

By: Senator(s) Smith

To: Corrections

SENATE BILL NO. 2700

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE REPEALER ON THE STATE PAROLE BOARD; AND FOR RELATED  
3 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           (7) The State Parole Board, immediately after May 22, 2000,  
53 shall review all cases where an offender was denied parole and any  
54 eligibility for reconsideration for parole for at least one (1)  
55 year after denial.

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



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

63 (9) This section shall stand repealed on July 1, 2004.

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

