

By: Representative Currie

To: Corrections

HOUSE BILL NO. 844
(As Sent to Governor)

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 WHENEVER SUCH HEARING IS FOR ANY OFFENDER WHO HAS BEEN CONVICTED
5 OF CERTAIN CRIMES OF VIOLENCE; TO REQUIRE THE MISSISSIPPI STATE
6 PAROLE BOARD TO NOTIFY CERTAIN INDIVIDUALS WITHIN A SET PERIOD OF
7 TIME BEFORE A PAROLE HEARING; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-7-17, Mississippi Code of 1972, is
10 amended as follows:

11 47-7-17. (1) Within one (1) year after his admission and at
12 such intervals thereafter as it may determine, the board shall
13 secure and consider all pertinent information regarding each
14 offender, except any under sentence of death or otherwise
15 ineligible for parole, including the circumstances of his offense,
16 his previous social history, his previous criminal record,
17 including any records of law enforcement agencies or of a youth
18 court regarding that offender's juvenile criminal history, his
19 conduct, employment and attitude while in the custody of the
20 department, the case plan created to prepare the offender for



21 parole, and the reports of such physical and mental examinations
22 as have been made. The board shall furnish at least three (3)
23 months' written notice to each such offender of the date on which
24 he is eligible for parole.

25 (2) Except as provided in Section 47-7-18, the board shall
26 require a parole-eligible offender to have a hearing as required
27 in this chapter before the board and to be interviewed. The
28 hearing shall be held no later than thirty (30) days prior to the
29 month of eligibility. No application for parole of a person
30 convicted of a capital offense shall be considered by the board
31 unless and until notice of the filing of such application shall
32 have been published at least once a week for two (2) weeks in a
33 newspaper published in or having general circulation in the county
34 in which the crime was committed. The board shall, within thirty
35 (30) days prior to the scheduled hearing, also give notice of the
36 filing of the application for parole to the victim of the offense
37 for which the prisoner is incarcerated and being considered for
38 parole or, in case the offense be homicide, a designee of the
39 immediate family of the victim, provided the victim or designated
40 family member has furnished in writing a current address to the
41 board for such purpose. The victim or designated family member
42 shall be provided an opportunity to be heard by the board before
43 the board makes a decision regarding release on parole. The board
44 shall consider whether any restitution ordered has been paid in
45 full. Parole release shall, at the hearing, be ordered only for



46 the best interest of society, not as an award of clemency; it
47 shall not be considered to be a reduction of sentence or pardon.
48 An offender shall be placed on parole only when arrangements have
49 been made for his proper employment or for his maintenance and
50 care, and when the board believes that he is able and willing to
51 fulfill the obligations of a law-abiding citizen. When the board
52 determines that the offender will need transitional housing upon
53 release in order to improve the likelihood of the offender
54 becoming a law-abiding citizen, the board may parole the offender
55 with the condition that the inmate spends no more than six (6)
56 months in a transitional reentry center. At least fifteen (15)
57 days prior to the release of an offender on parole, the director
58 of records of the department shall give the written notice which
59 is required pursuant to Section 47-5-177. Every offender while on
60 parole shall remain in the legal custody of the department from
61 which he was released and shall be amenable to the orders of the
62 board. Upon determination by the board that an offender is
63 eligible for release by parole, notice shall also be given within
64 at least fifteen (15) days before release, by the board to the
65 victim of the offense or the victim's family member, as indicated
66 above, regarding the date when the offender's release shall occur,
67 provided a current address of the victim or the victim's family
68 member has been furnished in writing to the board for such
69 purpose.



70 (3) For any hearing where an offender has been convicted of
71 a crime of violence, as set out under Section 97-3-2 or any
72 offense set out under Section 47-7-3(1)(a) through (g), the board
73 shall, within thirty (30) days prior to the scheduled hearing,
74 solicit the written or oral recommendations of the Attorney
75 General, the attorney who prosecuted the case, the judge who
76 presided over the case, the chief of police of the municipality
77 where the offender was convicted and the sheriff of the county
78 where the offender was convicted.

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

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

91 (* * *6) Failure to provide notice to the victim or the
92 victim's family member of the filing of the application for parole
93 or of any decision made by the board regarding parole shall not



94 constitute grounds for vacating an otherwise lawful parole
95 determination nor shall it create any right or liability, civilly
96 or criminally, against the board or any member thereof.

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

100 (* * *8) The board may adopt such other rules not
101 inconsistent with law as it may deem proper or necessary with
102 respect to the eligibility of offenders for parole, the conduct of
103 parole hearings, or conditions to be imposed upon parolees,
104 including a condition that the parolee submit, as provided in
105 Section 47-5-601 to any type of breath, saliva or urine chemical
106 analysis test, the purpose of which is to detect the possible
107 presence of alcohol or a substance prohibited or controlled by any
108 law of the State of Mississippi or the United States. The board
109 shall have the authority to adopt rules related to the placement
110 of certain offenders on unsupervised parole and for the operation
111 of transitional reentry centers. However, in no case shall an
112 offender be placed on unsupervised parole before he has served a
113 minimum of fifty percent (50%) of the period of supervised parole.

114 **SECTION 2.** This act shall take effect and be in force from
115 and after July 1, 2024.

