

By: Senator(s) Smith

To: Corrections

SENATE BILL NO. 2700  
(As Sent to Governor)

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; TO REQUIRE THE PAROLE BOARD TO  
4 MAINTAIN A CENTRAL REGISTRY OF PAROLEES; TO REQUIRE CERTAIN  
5 INFORMATION TO BE MAINTAINED IN THE REGISTRY; TO REQUIRE A PAROLEE  
6 TO NOTIFY PAROLE BOARD OF CHANGES; TO AMEND SECTION 45-29-3,  
7 MISSISSIPPI CODE OF 1972, TO EXEMPT FROM THE MISSISSIPPI PUBLIC  
8 RECORDS LAW PERSONAL INFORMATION OF VICTIMS CONTAINED IN FILES OF  
9 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS AND THE MISSISSIPPI  
10 PAROLE BOARD; TO EXTEND THE REPEALER; AND FOR RELATED PURPOSES.

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

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

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

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



32 reimbursed for actual and necessary expenses as authorized by  
33 Section 25-3-41; but a member shall not be reimbursed for travel  
34 expenses from his residence to the nearest State Penitentiary.

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

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

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

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

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



65 with the approval and consent of the Commissioner of the  
66 Department of Corrections and the medical director.

67 (8) (a) The Parole Board shall maintain a central registry  
68 of paroled inmates. The Parole Board shall place the following  
69 information on the registry: name, address, photograph, crime for  
70 which paroled, the date of the end of parole or flat-time date and  
71 other information deemed necessary. The Parole Board shall  
72 immediately remove information on a parolee at the end of his  
73 parole or flat-time date.

74 (b) When a person is placed on parole, the Parole Board  
75 shall inform the parolee of the duty to report to the Parole  
76 Officer any change in address ten (10) days before changing  
77 address.

78 (c) The Parole Board shall utilize an Internet website  
79 or other electronic means to release or publish the information.

80 (d) Records maintained on the registry shall be open to  
81 law enforcement agencies and the public and shall be available no  
82 later than July 1, 2003.

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

84 **SECTION 2.** Section 45-29-3, Mississippi Code of 1972, is  
85 amended as follows:

86 45-29-3. The following records shall be exempt from the  
87 provisions of the Mississippi Public Records Law of 1983:

88 (a) Records which are in the possession of a public  
89 body, as defined by paragraph (a) of Section 25-61-3, that  
90 performs as one of its principal functions activities pertaining  
91 to the enforcement of criminal laws, the apprehension of criminal  
92 offenders or the investigation of criminal offenders and/or  
93 criminal activities, and which records consist of information  
94 compiled for the purpose of a criminal investigation, including  
95 reports of informants and investigators, and associated with an  
96 identifiable individual; and



97                   (b) Personal information of victims, including victim  
98 impact statements and letters of support on behalf of victims that  
99 are contained in records on file with the Mississippi Department  
100 of Corrections and State Parole Board.

101           **SECTION 3.** This act shall take effect and be in force from  
102 and after its passage.

