

By: Malone

To: Penitentiary

HOUSE BILL NO. 1383  
(As Sent to Governor)

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 PROVIDE THAT THE STATE PAROLE BOARD IMMEDIATELY SHALL REVIEW ALL  
9 CASES WHERE AN OFFENDER WAS DENIED PAROLE AND ANY ELIGIBILITY FOR  
10 RECONSIDERATION FOR PAROLE FOR AT LEAST ONE YEAR AFTER DENIAL; TO  
11 PROVIDE THAT AN OFFENDER DIAGNOSED WITH A TERMINAL ILLNESS SHALL  
12 BE RELEASED ON PAROLE SUBJECT TO THE APPROVAL AND CONSENT OF THE  
13 COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND THE MEDICAL  
14 DIRECTOR OF THE DEPARTMENT OF CORRECTIONS; TO EXTEND THE DATE OF  
15 THE REPEALER FROM JULY 1, 2000, TO JULY 1, 2002; AND FOR RELATED  
16 PURPOSES.

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

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

20 47-7-5. (1) The State Parole Board, created under former  
21 Section 47-7-5, is hereby created, continued and reconstituted and  
22 shall be composed of five (5) members \* \* \*. The Governor shall  
23 appoint the members with the advice and consent of the Senate.

24 \* \* \* All terms shall be at the will and pleasure of the  
25 Governor. Any vacancy shall be filled \* \* \* by the Governor, with  
26 the advice and consent of the Senate. The Governor shall appoint  
27 a chairman of the board \* \* \*.

28 (2) Any person who is appointed to serve on the board shall  
29 possess at least a bachelor's degree or a high school diploma and  
30 four (4) years' work experience. Each member shall devote his  
31 full time to the duties of his office and shall not engage in any  
32 other business or profession or hold any other public office. A  
33 member shall not receive compensation or per diem in addition to

34 his salary as prohibited under Section 25-3-38. Each member shall  
35 keep such hours and workdays as required of full-time state  
36 employees under Section 25-1-98. Individuals shall be appointed  
37 to serve on the board without reference to their political  
38 affiliations. Each board member, including the chairman, may be  
39 reimbursed for actual and necessary expenses as authorized by  
40 Section 25-3-41; but a member shall not be reimbursed for travel  
41 expenses from his residence to the nearest state  
42 penitentiary. \* \* \*

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

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

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

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

67 (7) The State Parole Board, immediately after the effective  
68 date of this act, shall review all cases where an offender was  
69 denied parole and any eligibility for reconsideration for parole  
70 for at least one (1) year after denial.

71       (8) The State Parole Board shall review and investigate all  
72 cases where offenders have been diagnosed with a serious illness.  
73 If the Medical Director of the Department of Corrections  
74 certifies to the State Parole Board that an offender is suffering  
75 from a terminal illness, the State Parole Board shall parole the  
76 offender with the approval and consent of the Commissioner of the  
77 Department of Corrections and the medical director.

78       (9) This section shall stand repealed on July 1, 2002.

79       SECTION 2. This act shall take effect and be in force from  
80 and after its passage.