

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 403

1 AN ACT TO AMEND SECTION 47-5-142, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE LIMITATION ON THE NUMBER OF DAYS AN OFFENDER'S
3 SENTENCE MAY BE REDUCED FOR MERITORIOUS EARNED TIME; AND FOR
4 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. * * * The commissioner may authorize the awarding of all
32 or any part of meritorious earned time upon an offender's entry
33 into the correctional system.

34 (5) No offender shall be awarded any meritorious earned time
35 while assigned to the maximum security facilities for disciplinary
36 purposes.

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

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

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

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2003.

