

Title 29: Prisons and Parole

Part 201: Mississippi State Parole Board Policies & Procedures

**TABLE OF
CONTENTS**

Chapter 1: Authority, Organization, and Duties of the Mississippi Parole Board
Chapter 2: Board Administration
Chapter 3: The Parole Process
Chapter 4: Executive Clemency

Part 201 Chapter 1: Authority, Organization, and Duties of the Mississippi Parole Board

**TABLE OF
CONTENTS**

Rule 1.1 Authority of Mississippi Parole Board
Rule 1.2 Operation and Organization of the Mississippi Parole Board
Rule 1.3 Duties of the Parole Board

Mission Statement: We believe in human dignity and shall demonstrate this belief to the community, victims and offenders through our actions. Our leadership practices are based on principles that will create an environment to guide, influence, and facilitate change.

The Mississippi Parole Board is an important part of the criminal justice system. It is dedicated to the process of promoting public safety. It is our goal for the offender to experience a successful transition from confinement to responsible conduct within the community through supervised conditional release.

The mission of the Mississippi Parole Board is accomplished by:

- A. Informing the offender that the Parole Board considers that parole is a privilege, which may be granted after an offender has served a portion of a court-imposed sentence under supervision in Mississippi Department of Corrections custody. All cases are considered on an individual basis and the Board will treat all offenders in a fair and honest manner.
- B. Considering the statement of the victim, which may contribute to the Board's parole decision making process by providing information that might otherwise not be apparent.
- C. Identifying those eligible offenders for whom there is sufficient indication that they are ready to reenter the mainstream of society as productive, law-abiding citizens.
- D. Communicating to the offender that parole may be granted providing that the offender meets certain requirements and is willing to abide by all conditions of parole, all laws, ordinances, and orders of the city, county, state and federal government.
- E. Encouraging offenders to participate in recommended educational, rehabilitation and vocational programs which will assist them in their adjustment/acceptance back into society. The Parole Board will encourage the Mississippi Department of Corrections to provide the needed programming in all correctional facilities.

Rule 1.1 Authority of Mississippi Parole Board.

- A. The Mississippi Code of 1972 Annotated, § 47-7-5 created the Mississippi Parole Board, hereinafter referred to as “The Board.”
- B. The Board has exclusive authority for granting or revoking parole as provided by Miss. Code Ann. §§ 47-7-3, 47-7-17, 47-7-27, and 47-7-29. However, the Mississippi Supreme Court has repeatedly announced that an inmate’s parole is only a privilege, not a right.¹
- C. The Board may adopt such 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. 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.²
- D. The Board has exclusive responsibility for investigating clemency-recommendations upon request of the Governor.
- E. The Board has no statutory authority over operations of the correctional system. The Mississippi Department of Corrections hereinafter referred to as “The Department,” has sole authority as to where inmates are housed, program assignments, designation of trustees, granting of leaves, computation of parole eligibility, disciplinary actions and supervision of parolees.

Source: *Miss. Code Ann.* §§ 47-7-5, et seq., 47-7-17(5).

Rule 1.2 Operation and Organization of the Mississippi Parole Board.

- A. The Board shall be composed of five (5) members who are appointed by the Governor, with the advice and consent of the Senate. The Governor appoints one of the members to serve as Chairman. All terms are served at the will and pleasure of the Governor
- B. Each member shall meet the requirements established by statute and shall devote full time to the Board’s duties. Members shall not engage in any other business or profession or hold any other public office.
- C. The Board’s budget shall be funded through a separate line item within the general appropriation bill that supports and maintains the Department. Employees of the Department which are employed by or assigned to support the Board shall work under the guidance and supervision of the Board.
- D. The Board operates independently of the Department. However, the Department shall provide suitable and sufficient office space, resources, and support staff necessary to conducting Board business.
- E. General activities, duties and requirements of the Board are governed by Miss. Code Ann. § 47-7-5.

Source: *Miss. Code Ann.* §§ 47-7-5(1)(2)(5), 47-7-13.

¹ “...because the Mississippi parole statutes contain no such mandatory language, employing the permissive “may” rather than “shall,” prisoners have “no constitutionally recognized liberty interest” in parole. *Vice v. State*, 679 So. 2d 205, 208 (Miss. 1996). Additionally, parole should not be used as leverage in a plea deal.

² 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.

Rule 1.3 Duties of the Parole Board.

- A. The Chairman of the Board is responsible for the operations and procedures regarding the release of eligible inmates or parolees. Oversees the review of inmates eligible for parole. Establishes methods for determining tentative dates and times for parole hearings.
- B. Board members are responsible for reviewing recommendations proposed for inmate release, reviewing files of inmates to determine eligibility for parole, and conditions for which the inmate may be released. Members prepare responses to inquiries for inmate release and may interview inmates to make recommendations.
- C. The executive secretary to the Board is 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, and shall perform all other duties as assigned by the Board. The secretary will also ensure staff's hours are maintained and overtime required by the workload is not abused.

Source: *Miss. Code Ann.* §§ 47-7-3(2), 47-7-4, 47-7-5, 47-7-6, 47-7-9, 47-7-11, 47-7-13, 47-7-15, 47-7-17, 47-7-18, 47-7-27, 47-7-33.1, *Mississippi State Personnel Board Job and Descriptions.*

Part 201 Chapter 2: Board Administration

**TABLE OF
CONTENTS**

Rule 2.1 Attendance at a Board Hearing
Rule 2.2 Parole Board Voting
Rule 2.3 Decisions of the Parole Board
Rule 2.4 Record of Parole Board Decisions
Rule 2.5 Collection of Data by Parole Board
Rule 2.6 Requesting Public Records

Rule 2.1 Attendance at a Board Hearing.

Hearings are closed to the public. Should an offender desire to have legal counsel at his hearing, arrangements may be made by a family member, the inmate or legal counselor at his or her own expense. The Board staff sets the appointment and notifies the legal representation as to the location, date and time of the hearing.

Source: *Miss. Code Ann.* § 25-41-3(a)(iv).

Rule 2.2 Parole Board Voting.

A majority of the Board shall constitute a quorum for the transaction of all business. Unless specified otherwise by statute for special circumstances, a majority of the Board is required to grant parole. The Chairman shall set a meeting agenda for approval or amendment by a quorum of the Board.

Source: *Miss. Code Ann.* § 47-7-13.

Rule 2.3 Decisions of the Parole Board.

The Board provides the offender with the Board's decision as set forth in Miss. Admin. Code Pt. 201, R. 3.4. The Board also releases to the victim(s) and/or family member(s) the decision of the Board in writing. In order for the Board to release information about offenders to anyone else, the individual requesting information must give the reason for the request and the requested information may be released on a case by case basis.

The Board will not release information that may jeopardize the safety of someone, reveal a confidential source of information, or adversely affect the return of an offender to society as a law-abiding citizen.

Source: *Miss. Code Ann.* § 47-7-17.

Rule 2.4 Record of Parole Board Decisions.

- A. The Board shall maintain, in minute book form, a copy of each of its official actions with the reasons therefor.
- B. The Board shall keep record of its acts and shall notify each institution of its decisions relating to the persons who are or have been confined therein.

Source: *Miss. Code Ann.* §§ 47-7-13, 47-7-15.

Rule 2.5 Collection of data by Parole Board.

- A. The Board, with the assistance of the Department, shall collect the following information:
 - 1. number of offenders supervised on parole;
 - 2. number of offenders released on parole;
 - 3. number of parole hearings held;
 - 4. parole grant rate for parolees released with and without a hearing;
 - 5. average length of time offenders spend on parole;
 - 6. number and percentage of parolees revoked for a technical violation and returned for a term of imprisonment in a technical violation center;
 - 7. number and percentage of parolees revoked for a technical violation and returned for a term of imprisonment in another type of Department facility;
 - 8. number and percentage of parolees who are convicted of a new offense and returned for a term of imprisonment on their current crime as well as the new crime;
 - 9. number of parolees held on a violation in county jail awaiting a revocation hearing; and
 - 10. average length of stay in a county jail for parolees awaiting a revocation hearing.
- B. The Board shall semiannually report information required in subsection (1) of Miss. Code Ann. § 47-7-6 to the Oversight Task Force, and upon request, shall report such information to the PEER Committee.

- C. The Board shall semiannually report information required in section (9) of Miss. Code Ann. § 47-7-27 to the Oversight Task Force.
- D. At the close of each fiscal year the Board shall submit to the Governor and the Legislature a report with statistical and other data of its work.

Source: *Miss. Code Ann.* §§ 47-7-6, 47-7-15, 47-7-27.

Rule 2.6 Requesting Public Records.

All public-records requests regarding inmates are handled by the Department. Attorneys or community-members requesting an inmate’s records may visit the following website to initiate a request:

[https://mississippidoc.govqa.us/WEBAPP/_rs/\(S\(5mtpsync2tcnmp0knf314qpy\)\)/supporthome.aspx?1p=2&sSessionID=](https://mississippidoc.govqa.us/WEBAPP/_rs/(S(5mtpsync2tcnmp0knf314qpy))/supporthome.aspx?1p=2&sSessionID=)

Source: *Miss. Code Ann.* § 25-61-1, et seq.

Part 201 Chapter 3: The Parole Process

**TABLE OF
CONTENTS**

Rule 3.1 Eligibility of Offenders for Parole
 Rule 3.2 Parole Consideration and Notification
 Rule 3.3 Release on Parole Date
 Rule 3.4 Parole Release Hearings
 Rule 3.5 Conditions of Parole
 Rule 3.6 Parole Violations and Revocations

Rule 3.1 Eligibility of Offenders for Parole.

Every prisoner who has been convicted of any offense against the State of Mississippi and is confined in the execution of a judgment of such conviction in the Department for a definite term or terms for one (1) year or over, or for the term of his or her natural life, whose record of conduct shows that such prisoner has observed the rules of the Department and who has served the minimum required time for parole eligibility, may be released on parole EXCEPT offenders sentenced as set forth in Miss. Code Ann. § 47-7-3(1) to include: habitual offenders; sex offenders; capital offenders; murder; human trafficking; drug trafficking; and offenders specifically prohibiting parole release.

At its discretion, the Board may grant parole after an inmate serves a statutorily mandated portion of his or her sentence.

Offenders eligible for parole consideration for offenses committed after June 30, 1995, may be considered eligible for parole release as follows:

- A. **Nonviolent crimes.** All persons sentenced for a nonviolent offense shall be eligible for parole only after they have served twenty-five percent (25%) or ten (10) years, whichever is less, of the sentence or sentences imposed by the trial court. For purposes of this paragraph, “nonviolent crime” means a felony not designated as a crime of violence in Miss. Code Ann. § 97-3-2.
- B. **Violent crimes.** A person who is sentenced for a violent offense as defined in Miss. Code Ann. § 97-3-2, except robbery with a deadly weapon as defined in Miss. Code Ann. § 97-3-79, drive-by shooting as defined in Miss. Code Ann. § 97-3-109, and carjacking as defined in Miss. Code Ann. § 97-3-117, 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. Those persons sentenced for robbery with a deadly weapon as defined in Miss. Code Ann. § 97-3-79, drive-by shooting as defined in Miss. Code Ann. § 97-3-109, and carjacking as defined in Miss. Code Ann. § 97-3-117, shall be eligible for parole only after having served sixty percent (60%) or twenty-five (25) years, whichever is less, of the sentence or sentences imposed by the trial court.
- C. **Nonviolent and nonhabitual drug offenses.** A person who has been sentenced to a drug offense pursuant to Miss. Code Ann. § 41-29-139(a) through (d), whose crime was committed after June 30, 1995, shall be eligible for parole only after he has served twenty-five percent (25%) or ten (10) years, whichever is less, of the sentence or sentences imposed.
- D. **Geriatric and Medical Parole.** The Board is governed by the criteria set forth in Miss. Code. Ann. § 47-7-3(1)(h)(iii) in determining whether an inmate is eligible for geriatric parole (may apply to inmates who have reached the age of sixty (60) and served no less than ten (10) years of his or her sentence). Geriatric parole is not guaranteed.

The Board is governed by the criteria set forth in Miss. Code Ann. § 47-7-4 to determine whether an inmate is eligible for medical parole (may be applied to “medically frail” individuals, as defined by statute). Medical parole is not guaranteed.

An inmate shall agree to release his or her records (that are directly relevant to the condition(s) rendering him medically frail) to any prosecuting attorney of the county from which the inmate was committed before the Board determines whether or not to grant medical parole.

The Board determines which licensed special care facility or medical facility is appropriate for medical care and treatment for medically paroled inmates. However, the Board shall not retain authority over parolee’s medical treatment plan.

The Department may enter into contracts to facilitate housing of medically paroled inmates. The Department shall appoint a specialist in the appropriate field of medicine (who is not employed in the Department) to evaluate the potentially medical-parole-eligible inmate’s condition.

The Board shall revoke medical parole if the inmate recovers from the mental or physical medical condition that rendered the inmate medically frail. Following the revocation, the Department shall ensure that the inmate returns to incarceration.

Source: *Miss. Code Ann.* §§ 47-7-3(1)(h)(i), § 47-7-17(1), §47-7-3(3), and 47-7-4.

Rule 3.2 Parole Consideration and Notification.

- A. In determining whether an inmate should be granted parole, the Board shall consider all pertinent information regarding each eligible offender, including the circumstances of his offense, his previous social history, his previous criminal record, whether he or she has served a sufficient portion of his sentence, 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 secure and consider this information within one (1) year after an inmate's admission into the Department's custody, and at such intervals thereafter as it may determine.
- B. Parole of a person convicted of a capital offense shall not 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^{3, 4}.
- C. 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 purpose.
- D. The Board considers the victim's input as an important factor in making its decision as to whether or not to grant parole.⁵ 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. Information that is shared with the Board during an appointment may also be submitted to the Board by letter, or electronically through e-mail.

To register a victim and to receive more information about the Mississippi Crime Victims

³ "Capital offenses" are those crimes punishable by the death penalty. The following crimes are deemed "capital offenses" under Mississippi law, and would require publication:

- A. Capital murder, pursuant to Miss. Code Ann. § 97-3-19(2).
- B. Treason, pursuant to Miss. Code Ann. § 97-9-67.
- C. Aircraft piracy, pursuant to Miss. Code Ann. § 97-25-55(1).

⁴ The following capital offenders are eligible for parole: Inmates convicted of capital murder, whose crime was committed on or after July 1, 1994, as defined in Miss. Code Ann. § 97-3-19(2); Inmates sentenced to life imprisonment without eligibility for parole under the provisions of Miss. Code Ann. § 99-19-101, whose crime was committed on or after July 1, 1994. Source: Miss. Code Ann. § 47-7-17(1)

⁵ A letter of protest against granting an offender parole shall not be treated as the conclusive and only reason for not granting parole. Miss. Code Ann. § 47-7-17(4).

Bill of Rights, please visit <https://www.ms.gov/mdoc/victim/Home/BillOfRights>

- E. Parole release shall, at the hearing, be ordered 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 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.
- F. 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.
- G. 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 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.⁶

Source: *Miss. Code Ann.* § 47-7-17(1)(2).

Rule 3.3 Release on Parole Date.

- A. Inmates convicted of sex offenses as defined by Miss. Code Ann. § 45-33-23(h), crimes of violence as defined by Miss. Code Ann. § 97-3-2, or both, in addition to inmates eligible for geriatric parole, shall not be released on parole without a hearing before the Board as required by Miss. Code Ann. § 47-7-17. All other inmates eligible for parole pursuant to Miss. Code Ann. § 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:
 - 1. The inmate has met the requirements of the parole case plan established pursuant to Miss. Code Ann. § 47-7-3.1;
 - 2. A victim of the offense has not requested the Board conduct a hearing;
 - 3. The inmate has not received a serious or major violation report within the past six (6) months;
 - 4. The inmate has agreed to the conditions of supervision as set forth in Miss. Admin. Code Pt. 201, R. 3.5; and
 - 5. The inmate has a discharge plan approved by the Board as set forth in Miss. Code Ann. § 47-7-33.1.⁷

⁶ 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. Source: Miss. Code Ann. § 47-7-17(3).

⁷ Inmates who have not met their parole case plan requirements, have requested a Board hearing, have received a serious or major violation report within the last six (6) months, have not agreed to the conditions of supervision, do not have a Board approved discharge plan, shall be required to have a parole hearing before the Board pursuant to Miss. Code Ann. § 47-7-17, prior to release.

- B. 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. If an inmate fails to meet a requirement of the case plan, prior to the parole eligibility date, he or she shall have a hearing before the Board to determine if completion of the case plan can occur while in the community.
- C. Any inmate for whom there is insufficient information for the Department to determine compliance with the case plan shall have a hearing with the Board.
- D. A hearing shall be held with the Board if requested by the victim following notification of the inmate's parole release date pursuant to Miss. Code Ann. § 47-7-17.
- E. A hearing shall be held by the Board if a law enforcement official from the community to which the inmate will return contacts the Board or the Department and requests a hearing to consider information relevant to public safety risks posed by the inmate if paroled at the initial parole eligibility date. The law enforcement official shall submit an explanation documenting these concerns for the Board to consider.

Source: *Miss. Code Ann. § 47-7-18.*

Rule 3.4 Parole Release Hearings.

- A. All persons eligible for parole as allowed by Miss. Code Ann. § 47-7-3 (h)(i) who are serving a sentence or sentences for a crime of violence, as defined in Miss. Code Ann. § 97-3-2, shall be required to have a parole hearing pursuant to Miss. Code Ann. § 47-7-17, prior to parole release.
- B. Except as provided in Miss. Code Ann. § 47-7-18 as set forth in Miss. Admin. Code Pt. 201, R. 3.3, the Board shall require a parole-eligible offender to have a hearing as required in this Chapter.
- C. Parole hearings shall be held no later than thirty (30) days prior to the month of eligibility, providing sufficient time to consider every inmate who is eligible during the month or two months preceding his or her eligibility.
- D. An offender has the privilege to be represented by counsel at his or her own expense. Attorneys *must* submit a letter of representation to the Board regarding his intention to represent the offender *before the offender's hearing*. Hearings may be held by file review, in person, by phone, or teleconference at the discretion of the Board.
- E. Before the hearing is conducted, the inmate's master file is reviewed and all pertinent information is recorded in a summary report. This report is provided to each Board member. A parole file is also maintained. This file contains information pertaining to previous Board's actions and all documents and correspondence received supporting or opposing the individual's parole. The inmate may provide any additional information either in writing or during the hearing.
- F. The Chairman or designee initiates the hearing and allows follow-up questions from other Board members. The inmate is not present during deliberations. However, he or she is

advised in writing of the Board's decision within ten (10) days of deliberation. If an inmate's parole is denied, the action sheet will include reasons as to why parole was denied and the length of time that will lapse before the next inmate's hearing (also called a "set-off" period).

G. In making its decision to grant or deny parole, the Board considers the following factors (factors are reflected on action sheets as follows)

1. Reasons Favoring Parole:

- a. has served sufficient portion of sentence;
- b. good prison record;
- c. good risk assessment;
- d. detainer/other sentence to serve;
- e. recommendation by prison authority;
- f. recommendation by law enforcement official;
- g. successfully completed set-off;
- h. needs supervision prior to discharge;
- i. community support;
- j. has employment or adequate provisions for maintenance and care;
- k. the Board believes he/she is able and willing to fulfill the obligation of a law-abiding citizen;
- l. psychiatric/psychological evaluation indicates reasonable chances of success on parole;
- m. mitigating circumstances surrounding crime;
- n. participating in rehabilitative programs.

2. Reasons for Denial:

- a. serious nature of offense;
- b. number of offenses committed;
- c. police and/or juvenile record;
- d. prior felony convictions;
- e. additional charges pending/detainer;
- f. prior misdemeanor convictions;
- g. probation unsatisfactory/violated;
- h. parole unsatisfactory/violated;
- i. other conditional release unsatisfactory/violated;
- j. history of violence;
- k. history of drug or alcohol abuse;
- l. psychological and/or psychiatric history;
- m. crimes committed while incarcerated;
- n. escape;
- o. institutional disciplinary reports;
- p. recent/pending disciplinary action;
- q. unsatisfactory work rating;
- r. failure to participate in or complete rehabilitative programs;
- s. poor prognosis according to psychological/psychiatric evaluation;

- t. community opposition;
- u. failure to comply with Board's instruction;
- v. further investigation required;
- w. insufficient time served;
- x. inmate requested not to be paroled;
- y. inadequate arrangements for employment and/or residence;
- z. the Board believes that the social, mental, or educational resources are lacking which are necessary to function successfully on parole;
- aa. the Board believes the ability or willingness to fulfill the obligations of a law-abiding citizen is lacking, pursuant to Miss. Code Ann. § 47-7-17 as amended;
- bb. release on earned-release supervision (ERS);
- cc. other custody;
- dd. gang affiliated.

H. All information received by the Board in the performance of its duty and which is not public record is classified as confidential. Confidential information includes, but is not limited to, investigative and supervisory reports and recommendations, both positive and negative, compiled by both the Department and the Board.

Source: *Miss. Code Ann.* §§ 47-7-17, 47-7-3(1)(h)(ii) and (2).

Rule 3.5 Conditions of Parole.

An inmate will be required to comply with specific conditions once paroled. If the inmate violates any one of these conditions listed below, the Board may revoke the parole and require the inmate to serve additional time imposed by his or her original sentence.

- A. **FIRST REPORT:** I will report to my field officer within 24 hours of my actual release, unless otherwise directed.
- B. **REGULAR REPORTS:** I will, until my final discharge, report to my Field Officer at the times and places I am instructed to report. If at any time it becomes necessary to communicate to my Field Officer and he is not accessible, I will direct my communication to the Department of Community Corrections, Mississippi Department of Corrections, Jackson, MS (601-359-5600).
- C. **EMPLOYMENT:** I will work diligently at a lawful occupation and support my legal dependents, if any, to the best of my ability. I will not quit my job without getting permission from my Field Officer.
- D. **RESIDENCE:** I will not change my residence without first getting permission from my Field Officer. I will not abscond (leave) from parole supervision. I will allow my Field Officer to visit my residence.
- E. **LEAVING STATE:** I will not leave my State of residence, even briefly, or any other state to which I am released or transferred without written permission from my Field Officer.

- F. **ILLEGAL DRUGS AND ALCOHOL:** I will not possess or use any illegal drugs, narcotics, mood altering substances, or any substances controlled by law which are not prescribed to me by a physician. I will not drink alcohol or intoxicating beverages and will not go into, or frequent places where they are the chief item of sale. Driving under the influence (DUI), or public intoxication, shall be sufficient proof. I will abide by the laws relative to tests utilized for the purpose of monitoring alcohol and drug usage.
- G. **PERSONS AND PLACES OF BAD REPUTATION:** I will not knowingly associate with any former inmate of a penal institution, any person who has been convicted of a felony, or any person of bad reputation. I will not visit places of bad reputation where disorderly conduct is likely to occur or which is frequented by persons of ill repute (bars, lounges, night clubs, gambling houses, etc.)
- H. **WEAPONS:** I will not possess or have under my control any fire arm or other deadly weapon.
- I. **LAW AND IMMEDIATE NOTIFICATION:** I will not violate any city, county, State or Federal Laws. I will, within 48 hours, notify my Field Officer if I am arrested for any offense, including a traffic offense or receive a citation or if there is any change in my residence or termination of employment or if my name changes as a result of marriage or divorce.
- J. **CURFEW:** I will not be away from my residence between the hours of 12:00 midnight and 6:00 a.m. unless required to do so in connection with my employment and with my Field Officer's permission.
- K. **QUESTIONS AND INSTRUCTIONS:** I will promptly and truthfully answer questions from my Field Officer, the Parole Board and its authorized representatives and carry out all instructions from them.
- L. **SUPERVISION FEE AND COURT-ORDERED PAYMENTS:** In accordance with my instructions issued to me by my Field Officer, I will pay a monthly parole supervision fee as established by Section 47-7-49 of the Mississippi Code. In accordance with instruction from my Field Officer, I will pay any court-ordered penalties or restitution specified in my sentence(s).
- M. **VISIT TO CORRECTIONAL FACILITY:** I will not return to a facility of the Mississippi Department of Correction on a visit without the joint approval of my Field Officer and the Administrator of the Correctional Facility.
- N. **EXTRADITION:** I do hereby waive extradition to the State of Mississippi from any state, territory or District of the United States and from any territory or country outside the United States.
- O. **AGREEMENTS:** I will not enter into any agreement to act as an “informer” or special agent for any law enforcement agency that will put me in violation of my parole

conditions.

- P. **DETAINER:** If I am released to a detainer and the detainer is cleared or satisfied, I will, within 48 hours of my release from the custody of that jurisdiction, contact in person or by telephone, the Department of Community Corrections, Mississippi Department of Corrections, Jackson, MS at 601-359-5600 for reporting instructions.
- Q. **SPECIAL CONDITIONS:** I do further agree to abide by any additional special requirements as established by the Parole Board.

The parolee must sign the certificate acknowledging each of these conditions. He or she promises and agrees to all conditions.⁸

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.

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

Source: *Miss. Code Ann.* §§ 47-7-5(6)(7a) and 47-7-35.

Rule 3.6 Parole Violations and Revocations.

The Board is governed by *Miss. Code Ann.* § 47-7-27 regarding procedures for parole revocations. At its discretion, the Board Chairman (or his designee) may issue a warrant for the return of any paroled offender to the custody of the Department at any time upon showing a probable violation of parole. The warrant shall authorize all persons named therein to return the paroled offender to actual custody of the Department from which he was paroled.

- A. Convicted While on Parole.** An offender convicted of a felony committed while on parole, whether in the State of Mississippi or another state, shall immediately have his parole revoked upon presentment of a certified copy of the commitment order to the Board.

If an offender is on parole and the offender is convicted of a felony for a crime committed prior to the offender being placed on parole, whether in the State of Mississippi or another state, the offender may have his parole revoked upon presentment of a certified copy of the commitment order to the board.

B. Parole Revocation Hearings – Deadlines and Penalties

⁸ An inmate will not be paroled until he signs the certificate acknowledging each of the parole conditions listed in the manual.

1. **Technical Violations; Penalties for Detained and Non-Detained Parolees.** The Board shall hold a hearing for any parolee who is detained as a result of a warrant or a violation report within twenty-one (21) days of the parolee's admission to detention. The Board may, in its discretion, terminate the parole or modify the terms and conditions thereof.
 - a. **For a parolee's first revocation,** if the Board revokes parole for one or more technical violations, the Board shall impose a period of imprisonment to be served in a technical violation center operated by the Department not to exceed ninety (90) days.⁹
 - b. **For the second revocation,** the Board shall impose a period of imprisonment to be served in a technical violation center not to exceed one hundred twenty (120) days.
 - c. **For the third revocation,** the Board may impose a period of imprisonment to be served in a technical violation center for up to one hundred and eighty (180) days or the Board may impose the remainder of the suspended portion of the sentence.
 - d. **For the fourth and any subsequent revocation,** the Board may impose up to the remainder of the suspended portion of the sentence.

The period of imprisonment in a technical violation center imposed under this section shall not be reduced in any manner.

2. **Failure to Hold Hearing within Time-Frame; Technical Violations – Penalties.** If the Board does not hold a hearing or does not take action on the violation within the twenty-one-day time frame in as set forth in this Chapter, the parolee shall be released from detention and shall return to parole status. The Board may subsequently hold a hearing and may revoke parole or may continue parole and modify the terms and conditions of parole.¹⁰

C. Failure to Hold Revocation Hearing Within Time-Frame Required. Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the revocation hearing is not held within the thirty (30) days of the issuance of the warrant.

The Chairman and each Member of the Board and the designated parole revocation hearing officer may, in the discharge of their duties, administer oaths, summon and examine witnesses, and take other steps as may be necessary to ascertain the truth of any matter about which they have the right to inquire.

Source: *Miss. Code Ann.* §§ 47-7-27, et seq. and 47-7-37.

⁹ A “technical violation” means an act or omission by the parolee that violates a condition or conditions of parole placed on the parolee by the Board. Mississippi Code Annotated § 47-7-2(q).

¹⁰ The same revocation procedure listed above applies to parolees under this category.

Part 201 Chapter 4: Executive Clemency

Rule 4.1 Executive Clemency.

The Mississippi Constitution provides the Governor with plenary power to grant clemency in all state criminal cases except those involving treason or impeachment. This power is unencroachable by the legislative or judicial branches of government. Under the Governor's clemency power, he has the authority to grant pardons, restore civil rights, grant indefinite or temporary suspensions and commute sentences after, upon his request, an investigation by the Board has been conducted and submitted to the Governor for his perusal.

- A. **PARDONS:** A pardon relieves a convicted felon of all consequences of his or her conviction(s). In other words, a pardon wipes a conviction record clean including giving the individual the right to hold public office, to vote, hold certain licenses, carry firearms, obtain a liquor license and serve in the armed forces.
- B. **RESTORATION OF CIVIL RIGHTS:** The restoration of civil rights allows convicted felons to vote and hold certain licenses. It does not allow a person to run for public office, obtain a liquor license, serve in the armed forces, or possess firearms.
- C. **COMMUTATION OF SENTENCES/EARLY RELEASE:** This act by the Governor allows reduction of prison time or some other aspect of a sentence; however, it is not considered a pardon or a restoration of civil rights.
- D. **SUSPENSION:** The Governor has the authority to grant temporary or indefinite stays in the execution of a sentence.

Source: Mississippi Constitution § 124; Miss. Code Ann. § 47-7-5(3).

Statutes Pertaining to Parole

Mississippi Code of 1972 Annotated

25-41-3	Definitions (Open Meetings)
47-5-6	Establishment of Corrections and Criminal Justice Oversight Task Force
47-5-157	Discharge procedure
47-5-173	Personal leaves
47-5-177	Notice of release; parties required to be notified; additional notations for specified offenses
47-5-703	Definitions (Prison Overcrowding Emergency Powers Act)
47-5-705	Declaring overcrowding state of emergency
47-5-707	Notice of 95 percent capacity
47-5-709	Reporting 30-day duration of problem
47-5-711	Governor's role upon receiving report
47-5-713	Conditional advancement of parole dates
47-5-719	Governor's actions after receipt of 60-day report

47-5-723 Revocation of conditional advancement of parole eligibility dates
 47-5-725 Conditions of parole advancement
 47-5-727 Advancement independent of other adjustments
 47-7-1 Short title (Probation and Parole Law)
 47-7-2 Definitions (Probation and Parole Law)
 47-7-3 Parole eligibility; earned time; tentative hearing date; program priority
 47-7-3.1 Case plan for parole eligible inmates
 47-7-3.2 Release of convicted person
 47-7-4 Conditional medical release; nonviolent terminally ill offenders
 47-7-5 State Parole Board generally
 47-7-6 Collection of data by Parole Board
 47-7-9 Division of Community Corrections; duties of personnel
 47-7-11 Salaries and expenses
 47-7-13 Operation of parole board
 47-7-15 Further provisions concerning board's operations; seal; records
 47-7-17 Consideration; notice; factors considered; rules
 47-7-18 Hearing for release
 47-7-19 Cooperation of correctional system officials and court officers with board
 47-7-21 Privileged information
 47-7-23 Rulemaking authority
 47-7-25 Supplies provided parole on release
 47-7-27 Procedure for parole revocation
 47-7-29 Effect of felony on parolee or earned-release prisoner sentence
 47-7-33.1 Discharge plan for released inmate
 47-7-34 Post-release supervision; imposition by court; restrictions; termination
 47-7-35 Permissible conditions of probation or post-release supervision; Sex Offender Registry check
 47-7-36 Parole and probation meetings
 47-7-37 Probation and post-release supervision violations; release with or without bail; procedure; duration
 99-19-81 Habitual criminals; maximum term
 99-19-83 Habitual criminals; life imprisonments
 99-19-107 Life sentence imposed if death penalty unconstitutional
 99-37-15 Resumption of payments