

By: Representatives Clarke, Thomas

To: Penitentiary

HOUSE BILL NO. 1427

1 AN ACT TO AMEND SECTION 47-5-142, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN OFFENDER MAY RECEIVE A SENTENCE REDUCTION FOR
3 MODEL BEHAVIOR IN ADDITION TO REDUCTIONS FOR MERITORIOUS EARNED
4 TIME; TO PROVIDE THAT OFFENDERS PARTICIPATING IN THE MODEL
5 BEHAVIOR INCENTIVE SENTENCE REDUCTION PROGRAM MAY BE ELIGIBLE FOR
6 A REDUCTION OF SENTENCE OR A REDUCTION IN THE LEVEL OF
7 INCARCERATION, OR BOTH, SUBJECT TO THE DISCRETION OF THE
8 COMMISSIONER; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 47-5-142, Mississippi Code of 1972, is
11 amended as follows:

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

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

26 (3) Additionally, subject to approval by the commissioner of
27 the terms and conditions of the program or project, there is
28 established a model behavior incentive reduction program under
29 which model behavior sentence reduction may be awarded for any of
30 the following: (a) community service; (b) assisting in behavior



31 modification of other offenders, such as steering fellow offenders
32 away from drugs and violence; (c) participation of any kind
33 involving exhibition of dedication toward improving community
34 conditions and attitudes of their fellowman.

35 (4) The programs and activities through which meritorious
36 earned time or model behavior incentive sentence reduction may be
37 received shall be published in writing and posted in conspicuous
38 places at all facilities of the department and such publication
39 shall be made available to all offenders in the custody of the
40 department.

41 (5) The commissioner shall make a determination of the
42 number of days of reduction of sentence which may be awarded an
43 offender as meritorious earned time or model behavior incentive
44 sentence reduction for participation in approved programs or
45 projects; the number of days shall be determined by the
46 commissioner on the basis of each particular program or project.
47 All offenders participating in the model behavior sentence
48 reduction program may be eligible for a reduction of sentence or
49 for a reduction in the level of incarceration, such as from jail
50 to house arrest, or both, subject to the discretion of the
51 commission. Except as otherwise provided in this section, in no
52 event shall an offender be awarded in excess of ten (10) days
53 reduction for each thirty (30) days of participation in such a
54 program or project. Furthermore, an offender shall never be
55 allowed to earn more than a total of one hundred eighty (180) days
56 of meritorious earned time or model behavior incentive sentence
57 reduction during the entire time he is under the jurisdiction of
58 the Department of Corrections. The commissioner may authorize the
59 awarding of all or any part of meritorious earned time or model
60 behavior incentive sentence reduction upon an offender's entry
61 into the correctional system.



62 (6) No offender shall be awarded any meritorious earned time
63 or model behavior incentive sentence reduction while assigned to
64 the maximum security facilities for disciplinary purposes.

65 (7) All meritorious earned time or model behavior incentive
66 sentence reduction shall be forfeited by the offender in the event
67 of escape and/or aiding and abetting an escape.

68 (8) Any officer or employee of the department who shall
69 willfully violate the provisions of this section and be convicted
70 therefor shall be removed from office or employment.

71 (9) An offender may forfeit all or any part of his
72 meritorious earned time allowance or model behavior incentive
73 sentence reduction for just cause upon the written order of the
74 commissioner or his designee. Any meritorious earned time
75 allowance or model behavior incentive sentence reduction forfeited
76 under this section shall not be restored nor shall it be re-earned
77 by the offender.

78 **SECTION 2.** This act shall take effect and be in force from
79 and after July 1, 2002.

