

Chapter No. 470  
10/HR40/R1807SG  
scw / ct

4/11 4:12pm

**HOUSE BILL NO. 1136**

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1136

AN ACT TO AMEND SECTION 47-7-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THE PAROLE BOARD DISCRETION TO CONTINUE OR DISCONTINUE AN OFFENDER ON PAROLE IF AN OFFENDER IS CONVICTED OF A FELONY WHILE ON PAROLE FOR A CRIME COMMITTED PRIOR TO THE OFFENDER BEING PLACED ON PAROLE; TO AMEND SECTION 47-5-138.1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OFFENDER WHO HAS BEEN CONVICTED OF CERTAIN DRUG CRIMES AND IS IN TRUSTY STATUS MAY BE AWARDED ADDITIONAL TRUSTY EARNED TIME; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 47-7-27, Mississippi Code of 1972, is amended as follows:

47-7-27. The board is hereby authorized at any time, in its discretion, and upon a showing of probable violation of parole, to issue a warrant for the return of any paroled offender to the custody of the Mississippi Department of Corrections. Such warrant shall authorize all persons named therein to return such paroled offender to actual custody of the Department of Corrections from which he was paroled. Pending hearing, as hereinafter provided, upon any charge of parole violation, the offender shall remain incarcerated in any other place of detention designated by the department.

Any field supervisor may arrest an offender without a warrant or may deputize any other person with power of arrest to do so by giving him a written statement setting forth that the offender has, in the judgment of that field supervisor, violated the conditions of his parole or earned-release supervision. Such written statement delivered with the offender by the arresting officer to the official in charge of the department facility from which the offender was released or other place of detention

designated by the department shall be sufficient warrant for the detention of the offender.

The field supervisor, after making an arrest, shall present to the detaining authorities a similar statement of the circumstances of violation. The field supervisor shall at once notify the board or department of the arrest and detention of the offender and shall submit a written report showing in what manner the offender has violated the conditions of parole or earned-release supervision. An offender for whose return a warrant has been issued by the board shall, after the issuance of such warrant, be deemed a fugitive from justice.

The law now in effect concerning the right of the State of Mississippi to extradite persons and return fugitives from justice, from other states to this state, shall not be impaired by this chapter and shall remain in full force and effect. An offender convicted of a felony committed while on parole, whether in the State of Mississippi or another state, shall immediately have his parole revoked upon presentment of a certified copy of the commitment order to the board. If an offender is on parole and the offender is convicted of a felony for a crime committed prior to the offender being placed on parole, whether in the State of Mississippi or another state, the offender may have his parole revoked upon presentment of a certified copy of the commitment order to the board.

At the next meeting of the board held after the issuance of a warrant for the retaking of any offender, the board shall be notified thereof; and if the offender shall have been taken into custody, he shall then be given an opportunity to appeal to the board in writing or in person why his parole should not be revoked. The board may then, or at any time in its discretion, terminate such parole or modify the terms and conditions thereof. In the event the board shall revoke parole, the offender shall serve the remainder of the sentence originally imposed unless at a

later date the board shall think it expedient to grant the offender a second parole. In case a second parole shall not be granted, then the offender shall serve the remainder of the sentence originally imposed, and the time the offender was out on parole shall not be taken into account to diminish the time for which he was sentenced.

The chairman and each member of the board and the designated parole revocation hearing officer, in the discharge of their duties, are authorized to administer oaths, to summon and examine witnesses, and take other steps as may be necessary to ascertain the truth of any matter about which they may have the right to inquire.

**SECTION 2.** Section 47-5-138.1, Mississippi Code of 1972, is amended as follows:

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

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

- (a) The offender was sentenced to life imprisonment;
- (b) The offender was convicted as an habitual offender under Sections 99-19-81 through 99-19-87;
- (c) The offender was convicted of a sex crime;
- (d) The offender has not served the mandatory time required for parole eligibility, as prescribed under Section 47-7-3, for a conviction of robbery or attempted robbery through

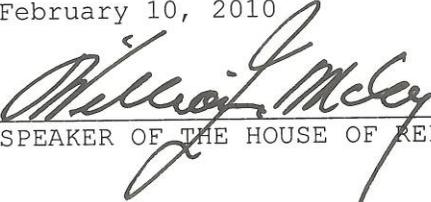
the display of a deadly weapon, carjacking through the display of a deadly weapon or a drive-by shooting;

(e) The offender was convicted of possession with the intent to deliver or sell a controlled substance under Section 41-29-139 \* \* \*; or

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

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2010.

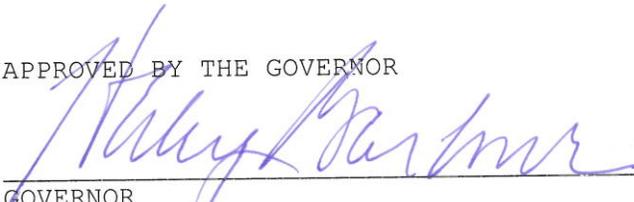
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 10, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 9, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

4/1/10

4/1/10