

By: Senator(s) Doxey

To: Corrections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2585

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE REPEALER ON THE PAROLE BOARD; AND FOR RELATED PURPOSES.

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

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

6 47-7-5. (1) The State Parole Board, created under former
7 Section 47-7-5, is hereby created, continued and reconstituted and
8 shall be composed of five (5) members. The Governor shall appoint
9 the members with the advice and consent of the Senate. All terms
10 shall be at the will and pleasure of the Governor. Any vacancy
11 shall be filled by the Governor, with the advice and consent of
12 the Senate. The Governor shall appoint a chairman of the board.

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

26 (3) The board shall have exclusive responsibility for the
27 granting of parole as provided by Sections 47-7-3 and 47-7-17 and

28 shall have exclusive authority for revocation of the same. The
29 board shall have exclusive responsibility for investigating
30 clemency recommendations upon request of the Governor.

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

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

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

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

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

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

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

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

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

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

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

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