MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Representative Malone To: Penitentiary

HOUSE BILL NO. 1384

AN ACT TO REENACT SECTION 47-7-5, MISSISSIPPI CODE OF 1972, WHICH CREATES THE STATE PAROLE BOARD; TO AMEND REENACTED SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE STATE PAROLE BOARD; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

(7) The State Parole Board, immediately after May 22, 2000, shall review all cases where an offender was denied parole and any eligibility for reconsideration for parole for at least one (1) year after denial.

(8) The State Parole Board shall review and investigate all cases where offenders have been diagnosed with a serious illness. If the Medical Director of the Department of Corrections certifies to the State Parole Board that an offender is suffering from a terminal illness, the State Parole Board shall parole the offender

with the approval and consent of the Commissioner of the Department of Corrections and the medical director.

(9) This section shall stand repealed on July 1, 2004.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.