

By: Representative Banks

To: Corrections; Judiciary B

HOUSE BILL NO. 640

1 AN ACT TO AMEND SECTION 47-5-139, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF AN INMATE WAS NOT SENTENCED TO LIFE
3 IMPRISONMENT FOR CAPITAL MURDER AND HE OR SHE HAS REACHED 65 YEARS
4 OF AGE AND HAS SERVED A MINIMUM OF 15 YEARS OF HIS OR HER
5 SENTENCE, THEN SUCH INMATE IS ELIGIBLE FOR EARNED TIME ALLOWANCE;
6 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) Except as otherwise provided, the inmate was
13 sentenced to life imprisonment; * * * however, an inmate * * * who
14 has reached the age of sixty-five (65) or older * * * who has
15 served at least fifteen (15) years, and has not been sentenced to
16 life imprisonment for capital murder, may petition the sentencing
17 court for conditional release;

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



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

22 (d) The inmate was convicted of a sex crime; or

23 (e) The inmate has not served the mandatory time
24 required for parole eligibility for a conviction of robbery or
25 attempted robbery with a deadly weapon.

26 (2) An offender under two (2) or more consecutive sentences
27 shall be allowed commutation based upon the total term of the
28 sentences.

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

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

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2018.

