

By: Senator(s) Hill, Seymour

To: Corrections; Government Structure

SENATE BILL NO. 2352

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO  
 2 PRESCRIBE QUALIFICATIONS FOR MEMBERS OF THE STATE PAROLE BOARD TO  
 3 CONSIST OF MEMBERS WITH BACKGROUNDS IN LAW ENFORCEMENT, CRIMINAL  
 4 DEFENSE LAW, PROSECUTORIAL LAW AND BUSINESS; TO PROVIDE FOR AN  
 5 EXECUTIVE SECRETARY OF THE STATE PAROLE BOARD; TO AMEND SECTION  
 6 47-7-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT TO  
 7 HOLD PAROLE HEARINGS AT THE MISSISSIPPI STATE PENITENTIARY; TO  
 8 REQUIRE THAT PAROLE HEARINGS BE MADE AVAILABLE TO THE PUBLIC VIA  
 9 INTERNET WEBCAST; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF  
 10 1972, TO REQUIRE NOTICE OF PAROLE HEARINGS TO BE PUBLISHED ON THE  
 11 MISSISSIPPI DEPARTMENT OF CORRECTIONS' WEBSITE; TO AMEND NOTICE  
 12 REQUIREMENTS TO VICTIMS AND CERTAIN FAMILY MEMBERS OF VICTIMS; AND  
 13 FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 47-7-5, Mississippi Code of 1972, is  
 16 amended as follows:

17 47-7-5. (1) Effective July 1, 2024, the State Parole Board,  
 18 created under former Section 47-7-5, is hereby created, continued  
 19 and reconstituted \* \* \* as follows: The State Parole Board shall  
 20 be composed of five (5) members \* \* \* appointed by the  
 21 Governor \* \* \* with the advice and consent of the Senate. \* \* \*  
 22 Any vacancy shall be filled by the Governor, with the advice and  
 23 consent of the Senate. The Governor shall appoint a chairman of



24 the board. The Governor shall appoint members as follows: One  
25 (1) member shall be a law enforcement officer who has been  
26 certified by the State Board on Law Enforcement Officer Standards  
27 and Training for at least four (4) years. Two (2) members shall  
28 be licensed attorneys-at-law with at least five (5) years' active  
29 practice in Mississippi prior to his or her appointment, one (1)  
30 with a background in prosecutorial law and one (1) with a  
31 background in criminal defense law. Two (2) members shall be  
32 persons who own a business in Mississippi. Members shall serve  
33 for a term of office of four (4) years and may be reappointed.

34 (2) Any person who is appointed to serve on the board shall  
35 possess at least a bachelor's degree or a high school diploma and  
36 four (4) years' work experience. Each member shall devote his  
37 full time to the duties of his office and shall not engage in any  
38 other business or profession or hold any other public office. A  
39 member shall receive compensation or per diem in addition to his  
40 or her salary. Each member shall keep such hours and workdays as  
41 required of full-time state employees under Section 25-1-98.  
42 Individuals shall be appointed to serve on the board without  
43 reference to their political affiliations. Each board member,  
44 including the chairman, may be reimbursed for actual and necessary  
45 expenses as authorized by Section 25-3-41. Each member of the  
46 board shall complete annual training developed based on guidance  
47 from the National Institute of Corrections, the Association of  
48 Paroling Authorities International, or the American Probation and



49 Parole Association. Each first-time appointee of the board shall,  
50 within sixty (60) days of appointment, or as soon as practical,  
51 complete training for first-time Parole Board members developed in  
52 consideration of information from the National Institute of  
53 Corrections, the Association of Paroling Authorities  
54 International, or the American Probation and Parole Association.

55 (3) The board shall have exclusive responsibility for the  
56 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
57 shall have exclusive authority for revocation of the same. The  
58 board shall have exclusive responsibility for investigating  
59 clemency recommendations upon request of the Governor.

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

63 (5) The budget of the board shall be funded through a  
64 separate line item within the general appropriation bill for the  
65 support and maintenance of the department. Employees of the  
66 department which are employed by or assigned to the board shall  
67 work under the guidance and supervision of the board. There shall  
68 be an executive secretary to the board appointed by the board, who  
69 shall be responsible for all records and minutes of board hearings  
70 and administrative and general accounting duties related to the  
71 board. The executive secretary shall keep and preserve all  
72 records and papers pertaining to the board.



73           (6) The board shall have no authority or responsibility for  
74 supervision of offenders granted a release for any reason,  
75 including, but not limited to, probation, parole or executive  
76 clemency or other offenders requiring the same through interstate  
77 compact agreements. The supervision shall be provided exclusively  
78 by the staff of the Division of Community Corrections of the  
79 department.

80           (7) (a) The Parole Board is authorized to select and place  
81 offenders in an electronic monitoring program under the conditions  
82 and criteria imposed by the Parole Board. The conditions,  
83 restrictions and requirements of Section 47-7-17 and Sections  
84 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
85 any offender placed in an electronic monitoring program by the  
86 Parole Board.

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

91           (c) The department shall have absolute immunity from  
92 liability for any injury resulting from a determination by the  
93 Parole Board that an offender be placed in an electronic  
94 monitoring program.

95           (8) (a) The Parole Board shall maintain a central registry  
96 of paroled inmates. The Parole Board shall place the following  
97 information on the registry: name, address, photograph, crime for



98 which paroled, the date of the end of parole or flat-time date and  
99 other information deemed necessary. The Parole Board shall  
100 immediately remove information on a parolee at the end of his  
101 parole or flat-time date.

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

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

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

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

114 (10) This section shall stand repealed on July 1, 2025.

115 **SECTION 2.** Section 47-7-13, Mississippi Code of 1972, is  
116 amended as follows:

117 47-7-13. A majority of the board shall constitute a quorum  
118 for the transaction of all business. A decision to parole an  
119 offender convicted of murder or a sex-related crime shall require  
120 the affirmative vote of three (3) members. The board shall  
121 maintain, in minute book form, a copy of each of its official  
122 actions with the reasons therefor. Suitable and sufficient office



123 space and support resources and staff necessary to conducting  
124 Parole Board business shall be provided by the Department of  
125 Corrections. \* \* \* Parole hearings shall be made available to the  
126 public by the Mississippi Department of Corrections by internet  
127 webcast on the department's website. The department shall post on  
128 the department's public internet website the individuals granted  
129 parole, denied parole and returned to prison following the  
130 revocation of parole. The department shall post aggregate numbers  
131 that identify monthly totals and yearly totals. The yearly totals  
132 shall be presented by the crime for which the individual was  
133 convicted; the sex, race and age of the individual; and the  
134 locality in which the individual was convicted. Any guidance  
135 documents that the State Parole Board uses to guide parole  
136 decisions shall be posted on the department's public internet  
137 website.

138 **SECTION 3.** Section 47-7-17, Mississippi Code of 1972, is  
139 amended as follows:

140 47-7-17. (1) Within one (1) year after his admission and at  
141 such intervals thereafter as it may determine, the board shall  
142 secure and consider all pertinent information regarding each  
143 offender, except any under sentence of death or otherwise  
144 ineligible for parole, including the circumstances of his offense,  
145 his previous social history, his previous criminal record,  
146 including any records of law enforcement agencies or of a youth  
147 court regarding that offender's juvenile criminal history, his



148 conduct, employment and attitude while in the custody of the  
149 department, the case plan created to prepare the offender for  
150 parole, and the reports of such physical and mental examinations  
151 as have been made. The board shall furnish at least three (3)  
152 months' written notice to each such offender of the date on which  
153 he is eligible for parole.

154 (2) Except as provided in Section 47-7-18, the board shall  
155 require a parole-eligible offender to have a hearing as required  
156 in this chapter before the board and to be interviewed. The  
157 hearing shall be held no later than thirty (30) days prior to the  
158 month of eligibility. No application for parole of a person  
159 convicted of a capital offense shall be considered by the board  
160 unless and until notice of the filing of such application shall  
161 have been published at least once a week for two (2) weeks in a  
162 newspaper published in or having general circulation in the county  
163 in which the crime was committed and, for violent offender  
164 hearings, on the Mississippi Department of Corrections' website at  
165 least thirty (30) days prior to the hearing. The board  
166 shall, \* \* \* at least thirty (30) days prior to the scheduled  
167 hearing, also give notice of the filing of the application for  
168 parole to the victim of the offense for which the prisoner is  
169 incarcerated and being considered for parole or, in case the  
170 offense be homicide, \* \* \* an adult designee of the immediate  
171 family of the victim, provided the victim or designated family  
172 member has furnished in writing a current address to the board for



173 such purpose. The notice shall be by first-class mail to an  
174 office or a person's last-known address sent at least thirty (30)  
175 days before the interview or hearing upon the application for  
176 parole. The victim or designated family member shall be provided  
177 an opportunity to be heard by the board before the board makes a  
178 decision regarding release on parole. The board shall consider  
179 whether any restitution ordered has been paid in full. Parole  
180 release shall, at the hearing, be ordered only for the best  
181 interest of society, not as an award of clemency; it shall not be  
182 considered to be a reduction of sentence or pardon. An offender  
183 shall be placed on parole only when arrangements have been made  
184 for his proper employment or for his maintenance and care, and  
185 when the board believes that he is able and willing to fulfill the  
186 obligations of a law-abiding citizen. When the board determines  
187 that the offender will need transitional housing upon release in  
188 order to improve the likelihood of the offender becoming a  
189 law-abiding citizen, the board may parole the offender with the  
190 condition that the inmate spends no more than six (6) months in a  
191 transitional reentry center. At least fifteen (15) days prior to  
192 the release of an offender on parole, the director of records of  
193 the department shall give the written notice which is required  
194 pursuant to Section 47-5-177. Every offender while on parole  
195 shall remain in the legal custody of the department from which he  
196 was released and shall be amenable to the orders of the board.  
197 Upon determination by the board that an offender is eligible for





198 release by parole, notice shall also be given within at least  
199 fifteen (15) days before release, by the board to the victim of  
200 the offense or the victim's adult family member, as indicated  
201 above, regarding the date when the offender's release shall occur,  
202 provided a current address of the victim or the victim's family  
203 member has been furnished in writing to the board for such  
204 purpose.

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

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

214 (5) The board may adopt such other rules not inconsistent  
215 with law as it may deem proper or necessary with respect to the  
216 eligibility of offenders for parole, the conduct of parole  
217 hearings, or conditions to be imposed upon parolees, including a  
218 condition that the parolee submit, as provided in Section 47-5-601  
219 to any type of breath, saliva or urine chemical analysis test, the  
220 purpose of which is to detect the possible presence of alcohol or  
221 a substance prohibited or controlled by any law of the State of  
222 Mississippi or the United States. The board shall have the



223 authority to adopt rules related to the placement of certain  
224 offenders on unsupervised parole and for the operation of  
225 transitional reentry centers. However, in no case shall an  
226 offender be placed on unsupervised parole before he has served a  
227 minimum of fifty percent (50%) of the period of supervised parole.

228         **SECTION 4.** This act shall take effect and be in force from  
229 and after July 1, 2024.

