

By: Ford

To: Penitentiary

HOUSE BILL NO. 247

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972,
2 WHICH CREATES THE STATE PAROLE BOARD AND PRESCRIBES ITS
3 MEMBERSHIP, TO EXTEND THE REPEALER FROM JULY 1,2000, TO JULY 1,
4 2001; AND FOR RELATED PURPOSES.

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

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

8 47-7-5. (1) The State Parole Board, created under former
9 Section 47-7-5, is hereby created, continued and reconstituted and
10 shall be composed of five (5) members, one (1) from each
11 congressional district. The Governor shall appoint the members
12 with the advice and consent of the Senate. The terms of the
13 members serving on the board from Supreme Court districts shall
14 expire on June 30, 1997. The three (3) members may be reappointed
15 to the board. The terms of the members of the reconstituted board
16 shall begin on July 1, 1997. All terms shall be coterminous with
17 the term of the Governor. Any vacancy shall be filled for the
18 unexpired term by the Governor, with the advice and consent of the
19 Senate. The board shall elect a chairman of the board annually.
20 No member may serve consecutive terms as chairman.

21 (2) Any person who is appointed to serve on the board shall
22 possess at least a bachelor's degree or a high school diploma and

23 four (4) years' work experience. Each member shall devote his
24 full time to the duties of his office and shall not engage in any
25 other business or profession or hold any other public office. A
26 member shall not receive compensation or per diem in addition to
27 his salary as prohibited under Section 25-3-38. Each member shall
28 keep such hours and workdays as required of full-time state
29 employees under Section 25-1-98. Individuals shall be appointed
30 to serve on the board without reference to their political
31 affiliations. Each board member, including the chairman, may be
32 reimbursed for actual and necessary expenses as authorized by
33 Section 25-3-41; but a member shall not be reimbursed for travel
34 expenses from his residence to the nearest state penitentiary. In
35 addition, a member must use a state vehicle, if available, for
36 travel and a member who refuses to use an available state vehicle
37 shall not receive reimbursement for mileage expenses for use of a
38 privately owned motor vehicle.

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

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

47 (5) The budget of the board shall be funded through a
48 separate line item within the general appropriation bill for the
49 support and maintenance of the department. Employees of the
50 department which are employed by or assigned to the board shall
51 work under the guidance and supervision of the board. There shall
52 be an executive secretary to the board who shall be responsible
53 for all administrative and general accounting duties related to

54 the board. The executive secretary shall keep and preserve all
55 records and papers pertaining to board.

56 (6) The board shall have no authority or responsibility for
57 supervision of offenders granted probation, parole or executive
58 clemency or other offenders requiring the same through interstate
59 compact agreements. The supervision shall be provided exclusively
60 by the staff of the Division of Community Services of the
61 department.

62 (7) This section shall stand repealed on July 1, 2001.

63 SECTION 2. This act shall take effect and be in force from
64 and after July 1, 2000.