

By: Senator(s) Smith, King, Farris,
Dickerson, Lee, White (5th)

To: Corrections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2138

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REQUIREMENT THAT THE PAROLE BOARD REVIEW ALL CASES IN
3 WHICH AN INMATE WAS DENIED PAROLE; TO REQUIRE THE PAROLE BOARD TO
4 MAINTAIN A CENTRAL REGISTRY OF PAROLEES; TO REQUIRE CERTAIN
5 INFORMATION TO BE MAINTAINED IN THE REGISTRY; TO REQUIRE A PAROLEE
6 TO NOTIFY PAROLE BOARD OF CHANGES; TO EXTEND THE REPEALER; AND FOR
7 RELATED PURPOSES.

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

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

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

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



30 Section 25-3-41; but a member shall not be reimbursed for travel
31 expenses from his residence to the nearest state penitentiary.

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

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

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

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

56 * * *

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



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

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

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

75 (c) The Parole Board shall utilize an internet website
76 or other electronic means to release or publish the information.

77 (d) Records maintained on the registry shall be open to
78 law enforcement agencies and the public.

79 (9) This section shall stand repealed on July 1, 2003.

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

