

By: Representative Moak

To: Corrections

HOUSE BILL NO. 887

1 AN ACT TO AMEND SECTION 47-5-138.1, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT TRUSTY STATUS OFFENDERS FROM ACCUMULATING ADDITIONAL
3 EARNED TIME IF SUCH OFFENDERS HAVE BEEN CONVICTED OF MANSLAUGHTER,
4 BURGLARY OF A DWELLING, OR CONVICTED OF DRIVING UNDER THE
5 INFLUENCE AND CAUSED THE DEATH, MUTILATION OR DISFIGUREMENT OF A
6 PERSON; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 47-5-138.1, Mississippi Code of 1972, is
9 amended as follows:

10 47-5-138.1. (1) In addition to any other administrative
11 reduction of sentence, an offender in trusty status as defined by
12 the classification board of the Department of Corrections may be
13 awarded a trusty time allowance of thirty (30) days' reduction of
14 sentence for each thirty (30) days of participation during any
15 calendar month in an approved program while in trusty status,
16 including satisfactory participation in education or instructional
17 programs, satisfactory participation in work projects and
18 satisfactory participation in any special incentive program.

19 (2) An offender in trusty status shall not be eligible for a
20 reduction of sentence under this section if:

21 (a) The offender was sentenced to life imprisonment;

22 (b) The offender was convicted as an habitual offender
23 under Sections 99-19-81 through 99-19-87;

24 (c) The offender was convicted of a sex crime;

25 (d) The offender has not served the mandatory time
26 required for parole eligibility, as prescribed under Section
27 47-7-3, for a conviction of robbery or attempted robbery through
28 the display of a deadly weapon, carjacking through the display of
29 a deadly weapon or a drive-by shooting;

30 (e) The offender was convicted of violating Section
31 41-29-139(a) and sentenced under Section 41-29-139(b) or
32 41-29-139(f); * * *

33 (f) The offender was convicted of trafficking in
34 controlled substances under Section 41-29-139;

35 (g) The offender was convicted of manslaughter under
36 Section 97-3-27, Section 97-3-29, Section 97-3-31, Section
37 97-3-33, Section 97-3-35, Section 97-3-37, Section 97-3-45 or
38 Section 97-3-47;

39 (h) The offender was convicted of burglary of a
40 dwelling under Section 97-17-23; or

41 (i) The offender was convicted of driving under the
42 influence under Section 63-11-30(5).

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2007.