

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 1384

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 EXTEND THE REPEALER ON THE
4 STATE PAROLE BOARD; AND FOR RELATED PURPOSES.

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

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

8 47-7-5. (1) The State Parole Board, created under former
9 Section 47-7-5, is hereby created, continued and reconstituted and
10 shall be composed of five (5) members. The Governor shall appoint
11 the members with the advice and consent of the Senate. All terms
12 shall be at the will and pleasure of the Governor. Any vacancy
13 shall be filled by the Governor, with the advice and consent of
14 the Senate. The Governor shall appoint a chairman of the board.

15 (2) Any person who is appointed to serve on the board shall
16 possess at least a bachelor's degree or a high school diploma and
17 four (4) years' work experience. Each member shall devote his
18 full time to the duties of his office and shall not engage in any
19 other business or profession or hold any other public office. A
20 member shall not receive compensation or per diem in addition to
21 his salary as prohibited under Section 25-3-38. Each member shall
22 keep such hours and workdays as required of full-time state
23 employees under Section 25-1-98. Individuals shall be appointed
24 to serve on the board without reference to their political
25 affiliations. Each board member, including the chairman, may be
26 reimbursed for actual and necessary expenses as authorized by
27 Section 25-3-41; but a member shall not be reimbursed for travel
28 expenses from his residence to the nearest State Penitentiary.



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

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

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

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

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

57 (8) The State Parole Board shall review and investigate all
58 cases where offenders have been diagnosed with a serious illness.
59 If the Medical Director of the Department of Corrections certifies
60 to the State Parole Board that an offender is suffering from a
61 terminal illness, the State Parole Board shall parole the offender



62 with the approval and consent of the Commissioner of the
63 Department of Corrections and the medical director.

64 (9) This section shall stand repealed on July 1, 2004.

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

