

By: Simmons

To: Corrections

SENATE BILL NO. 3165

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE REPEALER ON THE STATE PAROLE BOARD; TO AMEND 47-7-53,
3 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 47-7-5, Mississippi Code of 1972, is
6 amended as follows:[LTR1]

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

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

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

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

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

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

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

61 (7) This section shall stand repealed on July 1, 2003.

62 SECTION 2. Section 47-7-53, Mississippi Code of 1972, is
63 amended as follows:[LTR2]

64 47-7-53. If the Parole Board is abolished, the Department of
65 Corrections shall assume and exercise all the duties, powers and
66 responsibilities of the State Parole Board. The
67 Commissioner * * * may assign to the appropriate officers and
68 divisions any powers and duties deemed appropriate to carry out
69 the duties and powers of the Parole Board. Wherever the terms
70 "State Parole Board" or "Parole Board" appear in any state law,
71 they shall mean the Department of Corrections.

72 SECTION 3. This act shall take effect and be in force from
73 and after its passage.