

By: Representative Horan

To: Corrections

HOUSE BILL NO. 723

1 AN ACT TO AMEND SECTIONS 47-5-138.1, 47-7-3.2 AND 47-5-139,  
2 MISSISSIPPI CODE OF 1972, TO REVISE THE ELIGIBILITY CRITERIA FOR  
3 TRUSTY STATUS AND EARNED TIME ALLOWANCES FOR INMATES; 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; or

22 \* \* \*

23 ( \* \* \*c) The offender was convicted of trafficking in  
24 controlled substances under Section 41-29-139.

25 **SECTION 2.** Section 47-7-3.2, Mississippi Code of 1972, is  
26 amended as follows:

27 47-7-3.2. (1) Notwithstanding Sections 47-5-138, 47-5-139,  
28 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
29 on or after July 1, 2014, shall be released by the department  
30 until he or she has served no less than fifty percent (50%) of a  
31 sentence for a crime of violence pursuant to Section 97-3-2 or  
32 twenty-five percent (25%) of any other sentence imposed by the  
33 court.

34 (2) This section shall not apply to:

35 (a) Offenders sentenced to life imprisonment;

36 (b) Offenders convicted as habitual offenders pursuant  
37 to Sections 99-19-81 through 99-19-87; or

38 \* \* \*

39 ( \* \* \*c) Offenders serving a sentence for trafficking  
40 pursuant to Section 41-29-139(f).

41 **SECTION 3.** Section 47-5-139, Mississippi Code of 1972, is  
42 amended as follows:

43 47-5-139. (1) An inmate shall not be eligible for the  
44 earned time allowance if:



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

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

52 (c) The inmate has forfeited his earned time allowance  
53 by order of the commissioner \* \* \*.

54 \* \* \*

55 (2) An offender under two (2) or more consecutive sentences  
56 shall be allowed commutation based upon the total term of the  
57 sentences.

58 (3) All earned time shall be forfeited by the inmate in the  
59 event of escape and/or aiding and abetting an escape. The  
60 commissioner may restore all or part of the earned time if the  
61 escapee returns to the institution voluntarily, without expense to  
62 the state, and without act of violence while a fugitive from the  
63 facility.

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

67 **SECTION 4.** This act shall take effect and be in force from  
68 and after July 1, 2018.

