

By: Representative Malone

To: Corrections;
Appropriations

HOUSE BILL NO. 1006

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE CHAIRPERSON OF THE STATE PAROLE BOARD SHALL SERVE
3 STAGGERED TERMS; TO REMOVE THE PROHIBITION ON THE REIMBURSEMENT OF
4 TRAVEL EXPENSES FOR STATE PAROLE BOARD MEMBERS WHO TRAVEL FROM HIS
5 OR HER RESIDENCE TO THE NEAREST STATE PENITENTIARY; TO EXTEND THE
6 DATE OF REPEAL ON THIS SECTION FROM JULY 1, 2006, TO JULY 1, 2007;
7 AND FOR RELATED PURPOSES.

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

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

11 47-7-5. (1) The State Parole Board, created under former
12 Section 47-7-5, is hereby created, continued and reconstituted and
13 shall be composed of five (5) members. The Governor shall appoint
14 the members with the advice and consent of the Senate. All terms
15 shall be at the will and pleasure of the Governor. Any vacancy
16 shall be filled by the Governor, with the advice and consent of
17 the Senate. The Governor shall appoint a chairperson of the board
18 who shall serve staggered terms of five (5) years.

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

30 be reimbursed for actual and necessary expenses as authorized by
31 Section 25-3-41 * * *.

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

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

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

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

56 (7) (a) The Parole Board is authorized to select and place
57 offenders in an electronic monitoring program under the conditions
58 and criteria imposed by the Parole Board. The conditions,
59 restrictions and requirements of Section 47-7-17 and Sections
60 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
61 any offender placed in an electronic monitoring program by the
62 Parole Board.

63 (b) Any offender placed in an electronic monitoring
64 program under this subsection shall pay the program fee provided
65 in Section 47-5-1013. The program fees shall be deposited in the
66 special fund created in Section 47-5-1007.

67 (c) The department shall have absolute immunity from
68 liability for any injury resulting from a determination by the
69 Parole Board that an offender be placed in an electronic
70 monitoring program.

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

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

82 (c) The Parole Board shall utilize an Internet web site
83 or other electronic means to release or publish the information.

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

87 (9) This section shall stand repealed on July 1, 2007.

88 **SECTION 2.** This act shall take effect and be in force from
89 and after July 1, 2006.