

By: Senator(s) Simmons

To: Judiciary

SENATE BILL NO. 2332

1 AN ACT TO AMEND SECTION 47-5-138, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN EXEMPTION FROM THE 85% SENTENCE REQUIREMENTS FOR
3 THOSE INMATES THAT MEET CONDUCT, WORK AND EDUCATIONAL
4 REQUIREMENTS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 47-5-138, Mississippi Code of 1972, is
7 amended as follows:

8 47-5-138. (1) The department may promulgate rules and
9 regulations to carry out an earned time allowance program based on
10 the good conduct and performance of an inmate. An inmate is
11 eligible to receive an earned time allowance of one-half (1/2) of
12 the period of confinement imposed by the court except those
13 inmates excluded by law. When an inmate is committed to the
14 custody of the department, the department shall determine a
15 conditional earned time release date by subtracting the earned
16 time allowance from an inmate's term of sentence. This subsection
17 does not apply to any sentence imposed after June 30, 1995.

18 (2) An inmate may forfeit all or part of his earned time
19 allowance for a serious violation of rules. No forfeiture of the
20 earned time allowance shall be effective except upon approval of
21 the commissioner or his designee, and forfeited earned time may
22 not be restored.

23 (3) (a) For the purposes of this subsection, "final order"
24 means an order of a state or federal court that dismisses a
25 lawsuit brought by an inmate while the inmate was in the custody
26 of the Department of Corrections as frivolous, malicious or for
27 failure to state a claim upon which relief could be granted.



28 (b) On receipt of a final order, the department shall
29 forfeit:

30 (i) Sixty (60) days of an inmate's accrued earned
31 time if the department has received one (1) final order as defined
32 herein;

33 (ii) One hundred twenty (120) days of an inmate's
34 accrued earned time if the department has received two (2) final
35 orders as defined herein;

36 (iii) One hundred eighty (180) days of an inmate's
37 accrued earned time if the department has received three (3) or
38 more final orders as defined herein.

39 (c) The department may not restore earned time
40 forfeited under this subsection.

41 (4) An inmate who meets the good conduct and performance
42 requirements of the earned time allowance program may be released
43 on his conditional earned time release date.

44 (5) (a) For any sentence imposed after June 30, 1995, an
45 inmate may receive an earned time allowance of four and one-half
46 (4-1/2) days for each thirty (30) days served if the department
47 determines that the inmate has complied with the good conduct and
48 performance requirements of the earned time allowance program.
49 The earned time allowance under this subsection shall not exceed
50 fifteen percent (15%) of an inmate's term of sentence.

51 (b) Paragraph (a) of this subsection shall not apply to
52 any inmate who has served one-half (1/2) of his sentence and who
53 meets the following requirements:

54 (i) Has received no more than one (1) major rule
55 violation;

56 (ii) Has completed an alcohol and drug program;

57 (iii) Has worked or participated in an educational
58 or vocational training program;

59 (iv) Has completed the Pre-release program; and



60 (v) Is recommended for early release by the
61 classification committee after the committee has reviewed the
62 inmate's performance in subparagraphs (i) through (iv).

63 An inmate who meets the requirements of this paragraph shall
64 be released and placed under earned-release supervision as
65 provided in subsection (6).

66 (6) Any inmate, who is released before the expiration of his
67 term of sentence under this section, shall be placed under
68 earned-release supervision until the expiration of the term of
69 sentence. The inmate shall retain inmate status and remain under
70 the jurisdiction of the department. The period of earned-release
71 supervision shall be conducted in the same manner as a period of
72 supervised parole. The department shall develop rules, terms and
73 conditions for the earned-release supervision program. The
74 commissioner shall designate the appropriate classification
75 committee or other division within the department to conduct
76 revocation hearings for inmates violating the conditions of
77 earned-release supervision.

78 (7) If the earned-release supervision is revoked, the inmate
79 shall serve the remainder of the sentence and the time the inmate
80 was on earned-release supervision, shall not be applied to and
81 shall not reduce his sentence.

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

