HOUSE BILL NO. 319

AN ACT TO AMEND SECTION 47-5-139, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS CONVICTED OF ROBBERY, ATTEMPTED ROBBERY, CARJACKING OR DRIVE-BY SHOOTING SHALL NOT BE ELIGIBLE FOR EARNED TIME ALLOWANCES; TO PROVIDE THAT PERSONS SENTENCED TO LIFE IMPRISONMENT WITHOUT ELIGIBILITY FOR PAROLE SHALL NOT BE ELIGIBLE FOR EARNED-TIME ALLOWANCES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-139, Mississippi Code of 1972, is amended as follows:

47-5-139. (1) An inmate shall not be eligible for the earned time allowance if:

(a) The inmate was sentenced to life imprisonment; but an inmate, except an inmate sentenced to life imprisonment for capital murder, who has reached the age of sixty-five (65) or older and who has served at least fifteen (15) years may petition the sentencing court for conditional release;

(b) The inmate was convicted as a habitual offender under Sections 99-19-81 through 99-19-87;

(c) The inmate has forfeited his earned time allowance by order of the commissioner;

(d) The inmate was convicted of a sex crime; ***

(e) The inmate was convicted of robbery, attempted carjacking as provided in Sections 97-3-113 through 97-3-117, or drive-by shooting as provided in Section 97-3-109; or

(f) The inmate was convicted and sentenced to life imprisonment without eligibility for parole under Section 99-19-101.
(2) An offender under two (2) or more consecutive sentences shall be allowed commutation based upon the total term of the sentences.

(3) All earned time shall be forfeited by the inmate in the event of escape and/or aiding and abetting an escape. The commissioner may restore all or part of the earned time if the escapee returns to the institution voluntarily, without expense to the state, and without act of violence while a fugitive from the facility.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.