MISSISSIPPI LEGISLATURE

By: Representatives Banks, Coleman (29th), Creel, Evans, Flaggs, Fleming, Fredericks, Gibbs, Holloway, Huddleston, Middleton, Watson

HOUSE BILL NO. 1389

AN ACT TO AMEND SECTION 47-5-142, MISSISSIPPI CODE OF 1972, TO ALLOW AN INMATE TO RECEIVE MERITORIOUS EARNED TIME ALLOWANCE OF UP TO ONE-THIRD OF THE PERIOD OF CONFINEMENT IMPOSED BY THE COURT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-142, Mississippi Code of 1972, is amended as follows:

47-5-142. (1) In order to provide incentive for offenders to achieve positive and worthwhile accomplishments for their personal benefit or the benefit of others, and in addition to any other administrative reductions of the length of an offender's sentence, any offender shall be eligible, subject to the provisions of this section, to receive meritorious earned time as distinguished from earned time for good conduct and performance.

(2) Subject to approval by the commissioner of the terms and conditions of the program or project, meritorious earned time may be awarded for the following: (a) successful completion of educational or instructional programs; (b) satisfactory participation in work projects; and (c) satisfactory participation in any special incentive program.

(3) The programs and activities through which meritorious earned time may be received shall be published in writing and posted in conspicuous places at all facilities of the department and such publication shall be made available to all offenders in the custody of the department.

(4) The commissioner shall make a determination of the number of days of reduction of sentence which may be awarded an
offender as meritorious earned time for participation in approved programs or projects; the number of days shall be determined by the commissioner on the basis of each particular program or project. An inmate is eligible to receive meritorious earned time allowance of up to one-third (1/3) of the period of confinement imposed by the court except those inmates excluded by law. The commissioner may authorize the awarding of all or any part of meritorious earned time upon an offender's entry into the correctional system.

(5) No offender shall be awarded any meritorious earned time while assigned to the maximum security facilities for disciplinary purposes.

(6) All meritorious earned time shall be forfeited by the offender in the event of escape and/or aiding and abetting an escape.

(7) Any officer or employee of the department who shall willfully violate the provisions of this section and be convicted therefor shall be removed from office or employment.

(8) An offender may forfeit all or any part of his meritorious earned time allowance for just cause upon the written order of the commissioner or his designee. Any meritorious earned time allowance forfeited under this section shall not be restored nor shall it be re-earned by the offender.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.