

By: Representative Moak

To: Corrections

HOUSE BILL NO. 138

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

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

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

10 47-5-139. (1) An inmate shall not be eligible for the
11 earned time allowance if:

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

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

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

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

22 (e) The inmate was convicted of robbery, attempted
23 robbery, carjacking as provided in Sections 97-3-113 through
24 97-13-117, or drive-by shooting as provided in Section 97-3-109;
25 or

26 (f) The inmate was convicted and sentenced to life
27 imprisonment without eligibility for parole under Section
28 99-19-101.

29 (2) An offender under two (2) or more consecutive sentences
30 shall be allowed commutation based upon the total term of the
31 sentences.

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

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

41 **SECTION 2.** This act shall take effect and be in force from
42 and after July 1, 2006.