

By: Senator(s) Barnett

To: Corrections

SENATE BILL NO. 2448  
(As Sent to Governor)

1 AN ACT TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI  
2 EARNED PAROLE ELIGIBILITY ACT OF 2021; TO BRING FORWARD SECTION 1  
3 OF CHAPTER 479, LAWS OF 2021; TO AMEND SECTIONS 47-7-3, 47-7-5 AND  
4 BRING FORWARD SECTIONS 47-7-3.1, 47-7-3.2, 47-7-15, 47-7-17 AND  
5 47-7-18, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 1 of Chapter 479, Laws of 2021, is  
9 brought forward as follows:

10 Section 1. This act shall be known and may be cited as the  
11 "Mississippi Earned Parole Eligibility Act."

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

14 47-7-3. (1) Every prisoner who has been convicted of any  
15 offense against the State of Mississippi, and is confined in the  
16 execution of a judgment of such conviction in the Mississippi  
17 Department of Corrections for a definite term or terms of one (1)  
18 year or over, or for the term of his or her natural life, whose  
19 record of conduct shows that such prisoner has observed the rules  
20 of the department, and who has served the minimum required time



21 for parole eligibility, may be released on parole as set forth  
22 herein:

23 (a) **Habitual offenders.** Except as provided by Sections  
24 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
25 habitual criminal shall be eligible for parole;

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

30 (c) **Capital offenders.** No person sentenced for the  
31 following offenses shall be eligible for parole:

32 (i) Capital murder committed on or after July 1,  
33 1994, as defined in Section 97-3-19(2);

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

36 (iii) Any offense to which an offender is  
37 sentenced to life imprisonment without eligibility for parole  
38 under the provisions of Section 99-19-101, whose crime was  
39 committed on or after July 1, 1994;

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



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

47 (f) **Drug trafficking.** No person sentenced for  
48 trafficking and aggravated trafficking, as defined in Section  
49 41-29-139(f) through (g), shall be eligible for parole;

50 (g) **Offenses specifically prohibiting parole release.**  
51 No person shall be eligible for parole who is convicted of any  
52 offense that specifically prohibits parole release;

53 (h) (i) **Offenders eligible for parole consideration**  
54 **for offenses committed after June 30, 1995.** Except as provided in  
55 paragraphs (a) through (g) of this subsection, offenders may be  
56 considered eligible for parole release as follows:

57 1. **Nonviolent crimes.** All persons sentenced  
58 for a nonviolent offense shall be eligible for parole only after  
59 they have served twenty-five percent (25%) or ten (10) years,  
60 whichever is less, of the sentence or sentences imposed by the  
61 trial court. For purposes of this paragraph, "nonviolent crime"  
62 means a felony not designated as a crime of violence in Section  
63 97-3-2.

64 2. **Violent crimes.** A person who is sentenced  
65 for a violent offense as defined in Section 97-3-2, except robbery  
66 with a deadly weapon as defined in Section 97-3-79, drive-by  
67 shooting as defined in Section 97-3-109, and carjacking as defined  
68 in Section 97-3-117, shall be eligible for parole only after



69 having served fifty percent (50%) or twenty (20) years, whichever  
70 is less, of the sentence or sentences imposed by the trial court.  
71 Those persons sentenced for robbery with a deadly weapon as  
72 defined in Section 97-3-79, drive-by shooting as defined in  
73 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
74 shall be eligible for parole only after having served sixty  
75 percent (60%) or twenty-five (25) years, whichever is less, of the  
76 sentence or sentences imposed by the trial court.

77 **3. Nonviolent and nonhabitual drug offenses.**

78 A person who has been sentenced to a drug offense pursuant to  
79 Section 41-29-139(a) through (d), whose crime was committed after  
80 June 30, 1995, shall be eligible for parole only after he has  
81 served twenty-five percent (25%) or ten (10) years, whichever is  
82 less, of the sentence or sentences imposed.

83 (ii) **Parole hearing required.** All persons  
84 eligible for parole under subparagraph (i) of this paragraph (h)  
85 who are serving a sentence or sentences for a crime of violence,  
86 as defined in Section 97-3-2, shall be required to have a parole  
87 hearing before the Parole Board pursuant to Section 47-7-17, prior  
88 to parole release.

89 (iii) **Geriatric parole.** Notwithstanding the  
90 provisions in subparagraph (i) of this paragraph (h), a person  
91 serving a sentence who has reached the age of sixty (60) or older  
92 and who has served no less than ten (10) years of the sentence or  
93 sentences imposed by the trial court shall be eligible for parole.



94 Any person eligible for parole under this subparagraph (iii) shall  
95 be required to have a parole hearing before the board prior to  
96 parole release. No inmate shall be eligible for parole under this  
97 subparagraph (iii) of this paragraph (h) if:

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

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

102 3. The inmate is sentenced for an offense  
103 that specifically prohibits parole release;

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

106 5. The inmate is sentenced for a sex crime;  
107 or

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

110 (iv) **Parole consideration as authorized by the**  
111 **trial court.** Notwithstanding the provisions of paragraph (a) of  
112 this subsection, any offender who has not committed a crime of  
113 violence under Section 97-3-2 and has served twenty-five percent  
114 (25%) or more of his sentence may be paroled by the State Parole  
115 Board if, after the sentencing judge or if the sentencing judge is  
116 retired, disabled or incapacitated, the senior circuit judge  
117 authorizes the offender to be eligible for parole consideration;  
118 or if the senior circuit judge must be recused, another circuit



119 judge of the same district or a senior status judge may hear and  
120 decide the matter. A petition for parole eligibility  
121 consideration pursuant to this subparagraph (iv) shall be filed in  
122 the original criminal cause or causes, and the offender shall  
123 serve an executed copy of the petition on the District Attorney.  
124 The court may, in its discretion, require the District Attorney to  
125 respond to the petition.

126 (2) The State Parole Board shall, by rules and regulations,  
127 establish a method of determining a tentative parole hearing date  
128 for each eligible offender taken into the custody of the  
129 Department of Corrections. The tentative parole hearing date  
130 shall be determined within ninety (90) days after the department  
131 has assumed custody of the offender. Except as provided in  
132 Section 47-7-18, the parole hearing date shall occur when the  
133 offender is within thirty (30) days of the month of his parole  
134 eligibility date. Any parole eligibility date shall not be  
135 earlier than as required in this section.

136 (3) Notwithstanding any other provision of law, an inmate  
137 shall not be eligible to receive earned time, good time or any  
138 other administrative reduction of time which shall reduce the time  
139 necessary to be served for parole eligibility as provided in  
140 subsection (1) of this section.

141 (4) Any inmate within forty-eight (48) months of his parole  
142 eligibility date and who meets the criteria established by the  
143 classification board shall receive priority for placement in any



144 educational development and job-training programs that are part of  
145 his or her parole case plan. Any inmate refusing to participate  
146 in an educational development or job-training program, including,  
147 but not limited to, programs required as part of the case plan,  
148 shall be in jeopardy of noncompliance with the case plan and may  
149 be denied parole.

150 (5) In addition to other requirements, if an offender is  
151 convicted of a drug or driving under the influence felony, the  
152 offender must complete a drug and alcohol rehabilitation program  
153 prior to parole, or the offender shall be required to complete a  
154 postrelease drug and alcohol program as a condition of parole.

155 (6) Except as provided in subsection (1)(a) through (h) of  
156 this section, all other persons shall be eligible for parole after  
157 serving twenty-five percent (25%) of the sentence or sentences  
158 imposed by the trial court, or, if sentenced to thirty (30) years  
159 or more, after serving ten (10) years of the sentence or sentences  
160 imposed by the trial court.

161 (7) The Corrections and Criminal Justice Oversight Task  
162 Force established in Section 47-5-6 shall develop and submit  
163 recommendations to the Governor and to the Legislature annually on  
164 or before December 1st concerning issues relating to juvenile and  
165 habitual offender parole reform and to review and monitor the  
166 implementation of Chapter 479, Laws of 2021.

167 (8) The amendments contained in Chapter 479, Laws of 2021,  
168 shall apply retroactively from and after July 1, 1995.



169 (9) Notwithstanding provisions to the contrary in this  
170 section, a person who was sentenced before July 1, 2021, may be  
171 considered for parole if the person's sentence would have been  
172 parole eligible before July 1, 2021.

173 (10) This section shall stand repealed on July 1, \* \* \*  
174 2027.

175 **SECTION 3.** Section 47-7-5, Mississippi Code of 1972, is  
176 amended as follows:

177 47-7-5. (1) The State Parole Board, created under former  
178 Section 47-7-5, is hereby created, continued and reconstituted and  
179 shall be composed of five (5) members. The Governor shall appoint  
180 the members with the advice and consent of the Senate. All terms  
181 shall be at the will and pleasure of the Governor. Any vacancy  
182 shall be filled by the Governor, with the advice and consent of  
183 the Senate. The Governor shall appoint a chairman of the board.

184 (2) Any person who is appointed to serve on the board shall  
185 possess at least a bachelor's degree or a high school diploma and  
186 four (4) years' work experience. Each member shall devote his  
187 full time to the duties of his office and shall not engage in any  
188 other business or profession or hold any other public office. A  
189 member shall receive compensation or per diem in addition to his  
190 or her salary. Each member shall keep such hours and workdays as  
191 required of full-time state employees under Section 25-1-98.  
192 Individuals shall be appointed to serve on the board without  
193 reference to their political affiliations. Each board member,





194 including the chairman, may be reimbursed for actual and necessary  
195 expenses as authorized by Section 25-3-41. Each member of the  
196 board shall complete annual training developed based on guidance  
197 from the National Institute of Corrections, the Association of  
198 Paroling Authorities International, or the American Probation and  
199 Parole Association. Each first-time appointee of the board shall,  
200 within sixty (60) days of appointment, or as soon as practical,  
201 complete training for first-time Parole Board members developed in  
202 consideration of information from the National Institute of  
203 Corrections, the Association of Paroling Authorities  
204 International, or the American Probation and Parole Association.

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

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

213 (5) The budget of the board shall be funded through a  
214 separate line item within the general appropriation bill for the  
215 support and maintenance of the department. Employees of the  
216 department which are employed by or assigned to the board shall  
217 work under the guidance and supervision of the board. There shall  
218 be an executive secretary to the board who shall be responsible



219 for all administrative and general accounting duties related to  
220 the board. The executive secretary shall keep and preserve all  
221 records and papers pertaining to the board.

222 (6) The board shall have no authority or responsibility for  
223 supervision of offenders granted a release for any reason,  
224 including, but not limited to, probation, parole or executive  
225 clemency or other offenders requiring the same through interstate  
226 compact agreements. The supervision shall be provided exclusively  
227 by the staff of the Division of Community Corrections of the  
228 department.

229 (7) (a) The Parole Board is authorized to select and place  
230 offenders in an electronic monitoring program under the conditions  
231 and criteria imposed by the Parole Board. The conditions,  
232 restrictions and requirements of Section 47-7-17 and Sections  
233 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
234 any offender placed in an electronic monitoring program by the  
235 Parole Board.

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

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



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

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

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

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

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

263 (10) This section shall stand repealed on July 1, \* \* \*  
264 2027.

265 **SECTION 4.** Section 47-7-3.1, Mississippi Code of 1972, is  
266 brought forward as follows:

267 47-7-3.1. (1) In consultation with the Parole Board, the  
268 department shall develop a case plan for all parole-eligible



269 inmates to guide an inmate's rehabilitation while in the  
270 department's custody and to reduce the likelihood of recidivism  
271 after release.

272 (2) The case plan shall include, but not be limited to:

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

275 (b) Any programming or treatment requirements contained  
276 in the sentencing order; and

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

279 (3) With respect to parole-eligible inmates admitted to the  
280 department's custody on or after July 1, 2021, the department  
281 shall complete the case plan within ninety (90) days of admission.  
282 With respect to parole-eligible inmates admitted to the  
283 department's custody before July 1, 2021, the department shall  
284 complete the case plan by January 1, 2022.

285 (4) The department shall provide the inmate with a written  
286 copy of the case plan and the inmate's caseworker shall explain  
287 the conditions set forth in the case plan.

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

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



294 (5) With respect to parole-eligible inmates admitted to the  
295 department's custody after July 1, 2021, the department shall  
296 ensure that the case plan is achievable prior to the inmate's  
297 parole eligibility date. With respect to parole-eligible inmates  
298 admitted to the department's custody before July 1, 2021, the  
299 department shall, to the extent possible, ensure that the case  
300 plan is achievable prior to the inmate's parole eligibility date  
301 or next parole hearing date, or date of release, whichever is  
302 sooner.

303 (6) The caseworker shall meet with the inmate every eight  
304 (8) weeks from the date the offender received the case plan to  
305 review the inmate's case plan progress.

306 (7) Every four (4) months the department shall  
307 electronically submit a progress report on each parole-eligible  
308 inmate's case plan to the Parole Board. The board may meet to  
309 review an inmate's case plan and may provide written input to the  
310 caseworker on the inmate's progress toward completion of the case  
311 plan.

312 (8) The Parole Board shall provide semiannually to the  
313 Oversight Task Force the number of parole hearings held, the  
314 number of prisoners released to parole without a hearing and the  
315 number of parolees released after a hearing.

316 (9) If the Department of Corrections fails to adequately  
317 provide opportunity and access for the completion of such case  
318 plans, the Department of Corrections shall, to the extent



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

322 **SECTION 5.** Section 47-7-3.2, Mississippi Code of 1972, is  
323 brought forward as follows:

324 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,  
325 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
326 on or after July 1, 2014, shall be released by the department  
327 until he or she has served no less than the percentage of the  
328 sentence or sentences imposed by the court as set forth below:

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

331 (b) Fifty percent (50%) or twenty (20) years, whichever  
332 is less, for a crime of violence pursuant to Section 97-3-2,  
333 except for robbery with a deadly weapon as defined in Section  
334 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
335 carjacking as defined in Section 97-3-117;

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

340 (2) This section shall not apply to:

341 (a) Offenders sentenced to life imprisonment;

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



344 (c) Offenders serving a sentence for a sex offense; or  
345 (d) Offenders serving a sentence for trafficking  
346 pursuant to Section 41-29-139(f).

347 **SECTION 6.** Section 47-7-15, Mississippi Code of 1972, is  
348 brought forward as follows:

349 47-7-15. The board shall adopt an official seal of which the  
350 courts shall take judicial notice. Decisions of the board shall  
351 be made by majority vote, except as provided in Section 47-7-5(9).

352 The board shall keep a record of its acts and shall notify  
353 each institution of its decisions relating to the persons who are  
354 or have been confined therein. At the close of each fiscal year  
355 the board shall submit to the Governor and to the Legislature a  
356 report with statistical and other data of its work.

357 **SECTION 7.** Section 47-7-17, Mississippi Code of 1972, is  
358 brought forward as follows:

359 47-7-17. (1) Within one (1) year after his admission and at  
360 such intervals thereafter as it may determine, the board shall  
361 secure and consider all pertinent information regarding each  
362 offender, except any under sentence of death or otherwise  
363 ineligible for parole, including the circumstances of his offense,  
364 his previous social history, his previous criminal record,  
365 including any records of law enforcement agencies or of a youth  
366 court regarding that offender's juvenile criminal history, his  
367 conduct, employment and attitude while in the custody of the  
368 department, the case plan created to prepare the offender for



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

373 (2) Except as provided in Section 47-7-18, the board shall  
374 require a parole-eligible offender to have a hearing as required  
375 in this chapter before the board and to be interviewed. The  
376 hearing shall be held no later than thirty (30) days prior to the  
377 month of eligibility. No application for parole of a person  
378 convicted of a capital offense shall be considered by the board  
379 unless and until notice of the filing of such application shall  
380 have been published at least once a week for two (2) weeks in a  
381 newspaper published in or having general circulation in the county  
382 in which the crime was committed. The board shall, within thirty  
383 (30) days prior to the scheduled hearing, also give notice of the  
384 filing of the application for parole to the victim of the offense  
385 for which the prisoner is incarcerated and being considered for  
386 parole or, in case the offense be homicide, a designee of the  
387 immediate family of the victim, provided the victim or designated  
388 family member has furnished in writing a current address to the  
389 board for such purpose. The victim or designated family member  
390 shall be provided an opportunity to be heard by the board before  
391 the board makes a decision regarding release on parole. The board  
392 shall consider whether any restitution ordered has been paid in  
393 full. Parole release shall, at the hearing, be ordered only for





394 the best interest of society, not as an award of clemency; it  
395 shall not be considered to be a reduction of sentence or pardon.  
396 An offender shall be placed on parole only when arrangements have  
397 been made for his proper employment or for his maintenance and  
398 care, and when the board believes that he is able and willing to  
399 fulfill the obligations of a law-abiding citizen. When the board  
400 determines that the offender will need transitional housing upon  
401 release in order to improve the likelihood of the offender  
402 becoming a law-abiding citizen, the board may parole the offender  
403 with the condition that the inmate spends no more than six (6)  
404 months in a transitional reentry center. At least fifteen (15)  
405 days prior to the release of an offender on parole, the director  
406 of records of the department shall give the written notice which  
407 is required pursuant to Section 47-5-177. Every offender while on  
408 parole shall remain in the legal custody of the department from  
409 which he was released and shall be amenable to the orders of the  
410 board. Upon determination by the board that an offender is  
411 eligible for release by parole, notice shall also be given within  
412 at least fifteen (15) days before release, by the board to the  
413 victim of the offense or the victim's family member, as indicated  
414 above, regarding the date when the offender's release shall occur,  
415 provided a current address of the victim or the victim's family  
416 member has been furnished in writing to the board for such  
417 purpose.



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

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

427 (5) The board may adopt such other rules not inconsistent  
428 with law as it may deem proper or necessary with respect to the  
429 eligibility of offenders for parole, the conduct of parole  
430 hearings, or conditions to be imposed upon parolees, including a  
431 condition that the parolee submit, as provided in Section 47-5-601  
432 to any type of breath, saliva or urine chemical analysis test, the  
433 purpose of which is to detect the possible presence of alcohol or  
434 a substance prohibited or controlled by any law of the State of  
435 Mississippi or the United States. The board shall have the  
436 authority to adopt rules related to the placement of certain  
437 offenders on unsupervised parole and for the operation of  
438 transitional reentry centers. However, in no case shall an  
439 offender be placed on unsupervised parole before he has served a  
440 minimum of fifty percent (50%) of the period of supervised parole.

441 **SECTION 8.** Section 47-7-18, Mississippi Code of 1972, is  
442 brought forward as follows:



443           47-7-18 (1) No inmate convicted of a sex offense as defined  
444 by Section 45-33-23(h), a crime of violence as defined by Section  
445 97-3-2, or both, nor an inmate who is eligible for geriatric  
446 parole shall be released on parole without a hearing before the  
447 Parole Board as required by Section 47-7-17. All other inmates  
448 eligible for parole pursuant to Section 47-7-3 shall be released  
449 from incarceration to parole supervision on the inmate's parole  
450 eligibility date, without a hearing before the board, if:

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

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

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

457           (d) The inmate has agreed to the conditions of  
458 supervision; and

459           (e) The inmate has a discharge plan approved by the  
460 board.

461           (2) At least thirty (30) days prior to an inmate's parole  
462 eligibility date, the department shall notify the board in writing  
463 of the inmate's compliance or noncompliance with the case plan.  
464 If an inmate fails to meet a requirement of the case plan, prior  
465 to the parole eligibility date, he or she shall have a hearing  
466 before the board to determine if completion of the case plan can  
467 occur while in the community.



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

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

474           (5) A hearing shall be held by the board if a law  
475 enforcement official from the community to which the inmate will  
476 return contacts the board or the department and requests a hearing  
477 to consider information relevant to public safety risks posed by  
478 the inmate if paroled at the initial parole eligibility date. The  
479 law enforcement official shall submit an explanation documenting  
480 these concerns for the board to consider.

481           (6) If a parole hearing is held, the board may determine the  
482 inmate has sufficiently complied with the case plan or that the  
483 incomplete case plan is not the fault of the inmate and that  
484 granting parole is not incompatible with public safety, the board  
485 may then parole the inmate with appropriate conditions. If the  
486 board determines that the inmate has sufficiently complied with  
487 the case plan but the discharge plan indicates that the inmate  
488 does not have appropriate housing immediately upon release, the  
489 board may parole the inmate to a transitional reentry center with  
490 the condition that the inmate spends no more than six (6) months  
491 in the center. If the board determines that the inmate has not  
492 substantively complied with the requirement(s) of the case plan it



493 may deny parole. If the board denies parole, the board may  
494 schedule a subsequent parole hearing and, if a new date is  
495 scheduled, the board shall identify the corrective action the  
496 inmate will need to take in order to be granted parole. Any  
497 inmate not released at the time of the inmate's initial parole  
498 date shall have a parole hearing at least every year.

499         **SECTION 9.** This act shall take effect and be in force from  
500 and after July 1, 2024.

