

By: Representatives Banks, Coleman (29th),  
Creel, Evans, Flaggs, Fleming, Fredericks,  
Gibbs, Holloway, Huddleston, Middleton,  
Watson

To: Penitentiary

HOUSE BILL NO. 1389

1 AN ACT TO AMEND SECTION 47-5-142, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW AN INMATE TO RECEIVE MERITORIOUS EARNED TIME ALLOWANCE OF  
3 UP TO ONE-THIRD OF THE PERIOD OF CONFINEMENT IMPOSED BY THE COURT;  
4 AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 47-5-142, Mississippi Code of 1972, is  
7 amended as follows:

8 47-5-142. (1) In order to provide incentive for offenders  
9 to achieve positive and worthwhile accomplishments for their  
10 personal benefit or the benefit of others, and in addition to any  
11 other administrative reductions of the length of an offender's  
12 sentence, any offender shall be eligible, subject to the  
13 provisions of this section, to receive meritorious earned time as  
14 distinguished from earned time for good conduct and performance.

15 (2) Subject to approval by the commissioner of the terms and  
16 conditions of the program or project, meritorious earned time may  
17 be awarded for the following: (a) successful completion of  
18 educational or instructional programs; (b) satisfactory  
19 participation in work projects; and (c) satisfactory participation  
20 in any special incentive program.

21 (3) The programs and activities through which meritorious  
22 earned time may be received shall be published in writing and  
23 posted in conspicuous places at all facilities of the department  
24 and such publication shall be made available to all offenders in  
25 the custody of the department.

26 (4) The commissioner shall make a determination of the  
27 number of days of reduction of sentence which may be awarded an

28 offender as meritorious earned time for participation in approved  
29 programs or projects; the number of days shall be determined by  
30 the commissioner on the basis of each particular program or  
31 project. An inmate is eligible to receive meritorious earned time  
32 allowance of up to one-third (1/3) of the period of confinement  
33 imposed by the court except those inmates excluded by law. The  
34 commissioner may authorize the awarding of all or any part of  
35 meritorious earned time upon an offender's entry into the  
36 correctional system.

37 (5) No offender shall be awarded any meritorious earned time  
38 while assigned to the maximum security facilities for disciplinary  
39 purposes.

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

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

46 (8) An offender may forfeit all or any part of his  
47 meritorious earned time allowance for just cause upon the written  
48 order of the commissioner or his designee. Any meritorious earned  
49 time allowance forfeited under this section shall not be restored  
50 nor shall it be re-earned by the offender.

51 SECTION 2. This act shall take effect and be in force from  
52 and after July 1, 2001.