

By: Representative Warren

To: Corrections

HOUSE BILL NO. 2
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE PAROLE BOARD TO OBTAIN A CERTAIN VOTE BEFORE
3 INDIVIDUALS CONVICTED OF CAPITAL MURDER OR A SEX CRIME MAY BE
4 PAROLED AND TO EXTEND THE DATE OF REPEAL ON THE BOARD; AND FOR
5 RELATED PURPOSES.

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

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) An affirmative vote of at least four (4) members of the
85 parole board shall be required to grant parole to an inmate
86 convicted of capital murder or a sex crime.

87 (10) This section shall stand repealed on July 1, 2012.

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

