

## House Amendments to Senate Bill No. 2590

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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.

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

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.

HR40\SB2590A.J

Don Richardson  
Clerk of the House of Representatives