

By: Senator(s) Barnett, Simmons (12th),
Thomas, Jackson (32nd), Simmons (13th)

To: Judiciary, Division B;
Corrections

SENATE BILL NO. 2123
(As Sent to Governor)

1 AN ACT ENTITLED THE "MISSISSIPPI CORRECTIONAL SAFETY AND
2 REHABILITATION ACT OF 2020"; TO AMEND SECTION 47-7-3, MISSISSIPPI
3 CODE OF 1972, TO PRESCRIBE CONDITIONS FOR PAROLE ELIGIBILITY AND
4 TO PROVIDE LIMITATIONS ON INMATE ELIGIBILITY TO PETITION THE
5 SENTENCING COURT FOR PAROLE ELIGIBILITY IF THE INMATE IS SERVING A
6 SENTENCE FOR A CRIME OF VIOLENCE OR NONVIOLENCE; TO REENACT AND
7 AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
8 INMATE CASE PLANNING AND TO PRESCRIBE DATES FOR THE MISSISSIPPI
9 DEPARTMENT OF CORRECTIONS TO COMPLETE CASE PLANS FOR
10 PAROLE-ELIGIBLE INMATES TO ENSURE THAT THE PLAN IS ACHIEVABLE; TO
11 REENACT AND AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, TO
12 PROVIDE A MINIMUM TIME OFFENDERS CONVICTED OF A CRIME OF VIOLENCE
13 MUST SERVE BEFORE RELEASE AND A MINIMUM PERCENTAGE OF OTHER
14 SENTENCES OTHER OFFENDERS MUST SERVE BEFORE RELEASE; TO AMEND
15 SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO REQUIRE AN
16 AFFIRMATIVE VOTE OF AT LEAST THREE MEMBERS OF THE MISSISSIPPI
17 PAROLE BOARD TO GRANT PAROLE TO AN INMATE CONVICTED OF A CRIME OF
18 VIOLENCE AFTER JUNE 30 1995; TO AMEND SECTION 47-7-13, MISSISSIPPI
19 CODE OF 1972, TO REQUIRE AN AFFIRMATIVE VOTE OF AT LEAST FOUR
20 MEMBERS OF THE MISSISSIPPI PAROLE BOARD TO GRANT PAROLE TO A SEX
21 OFFENDER; TO AMEND SECTION 47-7-15, MISSISSIPPI CODE OF 1972, IN
22 CONFORMITY; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO
23 PROVIDE THAT THE VICTIM OR DESIGNATED FAMILY MEMBER SHALL BE
24 PROVIDED AN OPPORTUNITY TO BE HEARD BY THE PAROLE BOARD PRIOR TO A
25 PAROLE DECISION; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE OF
26 1972, TO REQUIRE CERTAIN PAROLE HEARINGS FOR SEX OFFENDERS; AND
27 FOR RELATED PURPOSES.

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

29 **SECTION 1.** This act shall be known and may be cited as the
30 "Mississippi Correctional Safety and Rehabilitation Act of 2020."



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

33 47-7-3. (1) Every prisoner who has been convicted of any
34 offense against the State of Mississippi, and is confined in the
35 execution of a judgment of such conviction in the Mississippi
36 Department of Corrections for a definite term or terms of one (1)
37 year or over, or for the term of his or her natural life, whose
38 record of conduct shows that such prisoner has observed the rules
39 of the department, and who has served not less than one-fourth
40 (1/4) of the total of such term or terms for which such prisoner
41 was sentenced, or, * * * if sentenced for the term of the natural
42 life of such prisoner * * * and has served not less than ten (10)
43 years of such life sentence, may be released on parole as * * *
44 set forth herein:

45 (a) **Habitual offenders.** No * * * person sentenced as a
46 confirmed and habitual criminal under the provisions of Sections
47 99-19-81 through 99-19-87 shall be eligible for parole;

48 (b) **Sex offenders.** Any person who shall have been
49 convicted of a sex crime shall not be released on parole except
50 for a person under the age of nineteen (19) who has been convicted
51 under Section 97-3-67;

52 * * *

53 (* * * c) **Sentences of life imprisonment without**
54 **eligibility for parole.** No person shall be eligible for parole
55 who, on or after July 1, 1994, is * * * sentenced to life



imprisonment without eligibility for parole under the provisions of Section 99-19-101;

(* * *d) **Convictions that specifically prohibit parole.** No person shall be eligible for parole who is * * * convicted of an offense that specifically prohibits parole release;

* * *

(* * *e) **Parole.** (i) * * * **Violent, nonviolent offenses.** All persons eligible for parole under this subparagraph (i) who are serving a sentence or sentences for a crime of violence as defined in Section 97-3-2 shall be required to have a parole hearing before the board under Section 47-7-17 before parole release. Except as provided in paragraphs (a) through (d) of this subsection:

1. A person who is sentenced after June 30, 1995, and before July 1, 2014, of a violent crime, as defined by Section 97-3-2, shall be eligible for parole only after having served fifty percent (50%) or twenty (20) years, whichever is less, of the sentence or sentences imposed by the trial court;

2. A person who is sentenced on or after July 1, 2014, of a violent crime, as defined by Section 97-3-2, shall be eligible for parole only after having served fifty percent (50%) or thirty (30) years, whichever is less, of the sentence or sentences imposed by the trial court; and



80 3. All persons * * * sentenced for any other
81 offense * * * after * * * June 30, 1995, * * * shall be eligible
82 for parole only after they have served * * * twenty-five percent
83 (25%) of the sentence or sentences imposed by the trial court.

84 (ii) * * * Geriatric parole. A person serving a
85 sentence who has reached the age of * * * sixty-five (65) years or
86 older and who has served no less than ten (10) years of the
87 sentence or sentences imposed by the trial court shall be eligible
88 for parole. Any person eligible for parole under this * * *
89 subparagraph (ii) shall be required to have a parole hearing
90 before the board * * * under Section 47-7-17 before parole
91 release. No inmate shall be eligible for parole under this
92 subparagraph * * * (ii) if:

93 * * *

94 * * *1. The inmate is sentenced * * * to
95 life imprisonment without eligibility for parole under the
96 provisions of Section 99-19-101;

97 * * *2. The inmate is sentenced for an
98 offense that specifically prohibits parole release;

99 * * *

100 * * *3. The inmate is sentenced for a sex
101 crime; or

102 * * *4. The inmate has not served * * *
103 twenty-five percent (25%) of the sentence imposed by the court.



(iii) Parole as authorized by trial court.
Notwithstanding * * * any other provision of law, an offender who
has * * * served twenty-five percent (25%) or more of * * * the
sentence or sentences imposed by the trial court, or ten (10)
years, whichever is less, may be paroled by the Parole Board
if * * * the offender has been authorized to be considered for
parole by the sentencing judge or, if the sentencing judge is
retired, disabled or incapacitated, the senior circuit
judge * * *; if the senior circuit judge must be recused, another
circuit judge of the same district or a senior status judge may
hear and decide the matter. An offender is not eligible to
petition the sentencing court for parole eligibility under this
subparagraph (iii) if the offender is serving a sentence for a
crime of violence as defined in Section 97-3-2.

* * *

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

(3) The State Parole Board shall, by rules and regulations,
establish a method of determining a tentative parole hearing date
for each eligible offender taken into the custody of the
Department of Corrections. The tentative parole hearing date
shall be determined within ninety (90) days after the department



has assumed custody of the offender. Except as provided in
Section 47-7-18, the parole hearing date shall occur when the
offender is within thirty (30) days of the month of his parole
eligibility date. The parole eligibility date shall not be
earlier than one-fourth (1/4) of the prison sentence or sentences
imposed by the court.

(4) Any inmate within twenty-four (24) months of his parole
eligibility date and who meets the criteria established by the
classification board shall receive priority for placement in any
educational development and job training programs that are part of
his or her parole case plan. Any inmate refusing to participate
in an educational development or job training program that is part
of the case plan may be in jeopardy of noncompliance with the case
plan and may be denied parole.

SECTION 3. Section 47-7-3.1, Mississippi Code of 1972, is
reenacted and amended as follows:

47-7-3.1. (1) In consultation with the Parole Board, the
department shall develop a case plan for all parole-eligible
inmates to guide an inmate's rehabilitation while in the
department's custody and to reduce the likelihood of recidivism
after release.

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

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



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

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

(3) With respect to parole-eligible inmates admitted to the department's custody on or after July 1, 2020, the department shall complete the case plan within ninety (90) days of admission.
With respect to parole-eligible inmates admitted to the department's custody before July 1, 2020, the department shall complete the case plan by January 1, 2021.

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

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

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

(* * *5) With respect to parole-eligible inmates admitted to the department's custody after July 1, 2020, the department shall ensure that the case plan is achievable prior to the inmate's parole eligibility date. With respect to parole-eligible inmates admitted to the department's custody before July 1, 2020, the department shall, to the extent possible, ensure that the case



plan is achievable prior to the inmate's parole eligibility date
or next parole hearing date.

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

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

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

SECTION 4. Section 47-7-3.2, Mississippi Code of 1972, is
reenacted and amended as follows:

47-7-3.2. (1) Notwithstanding Sections 47-5-138, 47-5-139,
47-5-138.1 or 47-5-142, no person convicted of a criminal offense
on or after July 1, 2014, shall be released by the department
until he or she has served no less than fifty percent (50%) or
thirty (30) years, whichever is less, of a sentence or sentences
for * * * any crime of violence * * * as defined in Section 97-3-2
or twenty-five percent (25%) of any other sentence or sentences
imposed by the court.



(2) This section shall not apply to:

- (a) Offenders sentenced to life imprisonment;
- (b) Offenders convicted as habitual offenders pursuant to Sections 99-19-81 through 99-19-87;
- (c) Offenders serving a sentence for a sex offense; or
- (d) Offenders serving a sentence for trafficking pursuant to Section 41-29-139(f).

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

47-7-5. (1) The State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted and shall be composed of five (5) members. The Governor shall appoint the members with the advice and consent of the Senate. All terms shall be at the will and pleasure of the Governor. 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.

(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 not receive compensation or per diem in addition to his salary as prohibited under Section 25-3-38. Each member shall keep such hours and workdays as required of full-time state employees under Section 25-1-98. Individuals shall be appointed



229 to serve on the board without reference to their political
230 affiliations. Each board member, including the chairman, may be
231 reimbursed for actual and necessary expenses as authorized by
232 Section 25-3-41. Each member of the board shall complete annual
233 training developed based on guidance from the National Institute
234 of Corrections, the Association of Paroling Authorities
235 International, or the American Probation and Parole Association.
236 Each first-time appointee of the board shall, within sixty (60)
237 days of appointment, or as soon as practical, complete training
238 for first-time Parole Board members developed in consideration of
239 information from the National Institute of Corrections, the
240 Association of Paroling Authorities International, or the American
241 Probation and Parole Association.

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

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

250 (5) The budget of the board shall be funded through a
251 separate line item within the general appropriation bill for the
252 support and maintenance of the department. Employees of the
253 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 who shall be responsible for all 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 * * * offense, as defined by Section 45-33-23(h).

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

SECTION 6. 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. * * * 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. * * *

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

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

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

SECTION 8. 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. The board shall, within 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, a 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



354 purpose. The victim or designated family member shall be provided
355 an opportunity to be heard by the board before the board makes a
356 decision regarding release on parole. The board shall consider
357 whether any restitution ordered has been paid in full. Parole
358 release shall, at the hearing, be ordered only for the best
359 interest of society, not as an award of clemency; it shall not be
360 considered to be a reduction of sentence or pardon. An offender
361 shall be placed on parole only when arrangements have been made
362 for his proper employment or for his maintenance and care, and
363 when the board believes that he is able and willing to fulfill the
364 obligations of a law-abiding citizen. When the board determines
365 that the offender will need transitional housing upon release in
366 order to improve the likelihood of * * * the offender becoming a
367 law-abiding citizen, the board may parole the offender with the
368 condition that the inmate spends no more than six (6) months in a
369 transitional reentry center. At least fifteen (15) days prior to
370 the release of an offender on parole, the director of records of
371 the department shall give the written notice which is required
372 pursuant to Section 47-5-177. Every offender while on parole
373 shall remain in the legal custody of the department from which he
374 was released and shall be amenable to the orders of the board.
375 Upon determination by the board that an offender is eligible for
376 release by parole, notice shall also be given within at least
377 fifteen (15) days before release, by the board to the victim of
378 the offense or the victim's family member, as indicated above,



379 regarding the date when the offender's release shall occur,
380 provided a current address of the victim or the victim's family
381 member has been furnished in writing to the board for such
382 purpose.

383 (3) Failure to provide notice to the victim or the victim's
384 family member of the filing of the application for parole or of
385 any decision made by the board regarding parole shall not
386 constitute grounds for vacating an otherwise lawful parole
387 determination nor shall it create any right or liability, civilly
388 or criminally, against the board or any member thereof.

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

392 (5) The board may adopt such other rules not inconsistent
393 with law as it may deem proper or necessary with respect to the
394 eligibility of offenders for parole, the conduct of parole
395 hearings, or conditions to be imposed upon parolees, including a
396 condition that the parolee submit, as provided in Section 47-5-601
397 to any type of breath, saliva or urine chemical analysis test, the
398 purpose of which is to detect the possible presence of alcohol or
399 a substance prohibited or controlled by any law of the State of
400 Mississippi or the United States. The board shall have the
401 authority to adopt rules related to the placement of certain
402 offenders on unsupervised parole and for the operation of
403 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 9. Section 47-7-18, Mississippi Code of 1972, is amended as follows:

47-7-18 (1) No inmate convicted of a sex offense as defined by Section 45-33-23(h), a crime of violence as defined by Section 97-3-2, or both, shall be released on parole without a hearing before the Parole Board as required by Section 47-7-17. * * * All other inmates eligible for parole pursuant to Section 47-7-3 * * * shall be released from incarceration to parole supervision on the inmate's parole eligibility date, without a hearing before the board, if:

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

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

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

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

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

(2) At least thirty (30) days prior to an inmate's parole eligibility date, the department shall notify the board in writing of the inmate's compliance or noncompliance with the case plan.



429 If an inmate fails to meet a requirement of the case plan, prior
430 to the parole eligibility date, he or she shall have a hearing
431 before the board to determine if completion of the case plan can
432 occur while in the community.

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

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

439 (5) A hearing shall be held by the board if a law
440 enforcement official from the community to which the inmate will
441 return contacts the board or the department and requests a hearing
442 to consider information relevant to public safety risks posed by
443 the inmate if paroled at the initial parole eligibility date. The
444 law enforcement official shall submit an explanation documenting
445 these concerns for the board to consider.

446 (6) If a parole hearing is held, the board may determine the
447 inmate has sufficiently complied with the case plan or that the
448 incomplete case plan is not the fault of the inmate and that
449 granting parole is not incompatible with public safety, the board
450 may then parole the inmate with appropriate conditions. If the
451 board determines that the inmate has sufficiently complied with
452 the case plan but the discharge plan indicates that the inmate
453 does not have appropriate housing immediately upon release, the



454 board may parole the inmate to a transitional reentry center with
455 the condition that the inmate spends no more than six (6) months
456 in the center. If the board determines that the inmate has not
457 substantively complied with the requirement(s) of the case plan it
458 may deny parole. If the board denies parole, the board may
459 schedule a subsequent parole hearing and, if a new date is
460 scheduled, the board shall identify the corrective action the
461 inmate will need to take in order to be granted parole. Any
462 inmate not released at the time of the inmate's initial parole
463 date shall have a parole hearing at least every year.

464 **SECTION 10.** This act shall take effect and be in force from
465 and after July 1, 2020.

