AN ACT TO AMEND SECTION 47-5-142, MISSISSIPPI CODE OF 1972, TO PROVIDE RESTRICTIONS ON THE TYPES OF OFFENDERS WHO ARE ELIGIBLE TO EARN MERITORIOUS EARNED TIME; TO REMOVE THE LIMITATION ON THE NUMBER OF DAYS AN OFFENDER'S SENTENCE MAY BE REDUCED FOR MERITORIOUS EARNED TIME; 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. * * * 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) An offender shall not be eligible for meritorious
earned time if:

(a) The offender was sentenced to life imprisonment but
an offender, except an offender 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 offender was convicted as a habitual offender
under Sections 99-19-81 through 99-19-87;

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

(d) The offender was convicted of a sex crime;

(e) The offender has not served the mandatory time
required for parole eligibility, as prescribed under Section
47-7-3, for a conviction of robbery or attempted robbery through
the display of a deadly weapon, carjacking through the display of
a deadly weapon or a drive by shooting;

(f) The offender was convicted of violating Section
41-29-139(a) and sentenced under Section 41-29-139(f);

(g) The offender was convicted of trafficking in
controlled substances under Section 41-29-139; or

(h) The offender was convicted of manufacturing crystal
methamphetamine in violation of Section 41-29-139.

(6) No offender shall be awarded any meritorious earned time
while assigned to the maximum security facilities for disciplinary
purposes.
(7) All meritorious earned time shall be forfeited by the offender in the event of escape and/or aiding and abetting an escape.

(8) 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.

(9) 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 its passage.