

*****Adopted*****

AMENDMENT No. 1 TO AMENDMENT No. 1 PROPOSED TO

House Bill NO. 487

By Senator(s) Smith

1 **AMEND by striking Section 1 in its entirety and inserting in**
2 **lieu thereof the following:**

3 **SECTION 1.** Section 47-5-138.1, Mississippi Code of 1972, is
4 amended as follows:

5 47-5-138.1. (1) (a) In addition to any other
6 administrative reduction of sentence, an offender in trusty status
7 as defined by the classification board of the Department of
8 Corrections may be awarded a trusty time allowance of ten (10)
9 days' reduction of sentence for each thirty (30) days of
10 participation in an approved program while in trusty status,
11 including satisfactory participation in education or instructional
12 programs, satisfactory participation in work projects and
13 satisfactory participation in any special incentive program.

14 (b) If the department has a budget deficit, the
15 Governor may use his powers under the prison overcrowding
16 emergency powers act to increase the trusty time allowance to
17 twenty-three (23) days reduction of sentence for each thirty (30)
18 days of participation in approved programs under subsection
19 (1) (a).

20 (2) (a) From and after July 1, 2003, an offender who is
21 awarded the trusty time allowance under subsection (1) (a) may also
22 receive an additional five (5) days of trusty time allowance for
23 each thirty (30) days of approved participation.

24 (b) An offender is not eligible for the additional five
25 (5) days of trusty time allowance under this subsection if:
26 (i) The offender was sentenced to life
27 imprisonment; but an offender, except an offender sentenced to
28 life imprisonment for capital murder, who has reached the age of
29 sixty-five (65) or older and who has served at least fifteen (15)
30 years may petition the sentencing court for conditional release;
31 (ii) The offender was convicted as a habitual
32 offender under Sections 99-19-81 through 99-19-87;
33 (iii) The offender was convicted of a sex crime;
34 (iv) The offender has not served the mandatory
35 time required for parole eligibility, as prescribed under Section
36 47-7-3, for a conviction of robbery or attempted robbery through
37 the display of a deadly weapon, carjacking through the display of
38 a deadly weapon or a drive-by shooting;
39 (v) The offender was convicted of violating
40 Section 41-29-139(a) and sentenced under Section 41-29-139(b) or
41 41-29-139(f);
42 (vi) The offender was convicted of trafficking in
43 controlled substances under Section 41-29-139;
44 (vii) The offender was convicted of manufacturing
45 crystal methamphetamine in violation of Section 41-29-139;
46 (viii) The offender was convicted of felony child
47 abuse;
48 (ix) The offender was convicted of kidnapping;
49 (x) The offender was convicted of burglary of a
50 dwelling; or
51 (xi) The offender was convicted of a homicide
52 under Section 97-3-19.