release by parole, notice shall also be given within at least  
437 fifteen (15) days before release, by the board to the victim of  
438 the offense or the victim's family member, as indicated above,  
439 regarding the date when the offender's release shall occur,  
440 provided a current address of the victim or the victim's family  
441 member has been furnished in writing to the board for such  
442 purpose.

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



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

452       (5) The board may adopt such other rules not inconsistent  
453 with law as it may deem proper or necessary with respect to the  
454 eligibility of offenders for parole, the conduct of parole  
455 hearings, or conditions to be imposed upon parolees, including a  
456 condition that the parolee submit, as provided in Section 47-5-601  
457 to any type of breath, saliva or urine chemical analysis test, the  
458 purpose of which is to detect the possible presence of alcohol or  
459 a substance prohibited or controlled by any law of the State of  
460 Mississippi or the United States. The board shall have the  
461 authority to adopt rules related to the placement of certain  
462 offenders on unsupervised parole and for the operation of  
463 transitional reentry centers. However, in no case shall an  
464 offender be placed on unsupervised parole before he has served a  
465 minimum of fifty percent (50%) of the period of supervised parole.

466       **SECTION 8.** Section 47-7-18, Mississippi Code of 1972, is  
467 amended as follows:

468       47-7-18 (1) \* \* \* No inmate convicted of a sex offense as  
469 defined by Section 45-33-23(h), a crime of violence as defined by  
470 Section 97-3-2, or both, nor an inmate who is eligible for  
471 geriatric parole shall be released on parole without a hearing  
472 before the Parole Board as required by Section 47-7-17. All other  
473 inmates eligible for parole pursuant to Section 47-7-3 \* \* \* shall



474 be released from incarceration to parole supervision on the  
475 inmate's parole eligibility date, without a hearing before the  
476 board, if:

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

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

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

483           (d) The inmate has agreed to the conditions of  
484 supervision; and

485           (e) The inmate has a discharge plan approved by the  
486 board.

487           (2) At least thirty (30) days prior to an inmate's parole  
488 eligibility date, the department shall notify the board in writing  
489 of the inmate's compliance or noncompliance with the case plan.  
490 If an inmate fails to meet a requirement of the case plan, prior  
491 to the parole eligibility date, he or she shall have a hearing  
492 before the board to determine if completion of the case plan can  
493 occur while in the community.

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



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

500 (5) A hearing shall be held by the board if a law  
501 enforcement official from the community to which the inmate will  
502 return contacts the board or the department and requests a hearing  
503 to consider information relevant to public safety risks posed by  
504 the inmate if paroled at the initial parole eligibility date. The  
505 law enforcement official shall submit an explanation documenting  
506 these concerns for the board to consider.

507 (6) If a parole hearing is held, the board may determine the  
508 inmate has sufficiently complied with the case plan or that the  
509 incomplete case plan is not the fault of the inmate and that  
510 granting parole is not incompatible with public safety, the board  
511 may then parole the inmate with appropriate conditions. If the  
512 board determines that the inmate has sufficiently complied with  
513 the case plan but the discharge plan indicates that the inmate  
514 does not have appropriate housing immediately upon release, the  
515 board may parole the inmate to a transitional reentry center with  
516 the condition that the inmate spends no more than six (6) months  
517 in the center. If the board determines that the inmate has not  
518 substantively complied with the requirement(s) of the case plan it  
519 may deny parole. If the board denies parole, the board may  
520 schedule a subsequent parole hearing and, if a new date is  
521 scheduled, the board shall identify the corrective action the



522 inmate will need to take in order to be granted parole. Any  
523 inmate not released at the time of the inmate's initial parole  
524 date shall have a parole hearing at least every year.

525           **SECTION 9.** This act shall take effect and be in force from  
526 and after July 1, 2021.

