

By: Representative Baria

To: Judiciary A

HOUSE BILL NO. 27

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE PAROLE BOARD TO SUBMIT A RECOMMENDATION TO THE
3 GOVERNOR STATING EITHER ITS SUPPORT OR NONSUPPORT OF AN APPLICANT
4 WHO IS SEEKING A PARDON FROM THE GOVERNOR; TO EXTEND THE DATE OF
5 REPEAL ON THIS SECTION; AND FOR 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 chairperson of the
16 board.

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



28 including the chairperson, may be reimbursed for actual and
29 necessary expenses as authorized by Section 25-3-41.

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

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

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

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

54 (7) (a) The Parole Board is authorized to select and place
55 offenders in an electronic monitoring program under the conditions
56 and criteria imposed by the Parole Board. The conditions,
57 restrictions and requirements of Section 47-7-17 and Sections
58 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
59 any offender placed in an electronic monitoring program by the
60 Parole Board.



61 (b) Any offender placed in an electronic monitoring
62 program under this subsection shall pay the program fee provided
63 in Section 47-5-1013. The program fees shall be deposited in the
64 special fund created in Section 47-5-1007.

65 (c) The department shall have absolute immunity from
66 liability for any injury resulting from a determination by the
67 Parole Board that an offender be placed in an electronic
68 monitoring program.

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

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

80 (c) The Parole Board shall utilize an Internet Web site
81 or other electronic means to release or publish the information.

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

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

88 (10) The Parole Board shall submit to the Governor, before
89 the Governor grants or denies a pardon, a recommendation stating
90 either the board's support or nonsupport of a pardon whenever an
91 applicant requests a pardon from the Governor.

92 (11) This section shall stand repealed on July 1, 2015.



93 **SECTION 2.** This act shall take effect and be in force from
94 and after July 1, 2012.

