

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1383

By Senator(s) Committee

6 Amend by striking all after the enacting clause and inserting
7in lieu thereof the following:

8

9 SECTION 1. Section 47-7-5, Mississippi Code of 1972, is
10amended as follows:

11 47-7-5. (1) The State Parole Board, created under former
12Section 47-7-5, is hereby created, continued and reconstituted and
13shall be composed of five (5) members, one (1) from each
14congressional district. The Governor shall appoint the members
15with the advice and consent of the Senate. The terms of the
16members serving on the board from Supreme Court districts shall
17expire on June 30, 1997. The three (3) members may be reappointed
18to the board. The terms of the members of the reconstituted board
19shall begin on July 1, 1997. All terms shall be coterminous with
20the term of the Governor. Any vacancy shall be filled for the
21unexpired term by the Governor, with the advice and consent of the
22Senate. The board shall elect a chairman of the board annually.
23No member may serve consecutive terms as chairman.

24 (2) Any person who is appointed to serve on the board shall
25possess at least a bachelor's degree or a high school diploma and
26four (4) years' work experience. Each member shall devote his
27full time to the duties of his office and shall not engage in any
28other business or profession or hold any other public office. A

29member shall not receive compensation or per diem in addition to
30his salary as prohibited under Section 25-3-38. Each member shall
31keep such hours and workdays as required of full-time state
32employees under Section 25-1-98. Individuals shall be appointed
33to serve on the board without reference to their political
34affiliations. Each board member, including the chairman, may be
35reimbursed for actual and necessary expenses as authorized by
36Section 25-3-41; but a member shall not be reimbursed for travel
37expenses from his residence to the nearest state penitentiary. In
38addition, a member must use a state vehicle, if available, for
39travel and a member who refuses to use an available state vehicle
40shall not receive reimbursement for mileage expenses for use of a
41privately owned motor vehicle.

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

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

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

59 (6) The board shall have no authority or responsibility for
60supervision of offenders granted probation, parole or executive
61clemency or other offenders requiring the same through interstate
62compact agreements. The supervision shall be provided exclusively
63by the staff of the Division of Community Services of the

64department.

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

66 SECTION 2. Section 47-7-53, Mississippi Code of 1972, is
67amended as follows:

68 47-7-53. * * * If the Parole Board is abolished, the
69Department of Corrections shall assume and exercise all the
70duties, powers and responsibilities of the State Parole Board.
71The commissioner * * * may assign to the appropriate officers and
72divisions any powers and duties deemed appropriate to carry out
73the duties and powers of the Parole Board. Wherever the terms
74"State Parole Board" or "Parole Board" appear in any state law,
75they shall mean the Department of Corrections.

76 SECTION 3. This act shall take effect and be in force from
77and after July 1, 2000.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2EXTEND THE REPEALER ON THE STATE PAROLE BOARD; TO AMEND SECTION
347-7-53, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
4PURPOSES.