

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Committee Sub. for SB NO. 2800

By Senator(s) Turner

10 Amend by striking all after the enacting clause and inserting
11 in lieu thereof the following:

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

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

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 penitentiary. In
42 addition, a member must use a state vehicle, if available, for
43 travel and a member who refuses to use an available state vehicle
44 shall not receive reimbursement for mileage expenses for use of a
45 privately owned motor vehicle.

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

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

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

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

68 department.

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

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

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

80 SECTION 3. Section 47-5-1003, Mississippi Code of 1972, is
81 amended as follows:

82 47-5-1003. (1) An intensive supervision program may be used
83 as an alternative to incarceration for offenders who are low risk
84 and nonviolent as selected by the department or court. Any
85 offender convicted of a sex crime or a felony for the sale or
86 manufacture of a controlled substance under the Uniform Controlled
87 Substances Law shall not be placed in the program.

88 (2) The court placing an offender in the intensive
89 supervision program may, acting upon the advice and consent of the
90 commissioner at the time of the initial sentencing only, and not
91 later than one (1) year after the defendant has been delivered to
92 the custody of the department, suspend the further execution of
93 the sentence and place the defendant on intensive supervision,
94 except when a death sentence or life imprisonment is the maximum
95 penalty which may be imposed or if the defendant has been confined
96 for the conviction of a felony on a previous occasion in any court
97 or courts of the United States and of any state or territories
98 thereof or has been convicted of a felony involving the use of a
99 deadly weapon.

100 (3) To protect and to ensure the safety of the state's
101 citizens, any offender who violates an order or condition of the
102 intensive supervision program shall be arrested by the

103 correctional field officer and placed in the actual custody of the
104 Department of Corrections. Such offender is under the full and
105 complete jurisdiction of the department and subject to removal
106 from the program by the classification committee.

107 (4) From and after July 1, 2001, all persons who are within
108 one (1) year of eligibility for parole or release may be
109 considered by the Parole Board for house arrest under the
110 electronic home detention program. Any offender who violates an
111 order or condition of the program shall be required to serve the
112 full term to which sentenced either under house arrest or while
113 incarcerated, in the discretion of the Parole Board.

114 SECTION 4. The following shall be codified as Section
115 47-7-72, Mississippi Code of 1972:

116 47-7-72. (1) The Department of Corrections shall not accept
117 any person convicted of three (3) or more violent felony offenses
118 placed on probation or released on parole under the Uniform Act
119 for Out-of-State Parolee Suspension.

120 (2) The Department of Corrections shall not consent to any
121 person convicted of three (3) or more violent felony offenses
122 being sent to reside in Mississippi under Section 47-7-71.

123 (3) The Department of Corrections shall immediately notify
124 any state having an out-of-state parolee agreement with
125 Mississippi of this condition and take immediate action to modify
126 such agreements, or to renounce such agreement if a contracting
127 state refuses to agree with the restrictions placed on such
128 agreements with the Department of Corrections under this section.

129 SECTION 5. This act shall take effect and be in force from
130 and 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
2 EXTEND THE REPEALER ON THE STATE PAROLE BOARD; TO AMEND SECTION
3 47-7-53, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
4 47-5-1003, MISSISSIPPI CODE OF 1972, TO REVISE ELIGIBILITY FOR
5 HOUSE ARREST; TO CREATE CODE SECTION 47-7-72, MISSISSIPPI CODE OF
6 1972, TO PROHIBIT THE DEPARTMENT OF CORRECTIONS FROM ACCEPTING FOR
7 SUPERVISION AN OUT-OF-STATE PAROLEE WHO HAS THREE OR MORE VIOLENT

8 FELONY CONVICTIONS; AND FOR RELATED PURPOSES.