

**DATES FOUND ON TIME COMPUTATION SHEETS
ON OR AFTER JULY 1, 1995**

BEGIN DATE: Earliest sentencing date less any pre-sentence jail time

MAXIMUM DISCHARGE DATE: Begin Date plus total term of sentence. This is the date of release if the offender has to serve his sentence day for day.

TENTATIVE DISCHARGE DATE a/k/a Conditional Discharge Date or Flat-time Date: Maximum Release Date less any Meritorious Earned Time, Trusty Earned Time, or Executive Time. (The 15 % Earned Time Allowance is not subtracted from this date and the difference in this date and the ERS date is the amount of time an offender may spend on ERS).

EARNED RELEASE SUPERVISION (ERS) DATE: Maximum Release Date less 15 % Earned Time Allowance and any Meritorious Earned Time, Trusty Earned Time, or Executive Time.

PAROLE ELIGIBILITY DATE: Generally 25 % of total sentence less any Meritorious Earned Time or Executive Time. Parole Eligibility Dates are subject to statutory minimums and an initial parole date cannot be less than one year from the offender's Begin Date.

Mississippi Department of Corrections Sentence Computation Record

Offender: Housing: WILKINSON CCF, WCCF BUILDING E, POD G, BED 103L
Computation Date: 02/09/2009 12:45 **Computation Reason:** MET Posting **Date Printed:** 02/09/2009 09:59

Sentences:

DATE	CAUSE/COUNT	OFFENSE	COMMITTED	COUNTY	SERVE	HOUSE	PROBATION	HAB	DEFERRED	OVERRIDE	CONCURRENT	CONSECUTIVE
10/10/06	200644K1	3532-COCAINE-POSSESS	10/12/06	Simpson	5Y		2Y	N				

First Time Offender Court Order A & D Long Term Program - Ordered to Complete

Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
10/07/06	10/10/08	3

Total Jail Time: 3 Override:

Computation Details:

DATE	DESCRIPTION	HOUSE ARREST	PAROLE	ERS	TENTATIVE	MAX
10/10/06	Sentence begin = 10/10/06 - 3D jail time = 10/07/08					
01/06/09	200644K1 3532-COCAINE-POSSESS 5Y (15% of 5Y-3D = 273D) Into Trusty Status 12/23/08 [Applied 0D] IN T/S @ SATELLITE FACILITY					
01/22/09	Trusty Earned Time 12/23/08 to 01/22/09 : 30D [Tentative -30D] [ERS -36D]					
02/09/09	Met-Discipleship Program C1101/09 to 01/27/09 : 8D [Tentative -8D] [ERS -8D] [Parole -8D]					

Summary:

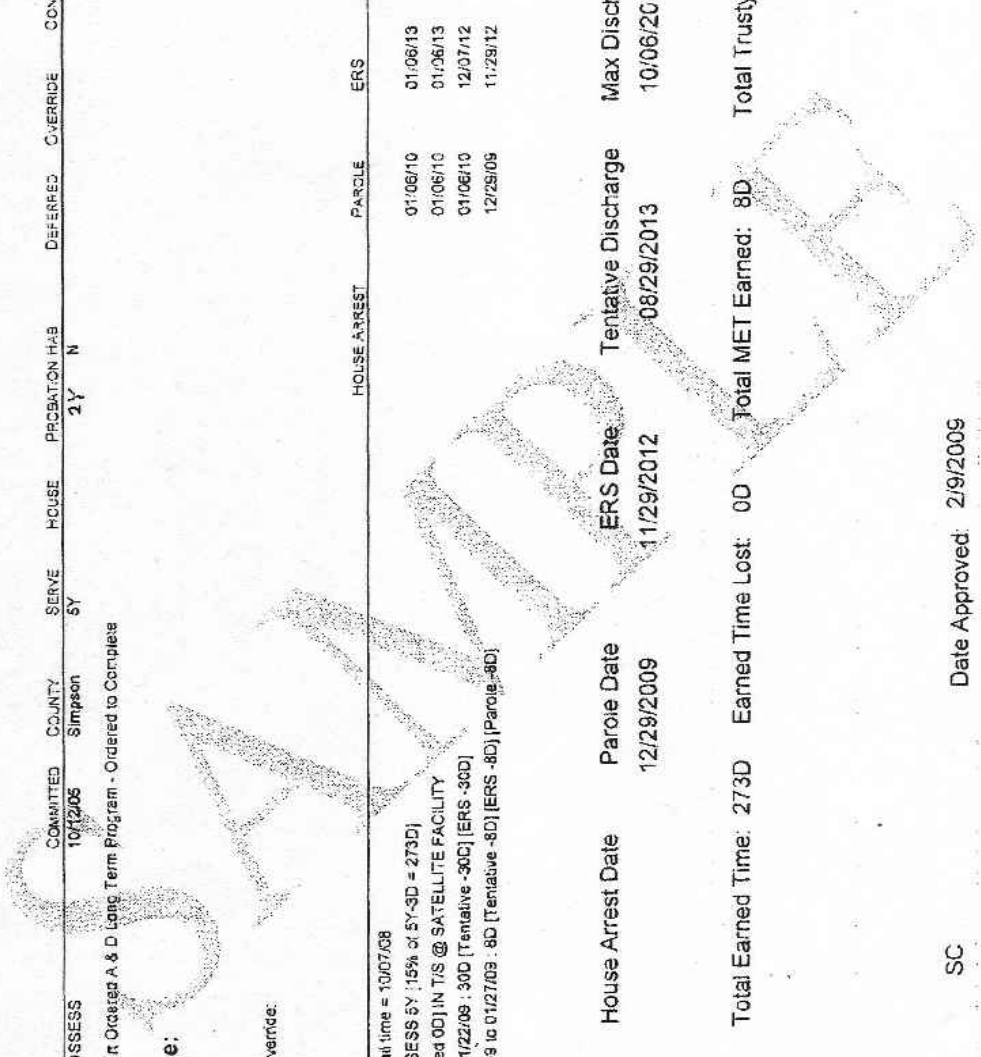
Calculated: 10/07/2008 **Begin Date:** 10/07/2008 **House Arrest Date:** 12/29/2009 **Parole Date:** 11/29/2012 **ERS Date:** 08/29/2013 **Tentative Discharge:** 10/06/2013 **Max Discharge:** 10/06/2013 **End Date:** 10/06/13

Override: Total Term To Serve: 5Y Total Earned Time: 273D Earned Time Lost: 0D Total MET Earned: 8D Total Trusty Time Earned: 30D

Comments:

Approval:

Approved By: SC Date Approved: 2/9/2009



**OFFENDERS WHO COMMITTED CRIMES
ON OR AFTER JULY 1, 1995**

“The 85% Law”

Earned Release Supervision (ERS)

Miss. Code Ann. § 47-7-3(g) and § 47-5-138(5)

1. All eligible offenders convicted of crimes committed after June 30, 1995 come under the “85% law”, even those offenders who are eligible for parole after serving 25% of their sentence.
2. Any offender convicted of a crime committed after June 30, 1995 may receive an earned time allowance of four and one-half days (4 ½) for each thirty (30) days served and the earned time allowance shall not exceed fifteen percent of the inmate’s term of sentence.
3. An offender released on Earned Release Supervision (ERS) is still considered an inmate and if his ERS is revoked the time he was out on ERS will be added back to his sentence and he must then serve the remainder of his sentence without further reduction.

Exceptions:

Pursuant to Miss. Code Ann. § 47-5-139 an inmate shall not be eligible for the 15% earned time allowance if:

1. The inmate was sentenced to life imprisonment
2. The inmate was convicted as a habitual offender
3. The inmate was convicted of a sex crime
4. The inmate was convicted of armed robbery or attempted armed robbery
5. The inmate was convicted of sale, possession or use of a controlled substance within a correctional facility under § 47-5-198

By policy, MDOC no longer releases inmates to ERS if any of the following apply:

1. The offender has not discharged the entire sentence for a conviction of murder, including attempt and accessory before the fact
2. The offender has not discharged the entire sentence for a conviction of Voyeurism (i.e. Peeping Tom)
3. The offender has not discharged the entire sentence for a conviction of Invasion of Privacy – Photographing or Filming (now a registerable sex offense)
4. The offender has not discharged the entire sentence for a conviction of Armed Carjacking

5. The offender has not discharged the entire sentence for a conviction of Drive-by Shooting
6. The offender has not discharged the entire sentence for a conviction of Failure to Register as a Sex Offender (effective 3-1-2006)
7. The offender has attempted an escape or was convicted of escape
8. The Offender is serving court-ordered House Arrest (ISP)
9. The Offender has an out-of-state or federal detainer

How is the ERS Date calculated?

Take the total term of sentence and subtract pre-sentence jail time and then multiply the remainder by .15 to determine the earned time allowance. This Earned Time Allowance is then subtracted from the Maximum Release Date to determine the offender's initial Earned Release Supervision Date.

Example: 3 year sentence = 1095 days x .15 = 164 days off his sentence (These 164 days would be served on ERS)

If the above offender was in jail for 100 days prior to sentencing:
1095 days minus 100 days = 995 days x .15 = 149 days off his sentence.

Note: Meritorious Earned Time and Trusty Earned Time will reduce an offender's ERS date.

Miss. Code Ann. § 47-7-3(1)(g) - "The 25% Parole Law"

An offender convicted after June 30, 1995 who has never been convicted of a violent crime or a crime with an enhanced penalty may be eligible for parole after serving 25% (subject to statutory minimums) of his sentence.

Notes:

- These offenders only become parole eligible after serving 25% of their sentences; they do not automatically get released at that time. If not released on parole, all rules for the "ERS/85% law" still apply.
- An offender must be sentenced to one year or more to be eligible for parole. An offender must serve the greater of 25% of his sentence or the following statutory minimums: If the sentence is from one (1) to two (2) years he must serve at least nine (9) months. If the sentence is two (2) to five (5) years he must serve at least ten (10) months. If the sentence is more than five (5) years but less than thirty (30) years he must serve at least one (1) year. If the sentence is thirty (30) years or more he must serve at least 10 years.
- Meritorious Earned Time may reduce the time required to serve to be eligible for parole subject to the statutory minimums.
- In the past, 10/30 trusty earned time was subtracted from the parole eligibility date.
- 30/30 trusty time **is not** subtracted from the parole eligibility date.
- Offenders placed on House Arrest are given parole and ERS dates; however, if the sentence is one year or less, they are not released to parole and MDOC does not transfer offenders on court-ordered House Arrest to ERS.

What crimes make an offender ineligible for parole?

1. Homicide (Murder or Capital Murder)
2. Robbery (Robbery, Armed Robbery, Armed Carjacking)
3. Drive-by Shooting
4. Manslaughter
5. Sex Crimes (Includes only those offenses listed in Miss. Code Ann. § 45-33-23(g))
6. Arson
7. Burglary of an Occupied Dwelling (This includes all residential burglaries whether or not anyone was home at the time of the crime)
8. Aggravated Assault (Includes Aggravated Domestic Violence)
9. Kidnapping
10. Felonious Abuse of a Vulnerable Adult
11. Sale or Manufacture of more than one kilogram of marijuana
12. Felony with an Enhanced Penalty
13. Drug Trafficking
14. Felony Child Abuse

15. Felony Child Endangerment under Miss. Code Ann. § 97-5-39(2)(b)
16. Felony Child Neglect under Miss. Code Ann. § 97-5-39(1)(b) or (c)
17. A Violation of 63-11-30(5) (i.e. Aggravated DUI or DUI Death)

Note #1: Accessory Before the Fact or Attempt to commit any of the above crimes also makes the offender ineligible for parole.

Note #2: A sentence for a violation of § 47-5-198 - sale, possession or use of a controlled substance within a correctional facility is mandatory per the criminal statute itself; and therefore, not parole-eligible. It is not considered a violent offense; however, and would not prevent an offender from being parole eligible other charges.

Q. Is it possible for an offender who committed a crime on or after July 1, 1995 to be ineligible for parole under the April 7, 2008 Amendment to Miss. Code Ann. § 47-7-3 (SB 2136) and still have a parole eligibility date?

A. Yes. A first offender (someone with all the same sentencing dates) convicted on or after January 1, 2000 of a crime committed prior to April 7, 2008 that was not considered violent at time the crime was committed may be eligible for parole:

- Felony Child Abuse (Committed prior to March 19, 2002)
- Felony Child Endangerment under Miss. Code Ann. § 97-5-39(2)(b)(Committed prior to April 20, 2005)
- Felony Child Neglect under Miss. Code Ann. § 97-5-39(1)(b) or (c)(Committed prior to April 7, 2008)
- A Violation of 63-11-30(5) (i.e. Aggravated DUI or DUI Death)(Committed prior to May 14, 2004)
- A Violation of 97-29-63, Relating to filming another without permission where there is an expectation of privacy, i.e. Invasion of Privacy – Photographing or Filming (Committed prior to July 1, 2007)

OFFENDERS WHO COMMITTED CRIMES PRIOR TO JULY 1, 1995

50% Law

In general, most offenders sentenced under this law are eligible for parole after serving 25% of their sentence and flat-time their sentence after serving 50%.

An offender must be sentenced to one year or more to be eligible for parole. If the sentence is two years or less he must serve at least nine (9) months. If the sentence is two (2) to five (5) years he must serve at least ten (10) months. If the sentence is more than five (5) years but less than thirty (30) years he must serve at least one (1) year. If the sentence is thirty (30) years or more he must serve at least 10 years.

Exceptions:

1. Habitual offender sentence under § 99-19-81 or § 99-19-83 must serve his sentence day for day.
2. Sex offender who committed his crime on or after August 23, 1994 must serve his sentence day for day, except a person under the age of 19 convicted under 97-3-67 is eligible for parole. As of July 1, 1995 all sex crimes became mandatory.
3. Person convicted of Armed Robbery or Attempted Armed Robbery committed between January 1, 1977 and October 1, 1994 is not eligible for parole or earned time until he has served ten years of his sentence. As of October 1, 1994 Armed Robbery and Attempted Armed Robbery sentences became mandatory in their entirety.
4. Person convicted of Armed Carjacking or Drive-by Shooting committed on or after October 1, 1994 is not eligible for parole.
5. Person sentenced to life imprisonment under § 99-19-101 for a crime committed on or after July 1, 1994 is not eligible for parole or earned time.

FAQS

Q. What crimes are considered sex offenses?

A. Pursuant to Miss. Code Ann. § 45-33-23 the following crimes are registerable sex offenses:

1. Section 97-3-53 - **Kidnapping**, if the victim was below the age of eighteen (18);
2. Section 97-3-65 - **Statutory Rape**, however, conviction or adjudication under Section 97-3-65(1)(a) on or after July 1, 1998, when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registerable sex offense;
3. Section 97-3-71 - **Rape and assault with intent to ravish**;
4. Section 97-3-95 - **Sexual Battery**; however, conviction or adjudication under Section 97-3-95(1)(c) on or after July 1, 1998, when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registerable sex offense;
5. Section 97-5-5 - **Enticing a child for concealment, prostitution or marriage**;
6. Section 97-5-23 - **Touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes**;
7. Section 97-5-27 - **Dissemination of sexually oriented material to children**;
8. Section 97-5-33 - **Exploitation of children** (this includes child pornography)
9. Section 97-5-41 - **Carnal knowledge of a stepchild, adopted child or child of a cohabiting partner**;
10. Section 97-29-59 - **Unnatural intercourse**;
11. Section 97-1-7 **Attempt to commit any of the above-referenced offenses**;
12. Section 97-29-3 **Adultery or fornication between teacher and pupil**;
13. Section 43-47-18 - **Sexual Abuse of a Vulnerable Adult**
14. Section 97-3-51.1(1)(c) - **Procuring Sexual Servitude of a Minor**
15. Section 97-29-63, **Relating to filming another without permission where there is an expectation of privacy, i.e. Invasion of Privacy - Photographing or Filming** (Effective July 1, 2007)
16. Any other offense resulting in a conviction in another jurisdiction, whether state, federal or military, which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere;
17. Any offense resulting in a conviction in another jurisdiction, whether state, federal or military, for which registration is required in the jurisdiction where the conviction was had.
18. Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section. (Conspiracy is effective July 1, 2007; Attempt and accessory before the fact have always been included)
19. Capital Murder when one of the above described offenses is the underlying crime.

Q. What is trusty earned time?

A. Pursuant to Miss. Code Ann. § 47-5-138.1, trusty earned time is a reduction in sentence which may be granted in addition to any other administrative reduction in sentence to an offender in trusty status as defined by the classification board of the Department of Corrections.

Q. How much is the trusty earned time allowance?

A. From and after April 28, 2004, a trusty earned time allowance of thirty (30) days reduction of sentence may be granted for each thirty (30) days of participation in an approved program while in trusty status. Prior to April 28, 2004 the trusty earned time allowance was ten (10) days reduction of sentence for each thirty (30) days of participation in an approved program while in trusty status.

Q. When is the trusty earned time allowance deducted from an offender's sentence?

A. A thirty (30) day reduction in sentence is posted once every thirty (30) days, as earned.

Q. Who is ineligible for the 30/30 trusty earned time allowance?

A. Pursuant to Miss. Code Ann. § 47-5-138.1 an offender shall not be eligible for a reduction in sentence under this section if:

- (a) The offender was sentenced to life imprisonment;
- (b) The offender was convicted as a 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 violating Section 41-29-139(a) and sentenced under Section 41-29-139(b) or 41-29-139(f); (This includes sell, delivery, barter, transfer, produce, manufacture, distribute, dispense, possession with intent, or trafficking.) (Does not include simple possession, paraphernalia, or precursor offenses); or
- (f) The offender was convicted of trafficking in controlled substances under Section 41-29-139.

MDOC Policy also excludes the following from receiving 30/30 trusty time:

- (a) Offenders convicted of attempted murder or accessory before the fact to murder (effective 4/20/2005); and
- (b) Offenders convicted of failure to register as a sex offender (effective 3/1/2006).

Q. What is Meritorious Earned Time (M.E.T.)?

A. Pursuant to Miss. Code Ann. § 47-5-142, meritorious earned time is an administrative reduction of sentence that may be awarded to eligible offenders at a maximum rate of 10 days per month for successful participation in approved educational, vocational, religious, and work programs. Inmates may not earn both M.E.T. and trusty time for the same program. Offenders serving habitual or mandatory sentences are not eligible for M.E.T.

Q. What is the Intensive Supervision Program (ISP)?

A. Also known as House Arrest, ISP is a program whereby inmates are allowed to live at home while being electronically monitored by MDOC.

Q. Who is ineligible for ISP?

- A.
1. An offender convicted of a sex crime
 2. An offender convicted of a crime where death or life imprisonment is the maximum penalty which may be imposed
 3. An offender convicted of a felony involving the use of a deadly weapon
 4. An offender convicted of a felony committed after having been confined for the conviction of a felony on a previous occasion in any court or court of the United States or any state or territory thereof
 5. An offender who is not low risk or nonviolent, as selected by the court or department

Q. May an offender on ISP leave the State of Mississippi?

A. No, an offender on ISP is considered an inmate; and therefore, may not leave the State of Mississippi. The only exception is in a case of a medical emergency where such travel has been approved by the Commissioner of the Department of Corrections, or his designee or by circuit court order for medical purposes. See Miss. Code Ann. § 47-5-1005(1)(c).

Q. Who can place an offender on ISP?

A. The sentencing court or MDOC.

Q. When does MDOC consider an offender for placement on ISP?

A. Pursuant to MDOC policy an eligible offender who is within 15 months of his earliest release date may be reviewed for placement on ISP.

Q. What is Conditional Medical Release?

A. A type of conditional supervised release available to certain inmates suffering from a significant permanent physical medical condition with no possibility of recovery.

Q. What is considered a significant permanent physical medical condition with no possibility of recovery?

A. A condition that is incapacitating, totally disabling, and/or terminal in nature. Examples of such conditions would be, but are not limited to the following:

- Cancer diagnosis appropriate for hospice care
- End-stage lung disease
- End-stage (New York Heart Association Class III) heart failure
- End-stage liver disease (Childs-Pugh Class III)
- End-stage AIDS
- Advanced Alzheimer's disease
- Severe, progressive neurological disease, including paraplegia, quadriplegia

Q. Who is ineligible for Conditional Medical Release?

A.

- An offender who is not suffering from a significant permanent physical medical condition with no possibility of recovery.
- An offender who has ever been convicted of a sex crime
- An offender convicted of a violent crime who has served less than one (1) year of his sentence
- An offender suffering from a medical condition or disease that is chronic, but stable, and is being addressed by ongoing medical intervention or therapy is not considered to be suffering from a "significant permanent physical medical conditions" and is not eligible for condition medical release.

Q. Who has the authority to place an offender on Conditional Medical Release?

A. The Commissioner of the MDOC on the recommendation of the MDOC Medical Director.

Q. May an offender sentenced to probation in Mississippi live in another state?

A. Yes, but only under the terms and conditions of the Interstate Compact for Adult Offender Supervision. Offenders on House Arrest (ISP) or Earned Release Supervision (ERS) may not live or work in another state.

Q. What is the Interstate Compact for Adult Offender Supervision?

A. A formal agreement between member states which governs the transfer and supervision of adult offenders (i.e. probationers and parolees) who request to live in a state other than the state of conviction.

Q. Who is eligible to transfer under the Interstate Compact?

A. At the discretion of the sending state (state of conviction), any offender who has three months or more or an indefinite period of supervision remaining shall be eligible for

transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender, pursuant to a valid plan of supervision:

- is in substantial compliance with the terms of supervision in the sending state and
- is a resident of the receiving state; or
- has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
- can obtain employment in the receiving state or has a visible means of support.

A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.

Q. How can an offender request transfer to another state?

A. Probationers and parolees may submit an application for transfer to another state by contacting his correctional field officer, correctional case manager, or parole releasing authorities. Several compact forms must be completed and an application fee of \$50.00 must be submitted at the time the transfer is requested. A sending state shall not allow an offender under supervision in the sending state to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision, except that a sending state may grant a temporary travel permit to an offender who was living in the receiving state at the time of sentencing. This exception is not applicable to offenders released to supervision from prison

Q. Who has jurisdiction to revoke probation?

A. The sentencing court.

Q. Who has jurisdiction to revoke Post Release Supervision?

A. The sentencing court.

Q. Who has jurisdiction to remove an offender from the Intensive Supervision (House Arrest) Program?

A. MDOC

Q. Who has jurisdiction to revoke an offender on Earned Release Supervision?

A. MDOC

Q. Who has jurisdiction to revoke Parole?

A. The Mississippi State Parole Board.