

By: Senator(s) Walley, Albritton, Horhn

To: Corrections

SENATE BILL NO. 3025

1 AN ACT TO AMEND SECTION 47-5-138.1, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A PERSON CONVICTED OF MANSLAUGHTER, BURGLARY OF A  
3 DWELLING OR FELONY DUI IS NOT ELIGIBLE FOR TRUSTY TIME ALLOWANCE  
4 AND REDUCTION OF SENTENCE; AND FOR RELATED PURPOSES.

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

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

8 47-5-138.1. (1) In addition to any other administrative  
9 reduction of sentence, an offender in trusty status as defined by  
10 the classification board of the Department of Corrections may be  
11 awarded a trusty time allowance of thirty (30) days' reduction of  
12 sentence for each thirty (30) days of participation during any  
13 calendar month in an approved program while in trusty status,  
14 including satisfactory participation in education or instructional  
15 programs, satisfactory participation in work projects and  
16 satisfactory participation in any special incentive program.

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

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

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

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

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

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

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

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

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

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

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