SENATE BILL NO. 2352

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

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

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

47-7-5. (1) Effective July 1, 2024, the State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted * * * as follows: The State Parole Board shall be composed of five (5) members * * * appointed by the Governor * * * with the advice and consent of the Senate. * * * Any vacancy shall be filled by the Governor, with the advice and consent of the Senate. The Governor shall appoint a chairman of
the board. The Governor shall appoint members as follows: One
(1) member shall be a law enforcement officer who has been
certified by the State Board on Law Enforcement Officer Standards
and Training for at least four (4) years. Two (2) members shall
be licensed attorneys-at-law with at least five (5) years' active
practice in Mississippi prior to his or her appointment, one (1)
with a background in prosecutorial law and one (1) with a
background in criminal defense law. Two (2) members shall be
persons who own a business in Mississippi. Members shall serve
for a term of office of four (4) years and may be reappointed.
(2) Any person who is appointed to serve on the board shall
possess at least a bachelor's degree or a high school diploma and
four (4) years' work experience. Each member shall devote his
full time to the duties of his office and shall not engage in any
other business or profession or hold any other public office. A
member shall receive compensation or per diem in addition to his
or her salary. Each member shall keep such hours and workdays as
required of full-time state employees under Section 25-1-98.
Individuals shall be appointed to serve on the board without
reference to their political affiliations. Each board member,
including the chairman, may be reimbursed for actual and necessary
expenses as authorized by Section 25-3-41. Each member of the
board shall complete annual training developed based on guidance
from the National Institute of Corrections, the Association of
Paroling Authorities International, or the American Probation and
Parole Association. Each first-time appointee of the board shall, within sixty (60) days of appointment, or as soon as practical, complete training for first-time Parole Board members developed in consideration of information from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

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

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

(5) The budget of the board shall be funded through a separate line item within the general appropriation bill for the support and maintenance of the department. Employees of the department which are employed by or assigned to the board shall work under the guidance and supervision of the board. There shall be an executive secretary to the board appointed by the board, who shall be responsible for all records and minutes of board hearings and administrative and general accounting duties related to the board. The executive secretary shall keep and preserve all records and papers pertaining to the board.
(6) The board shall have no authority or responsibility for supervision of offenders granted a release for any reason, including, but not limited to, probation, parole or executive clemency or other offenders requiring the same through interstate compact agreements. The supervision shall be provided exclusively by the staff of the Division of Community Corrections of the department.

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

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

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

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

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

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

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

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

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

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

47-7-13. A majority of the board shall constitute a quorum for the transaction of all business. A decision to parole an offender convicted of murder or a sex-related crime shall require the affirmative vote of three (3) members. The board shall maintain, in minute book form, a copy of each of its official actions with the reasons therefor. Suitable and sufficient office
space and support resources and staff necessary to conducting Parole Board business shall be provided by the Department of Corrections. * * * Parole hearings shall be made available to the public by the Mississippi Department of Corrections by internet webcast on the department's website. The department shall post on the department's public internet website the individuals granted parole, denied parole and returned to prison following the revocation of parole. The department shall post aggregate numbers that identify monthly totals and yearly totals. The yearly totals shall be presented by the crime for which the individual was convicted; the sex, race and age of the individual; and the locality in which the individual was convicted. Any guidance documents that the State Parole Board uses to guide parole decisions shall be posted on the department's public internet website.

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

47-7-17. (1) 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, the case plan created to prepare the offender for
parole, 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.

(2) Except as provided in Section 47-7-18, the board shall
require a parole-eligible offender to have a hearing as required
in this chapter before the board and to be interviewed. The
hearing shall be held no later than thirty (30) days prior to the
month of eligibility. 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 and, for violent offender
hearings, on the Mississippi Department of Corrections' website at
least thirty (30) days prior to the hearing. The board
shall, * * * at least thirty (30) days prior to the scheduled
hearing, 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, * * * an adult 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. The notice shall be by first-class mail to an
office or a person's last-known address sent at least thirty (30)
days before the interview or hearing upon the application for
parole. The victim or designated family member shall be provided
an opportunity to be heard by the board before the board makes a
decision regarding release on parole. The board shall consider
whether any restitution ordered has been paid in full. Parole
release shall, at the hearing, 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. When the board determines
that the offender will need transitional housing upon release in
order to improve the likelihood of the offender becoming a
law-abiding citizen, the board may parole the offender with the
condition that the inmate spends no more than six (6) months in a
transitional reentry center. At least fifteen (15) days prior to
the release of an offender on parole, the director of records of
the department shall give the written 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.
Upon determination by the board that an offender is eligible for
release by parole, notice shall also be given within at least fifteen (15) days before release, by the board to the victim of the offense or the victim's adult 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.

(3) 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.

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

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

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