

By: Representative Warren

To: Corrections

HOUSE BILL NO. 561

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972,
2 WHICH CREATES THE STATE PAROLE BOARD AND PROVIDES THE DUTIES OF
3 THE BOARD; TO EXTEND THE DATE OF REPEAL ON THIS SECTION FROM JULY
4 1, 2007, TO JULY 1, 2009; AND FOR RELATED PURPOSES.

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

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

8 47-7-5. (1) The State Parole Board, created under former
9 Section 47-7-5, is hereby created, continued and reconstituted and
10 shall be composed of five (5) members. The Governor shall appoint
11 the members with the advice and consent of the Senate. All terms
12 shall be at the will and pleasure of the Governor. Any vacancy
13 shall be filled by the Governor, with the advice and consent of
14 the Senate. The Governor shall appoint a chairman of the board.

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

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

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

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

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

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

59 (b) Any offender placed in an electronic monitoring
60 program under this subsection shall pay the program fee provided

61 in Section 47-5-1013. The program fees shall be deposited in the
62 special fund created in Section 47-5-1007.

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

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

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

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

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

83 (9) This section shall stand repealed on July 1, 2009.

84 **SECTION 2.** This act shall take effect and be in force from
85 and after July 1, 2007.