

By: Representative Malone

To: Corrections

HOUSE BILL NO. 636

1 AN ACT TO AMEND SECTION 47-5-138.1, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DRUG CONVICTIONS THAT PROHIBIT TRUSTIES FROM BEING
3 AWARDED TRUSTY TIME ALLOWANCE FOR A REDUCTION OF SENTENCE; AND FOR
4 RELATED PURPOSES.

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

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

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

17 (2) An offender in trusty status shall not be eligible for a
18 reduction of sentence under this section if:

19 (a) The offender was sentenced to life imprisonment;

20 (b) The offender was convicted as an habitual offender
21 under Sections 99-19-81 through 99-19-87;

22 (c) The offender was convicted of a sex crime;

23 (d) The offender has not served the mandatory time
24 required for parole eligibility, as prescribed under Section
25 47-7-3, for a conviction of robbery or attempted robbery through
26 the display of a deadly weapon, carjacking through the display of
27 a deadly weapon or a drive-by shooting; or

28 (e) The offender was convicted of trafficking in
29 controlled substances under Section 41-29-139(g).

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31 **SECTION 2.** This act shall take effect and be in force from
32 and after July 1, 2005.