

By: Representative Scott

To: Corrections

HOUSE BILL NO. 1429

1 AN ACT TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT AN OFFENDER WHO IS ON PROBATION AND PAROLE MAY BE
3 AWARDED EARNED-DISCHARGE CREDIT IF HE OR SHE PARTICIPATES IN
4 FAITH-BASED ACTIVITIES OR FAITH-BASED SPONSORED ACTIVITIES; TO
5 REQUIRE CERTAIN REPORTING REQUIREMENTS IN ORDER FOR AN OFFENDER TO
6 RECEIVE SUCH CREDIT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 47-7-40, Mississippi Code of 1972, is
9 amended as follows:

10 47-7-40. (1) The commissioner shall establish rules and
11 regulations for implementing the earned-discharge program that
12 allows offenders on probation and parole to reduce the period of
13 supervision for complying with conditions of probation. Such
14 rules and regulations shall also be established for discharge
15 credits earned pursuant to subsection (7) of this section. The
16 department shall have the authority to award earned-discharge
17 credits to all offenders placed on probation, parole, or
18 post-release supervision who are in compliance with the terms and
19 conditions of supervision. An offender serving a Mississippi
20 sentence for an eligible offense in any jurisdiction under the



21 Interstate Compact for Adult Offender Supervision shall be
22 eligible for earned-discharge credits under this section.
23 Offenders shall not be denied earned-discharge credits solely
24 based on nonpayment of fees or fines if a hardship waiver has been
25 granted as provided in Section 47-7-49.

26 (2) In addition to the deduction allowed under subsection
27 (7) of this section, for each full calendar month of compliance
28 with the conditions of supervision, earned-discharge credits equal
29 to the number of days in that month shall be deducted from the
30 offender's sentence discharge date. Credits begin to accrue for
31 eligible offenders after the first full calendar month of
32 compliance supervision conditions. For the purposes of this
33 section, an offender is deemed to be in compliance with the
34 conditions of supervision if there was no violation of the
35 conditions of supervision.

36 (3) No earned-discharge credits may accrue for a calendar
37 month in which a violation report has been submitted, the offender
38 has absconded from supervision, the offender is serving a term of
39 imprisonment in a technical violation center, or for the months
40 between the submission of the violation report and the final
41 action on the violation report by the court or the board.

42 (4) Earned-discharge credits shall be applied to the
43 sentence within thirty (30) days of the end of the month in which
44 the credits were earned. At least every six (6) months, an



45 offender who is serving a sentence eligible for earned-discharge
46 credits shall be notified of the current sentence discharge date.

47 (5) Once the combination of time served on probation, parole
48 or post-release supervision, and earned-discharge credits satisfy
49 the term of probation, parole, or post-release supervision, the
50 board or sentencing court shall order final discharge of the
51 offender. No less than sixty (60) days prior to the date of final
52 discharge, the department shall notify the sentencing court and
53 the board of the impending discharge.

54 (6) The department shall provide semiannually to the
55 Oversight Task Force the number and percentage of offenders who
56 qualify for earned discharge in one or more months of the year and
57 the average amount of credits earned within the year.

58 (7) (a) From and after July 1, 2023, any offender who is on
59 probation and parole, which includes the intensive supervision
60 program, may have his or her placement on probation and parole or
61 intensive supervision, as the case maybe, reduced by participating
62 in faith-based activities or faith-based sponsored activities. An
63 offender may be awarded thirty (30) days' reduction of supervision
64 for each thirty (30) days of participation in a faith-based
65 activity or faith-based sponsored activity.

66 (b) An offender who earns earned-discharge credit
67 pursuant to this section must have a designated leader of the
68 faith-based entity where the offender is participating in the
69 faith-based activity or faith-based sponsored activity to provide



70 a monthly report by the 15th day of the month following the
71 offender's participation in the faith-based activity. Such report
72 must be provided to the commissioner of the Department of
73 Corrections who may apply the earned-discharged credits in the
74 time provided under subsection (4) of this section. The
75 department shall develop regulations to administer the provisions
76 of this subsection.

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2023.

