

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2700

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

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

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

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

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

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

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

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

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

If the Medical Director of the Department of Corrections certifies to the State Parole Board that an offender is suffering

61 from a terminal illness, the State Parole Board shall parole the
62 offender 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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.