

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 55

By Senator(s) Committee

14 Amend by striking all after the enacting clause and inserting
15 in lieu thereof the following:

16
17 SECTION 1. Section 47-7-5, Mississippi Code of 1972, is
18 amended as follows:

19 47-7-5. (1) The State Parole Board, created under former
20 Section 47-7-5, is hereby created, continued and reconstituted and
21 shall be composed of five (5) members, one (1) from each
22 congressional district. The Governor shall appoint the members
23 with the advice and consent of the Senate. The terms of the
24 members serving on the board from Supreme Court districts shall
25 expire on June 30, 1997. The three (3) members may be reappointed
26 to the board. The terms of the members of the reconstituted board
27 shall begin on July 1, 1997. All terms shall be coterminous with
28 the term of the Governor. Any vacancy shall be filled for the
29 unexpired term by the Governor, with the advice and consent of the
30 Senate. The board shall elect a chairman of the board annually.
31 No member may serve consecutive terms as chairman.

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

37 member shall not receive compensation or per diem in addition to
38 his salary as prohibited under Section 25-3-38. Each member shall
39 keep such hours and workdays as required of full-time state
40 employees under Section 25-1-98. Individuals shall be appointed
41 to serve on the board without reference to their political
42 affiliations. Each board member, including the chairman, may be
43 reimbursed for actual and necessary expenses as authorized by
44 Section 25-3-41; but a member shall not be reimbursed for travel
45 expenses from his residence to the nearest state penitentiary. In
46 addition, a member must use a state vehicle, if available, for
47 travel and a member who refuses to use an available state vehicle
48 shall not receive reimbursement for mileage expenses for use of a
49 privately owned motor vehicle.

50 (3) The board shall have exclusive responsibility for the
51 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
52 shall have exclusive authority for revocation of the same. The
53 board shall have exclusive responsibility for investigating
54 clemency recommendations upon request of the Governor.

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

58 (5) The budget of the board shall be funded through a
59 separate line item within the general appropriation bill for the
60 support and maintenance of the department. Employees of the
61 department which are employed by or assigned to the board shall
62 work under the guidance and supervision of the board. There shall
63 be an executive secretary to the board who shall be responsible
64 for all administrative and general accounting duties related to
65 the board. The executive secretary shall keep and preserve all
66 records and papers pertaining to board.

67 (6) The board shall have no authority or responsibility for
68 supervision of offenders granted probation, parole or executive
69 clemency or other offenders requiring the same through interstate
70 compact agreements. The supervision shall be provided exclusively
71 by the staff of the Division of Community Services of the

72 department.

73 (7) This section shall stand repealed on July 1, 2003.

74 SECTION 2. Section 47-7-53, Mississippi Code of 1972, is
75 amended as follows:

76 47-7-53. * * * If the Parole Board is abolished, the
77 Department of Corrections shall assume and exercise all the
78 duties, powers and responsibilities of the State Parole Board.
79 The commissioner * * * may assign to the appropriate officers and
80 divisions any powers and duties deemed appropriate to carry out
81 the duties and powers of the Parole Board. Wherever the terms
82 "State Parole Board" or "Parole Board" appear in any state law,
83 they shall mean the Department of Corrections.

84 SECTION 3. Section 47-5-1003, Mississippi Code of 1972, is
85 amended as follows:

86 47-5-1003. (1) An intensive supervision program may be used
87 as an alternative to incarceration for offenders who are low risk
88 and nonviolent as selected by the department or court. Any
89 offender convicted of a sex crime or a felony for the sale or
90 manufacture of a controlled substance under the Uniform Controlled
91 Substances Law shall not be placed in the program.

92 (2) The court placing an offender in the intensive
93 supervision program may, acting upon the advice and consent of the
94 commissioner at the time of the initial sentencing only, and not
95 later than one (1) year after the defendant has been delivered to
96 the custody of the department, suspend the further execution of
97 the sentence and place the defendant on intensive supervision,
98 except when a death sentence or life imprisonment is the maximum
99 penalty which may be imposed or if the defendant has been confined
100 for the conviction of a felony on a previous occasion in any court
101 or courts of the United States and of any state or territories
102 thereof or has been convicted of a felony involving the use of a
103 deadly weapon.

104 (3) To protect and to ensure the safety of the state's
105 citizens, any offender who violates an order or condition of the
106 intensive supervision program shall be arrested by the

107 correctional field officer and placed in the actual custody of the
108 Department of Corrections. Such offender is under the full and
109 complete jurisdiction of the department and subject to removal
110 from the program by the classification committee.

111 (4) From and after July 1, 2001, all persons who are within
112 one (1) year of eligibility for parole or release may be
113 considered by the Parole Board for either house arrest under the
114 electronic home detention program or for assignment to a
115 residential community work center described in Section 47-5-401.
116 Any offender who violates an order or condition of the program
117 shall be required to serve the full term to which sentenced either
118 under the house arrest or work center placement or while
119 incarcerated, in the discretion of the Parole Board.

120 SECTION 4. The following shall be codified as Section
121 47-7-72, Mississippi Code of 1972:

122 47-7-72. (1) The Department of Corrections shall not accept
123 any person convicted of three (3) or more violent felony offenses
124 placed on probation or released on parole under the Uniform Act
125 for Out-of-State Parolee Suspension.

126 (2) The Department of Corrections shall not consent to any
127 person convicted of three (3) or more violent felony offenses
128 being sent to reside in Mississippi under Section 47-7-71.

129 (3) The Department of Corrections shall immediately notify
130 any state having an out-of-state parolee agreement with
131 Mississippi of this condition and take immediate action to modify
132 such agreements, or to renounce such agreement if a contracting
133 state refuses to agree with the restrictions placed on such
134 agreements with the Department of Corrections under this section.

135 SECTION 5. Section 99-3-1, Mississippi Code of 1972, is
136 amended as follows:

137 99-3-1. (1) Arrests for crimes and offenses may be made by
138 the sheriff or his deputy or by any constable or conservator of
139 the peace within his county, or by any marshal or policeman of a
140 city, town or village within the same, or by any United States
141 Marshal or Deputy United States Marshal, or, when in cooperation

142 with local law enforcement officers, by any other federal law
143 enforcement officer who is employed by the United States
144 government, authorized to effect an arrest for a violation of the
145 United States Code, and authorized to carry a firearm in the
146 performance of his duties. Private persons may also make arrests.

147 (2) (a) Any person authorized by a court of law to
148 supervise or monitor a convicted offender who is under an
149 intensive supervision program may arrest the offender when the
150 offender is in violation of the terms or conditions of the
151 intensive supervision program, without having a warrant if:

152 (i) The arrest is authorized or ordered by a judge
153 of the court;

154 (ii) The person making the arrest has been trained
155 at the Law Enforcement Officers Training Academy established under
156 Section 45-5-1 et seq.; and

157 (iii) The judge identifies the person making the
158 arrest in his order and a copy of the order is served upon the
159 person being arrested.

160 (b) For the purposes of the subsection, the term
161 "intensive supervision program" means an intensive supervision
162 program of the Department of Corrections as described in Section
163 47-5-1001 et seq., of any similar program authorized by a court
164 for offenders who are not under jurisdiction of the Department of
165 Corrections.

166 SECTION 6. Section 99-3-7, Mississippi Code of 1972, is
167 amended as follows:

168 99-3-7. (1) An officer or private person may arrest any
169 person without warrant, for an indictable offense committed, or a
170 breach of the peace threatened or attempted in his presence; or
171 when a person has committed a felony, though not in his presence;
172 or when a felony has been committed, and he has reasonable ground
173 to suspect and believe the person proposed to be arrested to have
174 committed it; or on a charge, made upon reasonable cause, of the
175 commission of a felony by the party proposed to be arrested. And
176 in all cases of arrests without warrant, the person making such

177 arrest must inform the accused of the object and cause of the
178 arrest, except when he is in the actual commission of the offense,
179 or is arrested on pursuit.

180 (2) Any law enforcement officer may arrest any person on a
181 misdemeanor charge without having a warrant in his possession when
182 a warrant is in fact outstanding for that person's arrest and the
183 officer has knowledge through official channels that the warrant
184 is outstanding for that person's arrest. In all such cases, the
185 officer making the arrest must inform such person at the time of
186 the arrest the object and cause therefor. If the person arrested
187 so requests, the warrant shall be shown to him as soon as
188 practicable.

189 (3) Any law enforcement officer shall arrest a person with
190 or without a warrant when he has probable cause to believe that
191 the person has, within twenty-four (24) hours of such arrest,
192 knowingly committed a misdemeanor which is an act of domestic
193 violence or knowingly violated provisions of a protective order or
194 court-approved consent agreement entered by a chancery, county,
195 justice or municipal court pursuant to the Protection from
196 Domestic Abuse Law, Sections 93-21-1 through 93-21-29, Mississippi
197 Code of 1972, that require such person to absent himself from a
198 particular geographic area, provided that such order specifically
199 provides for an arrest pursuant to this section for such
200 violation.

201 (4) (a) Any person authorized by a court of law to
202 supervise or monitor a convicted offender who is under an
203 intensive supervision program may arrest the offender when the
204 offender is in violation of the terms or conditions of the
205 intensive supervision program, without having a warrant if:

206 (i) The arrest is authorized or ordered by a judge
207 of the court;

208 (ii) The person making the arrest has been trained
209 at the law Enforcement Officers Training Academy established under
210 Section 45-5-1 et seq.; and

211 (iii) The judge identifies the person making the

212 arrest in his order and a copy of the order is served upon the
213 person being arrested.

214 (b) For the purposes of this subsection, the term
215 "intensive supervision program" means an intensive supervision
216 program of the Department of Corrections as described in Section
217 47-5-1001 et seq., or any similar program authorized by a court
218 for offenders who are not under jurisdiction of the Department of
219 Corrections.

220 (5) As used in subsection (3) of this section, the phrase
221 "misdemeanor which is an act of domestic violence" shall mean one
222 or more of the following acts between family or household members
223 who reside together or formerly resided together:

224 (a) Simple domestic assault within the meaning of
225 Section 97-3-7;

226 (b) Disturbing the family or public peace within the
227 meaning of Section 97-35-9, 97-35-11, 97-35-13 or 97-35-15; or

228 (c) Stalking within the meaning of Section 97-3-107.

229 (6) Any arrest made pursuant to subsection (3) of this
230 section shall be designated as domestic assault or domestic
231 violence on both the arrest docket and the incident report.

232 SECTION 7. This act shall take effect and be in force from
233 and after July 1, 2000.

**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 EXTEND THE REPEALER ON THE STATE PAROLE BOARD; TO AMEND SECTION
3 47-7-53, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
4 47-5-1003, MISSISSIPPI CODE OF 1972, TO REVISE ELIGIBILITY FOR
5 HOUSE ARREST; TO CREATE CODE SECTION 47-7-72, MISSISSIPPI CODE OF
6 1972, TO PROHIBIT THE DEPARTMENT OF CORRECTIONS FROM ACCEPTING FOR
7 SUPERVISION AN OUT-OF-STATE PAROLEE WHO HAS THREE OR MORE VIOLENT
8 FELONY CONVICTIONS; TO AMEND SECTIONS 99-3-1 AND 99-3-7,
9 MISSISSIPPI CODE OF 1972, TO PERMIT PERSONS AUTHORIZED BY A COURT
10 TO SUPERVISE OR MONITOR OFFENDERS UNDER A HOUSE ARREST PROGRAM TO
11 ARREST OFFENDERS WHO ARE IN VIOLATION OF THE TERMS OF THE HOUSE
12 ARREST PROGRAM UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.