

By: Senator(s) Smith, King, Farris,
Dickerson, Lee, White (5th)

To: Corrections

SENATE BILL NO. 2138

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REQUIREMENT THAT THE PAROLE BOARD REVIEW ALL CASES IN
3 WHICH AN INMATE WAS DENIED PAROLE; 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:

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. The Governor shall appoint
10 the members with the advice and consent of the Senate. All terms
11 shall be at the will and pleasure of the Governor. Any vacancy
12 shall be filled by the Governor, with the advice and consent of
13 the Senate. The Governor shall appoint a chairman of the board.

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



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

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

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

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

52 * * *

53 (7) The State Parole Board shall review and investigate all
54 cases where offenders have been diagnosed with a serious illness.
55 If the Medical Director of the Department of Corrections certifies
56 to the State Parole Board that an offender is suffering from a
57 terminal illness, the State Parole Board shall parole the offender
58 with the approval and consent of the Commissioner of the
59 Department of Corrections and the medical director.

60 (8) This section shall stand repealed on July 1, 2002.



61 **SECTION 2.** This act shall take effect and be in force from
62 and after its passage.

