

By: Representatives White, Sykes

To: Corrections

HOUSE BILL NO. 892
(As Sent to Governor)

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

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

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

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

14 (2) Any person who is appointed to serve on the board shall
15 possess at least a bachelor's degree or a high school diploma and
16 four (4) years' work experience. Each member shall devote his
17 full time to the duties of his office and shall not engage in any
18 other business or profession or hold any other public office. A



19 member shall not receive compensation or per diem in addition to
20 his salary as prohibited under Section 25-3-38. Each member shall
21 keep such hours and workdays as required of full-time state
22 employees under Section 25-1-98. Individuals shall be appointed
23 to serve on the board without reference to their political
24 affiliations. Each board member, including the chairman, may be
25 reimbursed for actual and necessary expenses as authorized by
26 Section 25-3-41. Each member of the board shall complete annual
27 training developed based on guidance from the National Institute
28 of Corrections, the Association of Paroling Authorities
29 International, or the American Probation and Parole Association.
30 Each first-time appointee of the board shall, within sixty (60)
31 days of appointment, or as soon as practical, complete training
32 for first-time Parole Board members developed in consideration of
33 information from the National Institute of Corrections, the
34 Association of Paroling Authorities International, or the American
35 Probation and Parole Association.

36 (3) The board shall have exclusive responsibility for the
37 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
38 shall have exclusive authority for revocation of the same. The
39 board shall have exclusive responsibility for investigating
40 clemency recommendations upon request of the Governor.

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



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

53 (6) The board shall have no authority or responsibility for
54 supervision of offenders granted a release for any reason,
55 including, but not limited to, probation, parole or executive
56 clemency or other offenders requiring the same through interstate
57 compact agreements. The supervision shall be provided exclusively
58 by the staff of the Division of Community Corrections of the
59 department.

60 (7) (a) The Parole Board is authorized to select and place
61 offenders in an electronic monitoring program under the conditions
62 and criteria imposed by the Parole Board. The conditions,
63 restrictions and requirements of Section 47-7-17 and Sections
64 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
65 any offender placed in an electronic monitoring program by the
66 Parole Board.

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



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

71 (c) The department shall have absolute immunity from
72 liability for any injury resulting from a determination by the
73 Parole Board that an offender be placed in an electronic
74 monitoring program.

75 (8) (a) The Parole Board shall maintain a central registry
76 of paroled inmates. The Parole Board shall place the following
77 information on the registry: name, address, photograph, crime for
78 which paroled, the date of the end of parole or flat-time date and
79 other information deemed necessary. The Parole Board shall
80 immediately remove information on a parolee at the end of his
81 parole or flat-time date.

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

86 (c) The Parole Board shall utilize an Internet website
87 or other electronic means to release or publish the information.

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

91 (9) An affirmative vote of at least four (4) members of the
92 Parole Board shall be required to grant parole to an inmate
93 convicted of capital murder or a sex crime.



94 (10) This section shall stand repealed on July 1, * * *
95 2022.

96 **SECTION 2.** This act shall take effect and be in force from
97 and after July 1, 2018.

