

By: Representative Scott

To: Corrections;
Appropriations

HOUSE BILL NO. 9

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO ADMINISTER
2 THE ADULT BASIC EXAMINATION TO EACH ADULT OFFENDER WITHIN ITS
3 CUSTODY; TO PROVIDE THAT IF SUCH OFFENDER FAILS THE EXAMINATION,
4 HE OR SHE SHALL RECEIVE INDIVIDUALIZED INSTRUCTION AS WELL AS
5 REMEDIAL CLASSES UNTIL HE OR SHE PASSES THE EXAMINATION; TO AMEND
6 SECTION 47-5-142, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
7 COMMISSIONER OF THE DEPARTMENT TO AWARD MERITORIOUS EARNED TIME TO
8 AN OFFENDER WHO SUCCESSFULLY COMPLETES THE EXAMINATION; AND FOR
9 RELATED PURPOSES.

10 WHEREAS, between 1992 and 2012, the budget of the Mississippi
11 Department of Corrections has increased three hundred ten percent
12 (310%), and it had a budget of over Three Hundred Fifty Million
13 Dollars (\$350,000,000.00) in 2017; and

14 WHEREAS, the Department of Corrections spent Three Hundred
15 Thirty Million Dollars (\$330,000,000.00) on corrections in fiscal
16 year 2017, which is a significant increase from Two Hundred
17 Seventy-six Million Dollars (\$276,000,000.00) in 2003; and

18 WHEREAS, along with the budget increase, the state's prison
19 population has increased all but four (4) years since 1990, which
20 is a one hundred seventy percent (170%) increase in the last
21 twenty-two (22) years; and



22 WHEREAS, a primary contributor of why crimes are committed by
23 offenders is the lack of education; and

24 WHEREAS, Mississippi offenders who complete a prison
25 education program have a three-year recidivism rate of about two
26 percent (2%); and

27 WHEREAS, in 2013, the Mississippi Department of Corrections
28 reported a recidivism rate of twenty-seven and sixty-five one
29 hundredths percent (27.65%), the lowest in the country; and

30 WHEREAS, educational programs while offenders are
31 incarcerated are key to ensuring that offenders will not reoffend;
32 NOW, THEREFORE,

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

34 **SECTION 1.** (1) The Department of Correction's Adult Basic
35 Education (ABE) division shall administer to each adult offender
36 an examination that meets the twelfth grade educational
37 requirements of the state. If an offender fails the examination
38 in any subject area, the department shall provide a planned
39 program of individualized instruction as well as remedial classes
40 for the offender until he or she passes the examination.

41 (2) Any offender who successfully completes the ABE
42 examination shall be awarded meritorious earned time as provided
43 under Section 47-5-142.

44 **SECTION 2.** Section 47-5-142, Mississippi Code of 1972, is
45 amended as follows:



46 47-5-142. (1) In order to provide incentive for offenders
47 to achieve positive and worthwhile accomplishments for their
48 personal benefit or the benefit of others, and in addition to any
49 other administrative reductions of the length of an offender's
50 sentence, any offender shall be eligible, subject to the
51 provisions of this section, to receive meritorious earned time as
52 distinguished from earned time for good conduct and performance.

53 (2) Subject to approval by the commissioner of the terms and
54 conditions of the program or project, meritorious earned time may
55 be awarded for the following: (a) successful completion of
56 educational or instructional programs; (b) satisfactory
57 participation in work projects; and (c) satisfactory participation
58 in any special incentive program. Notwithstanding this
59 subsection, the commissioner shall award any offender who
60 successfully completes the Adult Basic Education examination
61 meritorious earned time.

62 (3) The programs and activities through which meritorious
63 earned time may be received shall be published in writing and
64 posted in conspicuous places at all facilities of the department
65 and such publication shall be made available to all offenders in
66 the custody of the department.

67 (4) The commissioner shall make a determination of the
68 number of days of reduction of sentence which may be awarded an
69 offender as meritorious earned time for participation in approved
70 programs or projects; the number of days shall be determined by



71 the commissioner on the basis of each particular program or
72 project.

73 (5) No offender shall be awarded any meritorious earned time
74 while assigned to the maximum security facilities for disciplinary
75 purposes.

76 (6) All meritorious earned time shall be forfeited by the
77 offender in the event of escape and/or aiding and abetting an
78 escape.

79 (7) Any officer or employee of the department who shall
80 willfully violate the provisions of this section and be convicted
81 therefor shall be removed from office or employment.

82 (8) An offender may forfeit all or any part of his
83 meritorious earned time allowance for just cause upon the written
84 order of the commissioner, or his designee. Any meritorious
85 earned time allowance forfeited under this section shall not be
86 restored nor shall it be re-earned by the offender.

87 **SECTION 3.** This act shall take effect and be in force from
88 and after July 1, 2019.

