

By: Malone

To: Penitentiary

HOUSE BILL NO. 1383
(As Passed the House)

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 ABOLISH THE TERMS OF OFFICE OF MEMBERS OF THE STATE
4 PAROLE BOARD; TO PROVIDE THAT MEMBERS OF THE STATE PAROLE BOARD
5 SHALL SERVE AT THE WILL AND PLEASURE OF THE GOVERNOR; TO PROVIDE
6 THAT THE BOARD SHALL HAVE NO AUTHORITY OR RESPONSIBILITY FOR
7 SUPERVISION OF OFFENDERS GRANTED A RELEASE FOR ANY REASON; TO
8 EXTEND THE DATE OF THE REPEALER FROM JULY 1, 2000, TO JULY 1,
9 2002; AND FOR RELATED PURPOSES.

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

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

13 47-7-5. (1) The State Parole Board, created under former
14 Section 47-7-5, is hereby created, continued and reconstituted and
15 shall be composed of five (5) members, one (1) from each
16 congressional district. The Governor shall appoint the members
17 with the advice and consent of the Senate. * * * All terms shall
18 be at the will and pleasure of the Governor. Any vacancy shall be
19 filled * * * by the Governor, with the advice and consent of the
20 Senate. The Governor shall appoint a chairman of the board
21 annually, who shall not be eligible to succeed herself or himself.

22 (2) Any person who is appointed to serve on the board shall
23 possess at least a bachelor's degree or a high school diploma and
24 four (4) years' work experience. Each member shall devote his
25 full time to the duties of his office and shall not engage in any
26 other business or profession or hold any other public office. A
27 member shall not receive compensation or per diem in addition to
28 his salary as prohibited under Section 25-3-38. Each member shall
29 keep such hours and workdays as required of full-time state

30 employees under Section 25-1-98. Individuals shall be appointed
31 to serve on the board without reference to their political
32 affiliations. Each board member, including the chairman, may be
33 reimbursed for actual and necessary expenses as authorized by
34 Section 25-3-41; but a member shall not be reimbursed for travel
35 expenses from his residence to the nearest state penitentiary. In
36 addition, a member must use a state vehicle, if available, for
37 travel and a member who refuses to use an available state vehicle
38 shall not receive reimbursement for mileage expenses for use of a
39 privately owned motor vehicle.

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

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

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

57 (6) The board shall have no authority or responsibility for
58 supervision of offenders granted a release for any reason,
59 including, but not limited to, probation, parole or executive
60 clemency or other offenders requiring the same through interstate
61 compact agreements. The supervision shall be provided exclusively
62 by the staff of the Division of Community Services of the
63 department.

64 (7) This section shall stand repealed on July 1, 2002.

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