

By: Representatives Wallace, Shanks

To: Corrections;
Apportionment and Elections

HOUSE BILL NO. 114

1 AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO
2 DISSOLVE AND RECONSTITUTE THE STATE PAROLE BOARD; TO PROVIDE THAT
3 AT LEAST THREE OF THE FIVE MEMBERS, WHO ARE APPOINTED BY THE
4 GOVERNOR, MUST HAVE MINIMUM OF FIVE YEARS OF EXPERIENCE AS A LAW
5 ENFORCEMENT OFFICER; 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, * * * shall be dissolved and the board shall
11 be * * * reconstituted and shall be composed of five (5) members.
12 At least three (3) of the five (5) members must have served a
13 minimum of five (5) years as a law enforcement officer. The
14 Governor shall appoint the members with the advice and consent of
15 the Senate. All terms shall be at the will and pleasure of the
16 Governor. Any vacancy shall be filled by the Governor, with the
17 advice and consent of the Senate. The Governor shall appoint a
18 chairman of the board.



19 The initial term of office of one (1) member of the board
20 shall be one (1) year ending on June 30, 2025; the initial term of
21 office of one (1) member of the board shall be two (2) years
22 ending on June 30, 2026; the initial term of office of one (1)
23 member of the board shall be three (3) years ending on June 30,
24 2027; and the initial term of office for two (2) members of the
25 board shall be for four (4) years ending on June 30, 2028. After
26 the expiration of the initial terms of offices, all later
27 appointments made by the Governor with the advice and consent of
28 the Senate shall be for the terms of four (4) years from the
29 expiration date of the previous term. The initial appointments
30 shall be made before June 30, 2024.

31 (2) Any person who is appointed to serve on the board shall
32 possess at least a bachelor's degree or a high school diploma and
33 four (4) years' work experience; however, any of the three (3)
34 members who are appointed due to his or her experience as a law
35 enforcement officer, as required under subsection (1) of this
36 section, must have a minimum of five (5) years' work experience as
37 a law enforcement officer. Each member shall devote his or her
38 full time to the duties of his or her office and shall not engage
39 in any other business or profession or hold any other public
40 office. A member shall receive compensation or per diem in
41 addition to his or her salary. Each member shall keep such hours
42 and workdays as required of full-time state employees under
43 Section 25-1-98. Individuals shall be appointed to serve on the



44 board without reference to their political affiliations. Each
45 board member, including the chairman, may be reimbursed for actual
46 and necessary expenses as authorized by Section 25-3-41. Each
47 member of the board shall complete annual training developed based
48 on guidance from the National Institute of Corrections, the
49 Association of Paroling Authorities International, or the American
50 Probation and Parole Association. Each first-time appointee of
51 the board shall, within sixty (60) days of appointment, or as soon
52 as practical, complete training for first-time Parole Board
53 members developed in consideration of information from the
54 National Institute of Corrections, the Association of Paroling
55 Authorities International, or the American Probation and Parole
56 Association.

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

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

65 (5) The budget of the board shall be funded through a
66 separate line item within the general appropriation bill for the
67 support and maintenance of the department. Employees of the
68 department which are employed by or assigned to the board shall



69 work under the guidance and supervision of the board. There shall
70 be an executive secretary to the board who shall be responsible
71 for all administrative and general accounting duties related to
72 the board. The executive secretary shall keep and preserve all
73 records and papers pertaining to the board.

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

81 (7) (a) The Parole Board is authorized to select and place
82 offenders in an electronic monitoring program under the conditions
83 and criteria imposed by the Parole Board. The conditions,
84 restrictions and requirements of Section 47-7-17 and Sections
85 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
86 any offender placed in an electronic monitoring program by the
87 Parole Board.

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

92 (c) The department shall have absolute immunity from
93 liability for any injury resulting from a determination by the



94 Parole Board that an offender be placed in an electronic
95 monitoring program.

96 (8) (a) The Parole Board shall maintain a central registry
97 of paroled inmates. The Parole Board shall place the following
98 information on the registry: name, address, photograph, crime for
99 which paroled, the date of the end of parole or flat-time date and
100 other information deemed necessary. The Parole Board shall
101 immediately remove information on a parolee at the end of his
102 parole or flat-time date.

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

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

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

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

115 (10) This section shall stand repealed on July 1, 2025.

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

