

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 1380

1 AN ACT TO REENACT SECTION 47-7-5, MISSISSIPPI CODE OF 1972,  
2 WHICH CREATES THE STATE PAROLE BOARD; TO AMEND REENACTED SECTION  
3 47-7-5, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH MEMBER OF THE  
4 PAROLE BOARD TO BE REIMBURSED FOR ONE OFFICIAL TRIP FROM THE  
5 MEMBER'S HOME TO THE NEAREST CORRECTIONAL FACILITY EACH MONTH, AND  
6 TO EXTEND THE DATE OF REPEAL ON THAT SECTION; AND FOR RELATED  
7 PURPOSES.

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

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

11 47-7-5. (1) The State Parole Board, created under former  
12 Section 47-7-5, is \* \* \* created, continued and reconstituted and  
13 shall be composed of five (5) members. The Governor shall appoint  
14 the members with the advice and consent of the Senate. All terms  
15 shall be at the will and pleasure of the Governor. Any vacancy  
16 shall be filled by the Governor, with the advice and consent of  
17 the Senate. The Governor shall appoint a chairman of the board.

18 (2) Any person who is appointed to serve on the board shall  
19 possess at least a bachelor's degree or a high school diploma and  
20 four (4) years' work experience. Each member shall devote his  
21 full time to the duties of his office and shall not engage in any  
22 other business or profession or hold any other public office. A  
23 member shall not receive compensation or per diem in addition to  
24 his salary as prohibited under Section 25-3-38. Each member shall  
25 keep such hours and workdays as required of full-time state  
26 employees under Section 25-1-98. Individuals shall be appointed  
27 to serve on the board without reference to their political  
28 affiliations. Each board member, including the chairman, may be  
29 reimbursed for actual and necessary expenses as authorized by



30 Section 25-3-41, and each member shall \* \* \* be reimbursed for  
31 travel expenses for one (1) official trip from his residence to  
32 the nearest correctional facility during each calendar month.

33 (3) The board shall have exclusive responsibility for the  
34 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
35 shall have exclusive authority for revocation of the same. The  
36 board shall have exclusive responsibility for investigating  
37 clemency recommendations upon request of the Governor.

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

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

50 (6) The board shall have no authority or responsibility for  
51 supervision of offenders granted a release for any reason,  
52 including, but not limited to, probation, parole or executive  
53 clemency or other offenders requiring the same through interstate  
54 compact agreements. The supervision shall be provided exclusively  
55 by the staff of the Division of Community Services of the  
56 department.

57 (7) The State Parole Board, immediately after May 22, 2000,  
58 shall review all cases where an offender was denied parole and any  
59 eligibility for reconsideration for parole for at least one (1)  
60 year after denial.

61 (8) The State Parole Board shall review and investigate all  
62 cases where offenders have been diagnosed with a serious illness.



63 If the Medical Director of the Department of Corrections certifies  
64 to the State Parole Board that an offender is suffering from a  
65 terminal illness, the State Parole Board shall parole the offender  
66 with the approval and consent of the Commissioner of the  
67 Department of Corrections and the medical director.

68 (9) This section shall stand repealed on July 1, 2003.

69 **SECTION 2.** This act shall take effect and be in force from  
70 and after July 1, 2002.

