

By: Senator(s) Huggins

To: Corrections

SENATE BILL NO. 2590

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REPEALER ON THE PAROLE BOARD; TO REPEAL SECTION
3 47-7-53, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT THE
4 DEPARTMENT OF CORRECTIONS SHALL ASSUME THE DUTIES AND POWERS OF
5 THE PAROLE BOARD IF THE BOARD IS ABOLISHED; AND FOR RELATED
6 PURPOSES.

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

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

10 47-7-5. (1) The State Parole Board, created under former
11 Section 47-7-5, is hereby created, continued and reconstituted and
12 shall be composed of five (5) members. The Governor shall appoint
13 the members with the advice and consent of the Senate. All terms
14 shall be at the will and pleasure of the Governor. Any vacancy
15 shall be filled by the Governor, with the advice and consent of
16 the Senate. The Governor shall appoint a chairman of the board.

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

29 Section 25-3-41; but a member shall not be reimbursed for travel
30 expenses from his residence to the nearest State Penitentiary.

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

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

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

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

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

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

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

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

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

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

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

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87 **SECTION 2.** Section 47-7-53, Mississippi Code of 1972, which
88 provides that the Department of Corrections shall assume the
89 duties and powers of the Parole Board if the board is abolished,
90 is repealed.

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