

By: Representative Malone

To: Penitentiary

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 403

1 AN ACT TO AMEND SECTION 47-5-142, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE RESTRICTIONS ON THE TYPES OF OFFENDERS WHO ARE ELIGIBLE
3 TO EARN MERITORIOUS EARNED TIME; TO REMOVE THE LIMITATION ON THE
4 NUMBER OF DAYS AN OFFENDER'S SENTENCE MAY BE REDUCED FOR
5 MERITORIOUS EARNED TIME; AND FOR RELATED PURPOSES.

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

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

9 47-5-142. (1) In order to provide incentive for offenders
10 to achieve positive and worthwhile accomplishments for their
11 personal benefit or the benefit of others, and in addition to any
12 other administrative reductions of the length of an offender's
13 sentence, any offender shall be eligible, subject to the
14 provisions of this section, to receive meritorious earned time as
15 distinguished from earned time for good conduct and performance.

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

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

27 (4) The commissioner shall make a determination of the
28 number of days of reduction of sentence which may be awarded an



29 offender as meritorious earned time for participation in approved
30 programs or projects; the number of days shall be determined by
31 the commissioner on the basis of each particular program or
32 project. * * * The commissioner may authorize the awarding of all
33 or any part of meritorious earned time upon an offender's entry
34 into the correctional system.

35 (5) An offender shall not be eligible for meritorious
36 earned time if:

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

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

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

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

47 (e) The offender has not served the mandatory time
48 required for parole eligibility, as prescribed under Section
49 47-7-3, for a conviction of robbery or attempted robbery through
50 the display of a deadly weapon, carjacking through the display of
51 a deadly weapon or a drive by shooting;

52 (f) The offender was convicted of violating Section
53 41-29-139(a) and sentenced under Section 41-29-139(f);

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

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

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



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

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

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

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

