

## Senate Amendments to House Bill No. 1006

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE 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:**

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

9           47-7-5. (1) The State Parole Board, created under former  
10 Section 47-7-5, is hereby created, continued and reconstituted and  
11 shall be composed of five (5) members. The Governor shall appoint  
12 the members with the advice and consent of the Senate. All terms  
13 shall be at the will and pleasure of the Governor. Any vacancy  
14 shall be filled by the Governor, with the advice and consent of  
15 the Senate. The Governor shall appoint a chairman of the board.

16           (2) Any person who is appointed to serve on the board shall  
17 possess at least a bachelor's degree or a high school diploma and  
18 four (4) years' work experience. Each member shall devote his  
19 full time to the duties of his office and shall not engage in any  
20 other business or profession or hold any other public office. A  
21 member shall not receive compensation or per diem in addition to  
22 his salary as prohibited under Section 25-3-38. Each member shall  
23 keep such hours and workdays as required of full-time state  
24 employees under Section 25-1-98. Individuals shall be appointed  
25 to serve on the board without reference to their political  
26 affiliations. Each board member, including the chairman, may be  
27 reimbursed for actual and necessary expenses as authorized by  
28 Section 25-3-41 \* \* \*.

29           (3) The board shall have exclusive responsibility for the  
30 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
31 shall have exclusive authority for revocation of the same. The

32 board shall have exclusive responsibility for investigating  
33 clemency recommendations upon request of the Governor.

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

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

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

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

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

64 (c) The department shall have absolute immunity from  
65 liability for any injury resulting from a determination by the

66 Parole Board that an offender be placed in an electronic  
67 monitoring program.

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

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

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

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

84 (9) This section shall stand repealed on July 1, 2008.

85 **SECTION 2.** This act shall take effect and be in force from  
86 and after its passage.

**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 REMOVE THE PROHIBITION ON THE REIMBURSEMENT OF TRAVEL EXPENSES FOR  
3 STATE PAROLE BOARD MEMBERS WHO TRAVEL FROM HIS OR HER RESIDENCE TO  
4 THE NEAREST STATE PENITENTIARY; TO EXTEND THE DATE OF REPEAL ON  
5 THIS SECTION; AND FOR RELATED PURPOSES.

SS01\HB1006A.J

John O. Gilbert  
Secretary of the Senate