



REGIONAL RESOURCE

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Correctional Good-Time Credits in Southern States

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Introduction

Most Southern states have policies awarding eligible inmates in state prisons and/or local correctional facilities some form of limited, credit-based early release. While such credit takes several different forms and names, it is most commonly referred to as *good time*, *gain time*, *meritorious time*, *sentence remission*, *diminution of sentence*, or *time off for good behavior*. In general, these various policies apply credit time (which may be automatic or earned) toward an inmate's service of a sentence for avoiding serious misconduct while in prison, participating in prison work or education programs, or performing meritorious or other acts.

Proponents of good time maintain its use accelerates inmate release and relieves prison overcrowding, arguing that the credit assists in maintaining order and discipline, rehabilitating offenders, mitigating sentence severity, allowing an accurate prediction of an inmate's release date, and encouraging rehabilitation. Critics maintain that these justifications are unsound and that prior or prison behavior is not an accurate prediction of future recidivism. Many believe that good time allows too much discretion on the part of corrections officials in determining an inmate's actual time spent behind bars, usurping legislative and judicial sentencing guidelines, decisions and authority.

This Southern Legislative Conference (SLC) *Regional Resource* examines and compares Southern states' current good-time statutes and policies. Unless otherwise noted, the term "good time" is utilized throughout to generally describe all such sentence commutation credit. Other terminology is used to describe a specific state's policies in this area or to describe certain, specific forms of good time.

While various aspects of good time are referenced throughout, this report does not examine in depth its history; usefulness in controlling prison environments or overcrowding; impact on inmates' sentence length, behavior, rehabilitation or recidivism; relationship with sentencing or parole recommendations and practices; effectiveness as an administrative management tool or effect on public safety.

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Southern Legislative Conference

Alabama ■ Arkansas ■ Georgia ■ Kentucky ■ Louisiana ■ Maryland ■ Mississippi ■ Missouri
North Carolina ■ Oklahoma ■ South Carolina ■ Tennessee ■ Texas ■ Virginia ■ West Virginia

Sentence Commutation in Southern States

As of January 2001, 15 of 16 SLC states offer some sort of sentence commutation through various types of good-time credit, though the amount of credit available and how it is awarded differ substantially. While some states responded that they frequently utilize good time in order to reward inmates' good behavior and manage prison populations, others acknowledge having good-time policies in place, but rarely awarding the credit. Georgia does not award sentence reduction credit in its state prisons.

Though states define and administer good time differently, in all instances its application affects time served by either shortening the length of an eligible inmate's sentence or by advancing the date by which he or she is eligible for parole consideration. States with determinate sentencing—without parole boards and in which an offender is given a fixed term—most often use good time to accelerate the date of an inmate's release. States following an indeterminate model of sentencing—in which parole boards decide when an inmate is released from prison—usually apply the credit to advance the date by which the inmate is eligible for parole consideration.

Of Southern states with good-time policies, nine apply good-time credit to an inmate's discharge date; four apply credit to parole eligibility; and two have policies applying credit to both an inmate's fixed term and parole consideration date. In most cases, one good-time credit equals one day of a sentence to be served and is usually awarded by means of credit days applied per day, month or year of that sentence.

Statutory Good Time

In general, statutory "good-time" or "gain-time" credit is granted automatically, rewarding inmates who conform to prison rules, avoid disciplinary infractions and display laudable conduct during the service of their sentences. Eligible inmates most often are able to begin accruing such credit immediately following classification. SLC states with policies offering credit to inmates based primarily on their good conduct are:

- ▶ Alabama, where select inmates may earn up to 75 days credit for each 30 days served for "faithfully observing institutional rules and displaying good behavior, work habits and cooperation;
- ▶ Kentucky, which has a statutory good-time credit whereby inmates serving their sentence without disciplinary or other infractions may be awarded up to 10 days credit for each month served;
- ▶ Louisiana, where eligible inmates convicted of nonviolent crimes may earn statutory good time up to the rate of 30 days credit for 30 days served, in lieu of incentive wages;
- ▶ Maryland, where good-conduct credit may be awarded at a rate of five or 10 days per month to eligible inmates with a good record of conduct;
- ▶ Mississippi, where inmates serving their sentence free of disciplinary infractions may reduce their sentence by 15 percent through earned-release allowance;
- ▶ Missouri, which may award up to two months of credit per year, approximately five days per month, credit to eligible inmates serving their sentences orderly and peacefully;
- ▶ South Carolina, whose good-time credit, at a rate of 20 days per month, may be awarded to inmates who faithfully observe institutional rules and remain free from disciplinary action;
- ▶ Tennessee, which may award a sentence reduction behavior credit to inmates with good behavior at a rate of up to eight days per month; and
- ▶ West Virginia, where inmates maintaining a good record of conduct may earn up to one day of commutation credit for each day served.

Several SLC states offering sentence commutation based on good behavior, but not necessarily earned time, per se, may condition awarding good time not only on an inmate's satisfactory conduct, but also in conjunction with their work or program performance as well. In addition, many states also have other sentence commutation policies whereby other credit(s) may only be earned through some sort of work or program participation. Also important is understanding that most states require inmates to work, thus their conduct relating to work performance is most likely figured into any behavioral evaluation in determining early-release credit, statutory good time included.

Among SLC states, those conditioning the award of good-time credit on satisfactory work and/or program participation are:

- ▶ Arkansas, where inmates may earn up to 30 days of credit per month through discipline, behavior, work practices and involvement in rehabilitative responsibilities;
 - ▶ Florida, which offers eligible inmates up to 10 days of credit per month to encourage good behavior and provide incentive to participate in productive work and or programs;
 - ▶ Oklahoma, where up to 44 days of credit per month may be awarded to select inmates, considering all areas of institutional life, including work attendance and program participation; and
 - ▶ Texas, which offers up to 30 days good-conduct time to inmates actively engaged in select work, vocational and educational programs.
- ▶ Oklahoma inmates completing departmentally-approved programs or attaining set goals or standards may earn up to 90 achievement credits per year;
 - ▶ South Carolina allows eligible inmates satisfactorily performing work assignments or completing education programs to earn up to 180 days a year, cumulatively, in earned-work or earned-education credit;
 - ▶ Tennessee may award inmates up to eight prisoner sentence reduction program credits, per month, to inmates participating in approved work, educational, vocational or mental health programs; and
 - ▶ Virginia may award inmates up to 4.5 days of credit per month for participating in work, vocational, educational or treatment programs.

Earned Time

While earned-time credit may refer to time awarded for good behavior, the term most commonly references policies whereby sentence commutation must be “earned” by inmates through participating in prison work, industry, vocation or education programs, provided that inmate maintains a satisfactory conduct record as well. Thus, as promulgated in several states’ statutes or policies, the awarding of this type of credit is not automatic; it must be earned by inmates. In this area:

- ▶ Kentucky may offer a one-time educational good-time credit (up to 60 days) to inmates completing their GED, a two- or four-year degree or some vocational programs;
 - ▶ Louisiana inmates may earn up to 180 days (total) for participating in approved vocational training, adult education or literacy programs or correspondence courses;
 - ▶ Maryland may offer up to five industrial or educational credits (days) a month to inmates participating in approved, related programs;
 - ▶ Mississippi may offer inmates 10 days of meritorious earned time (up to a total of 180 days) for each 30 days worked or participation in educational or vocational programs;
 - ▶ North Carolina inmates participating in work assignments may earn up to six days earned-time credit per month deducted from their sentence;
- ▶ Florida, which may award a one-time credit of between one and 60 days to inmates performing an outstanding deed;
 - ▶ Kentucky, which may award up to five days per month of credit to inmates performing exceptionally meritorious service or performing duties of outstanding importance;
 - ▶ Mississippi, where inmates working in situations declared a national or state emergency may be awarded executive earned time at the discretion of the governor, who also determines the increment(s);
 - ▶ North Carolina, where inmates working overtime or in adverse situations, performing an exemplary act, or completing certain education degrees may be awarded meritorious credit, not to exceed four days per month for the total number of months sentenced; and

Meritorious-Time Credit

In addition to granting good (statutory) and earned (program) time, some Southern states allow inmates the opportunity to earn meritorious time, which may be awarded to those performing outstanding services such as saving a life, assisting in capturing an inmate or performing other exemplary acts. Increments of meritorious time, as well as actions qualifying an inmate for it, vary by SLC state, but most often this form of credit is granted as a one-time award, limited to a maximum amount which may be earned by an inmate during his or her sentence or a specified time period. Southern states with meritorious-time credit available include:

- ▶ Oklahoma, where up to 100 days of meritorious credit may be awarded, per year, to inmates having performed acts involving property preservation, or matters of life, security or safety.

Overcrowding

For corrections administrators, good time may also provide some relief from overcrowding, aiding departments in securing bed space for hardened, less cooperative inmates by releasing at an earlier date, or transferring to community or other supervision, those with records of good conduct. Relatedly, while good time is most frequently utilized to encourage institutional discipline, it also may be used to reduce prison populations if full capacity is reached or an emergency situation exists. Under these circumstances, the awarding of such credit is targeted toward inmates already eligible to receive credit and who have displayed good conduct and/or work or program participation. Three SLC states responded that, in some situations, good-time policies were authorized to manage overcrowding:

- ▶ the Oklahoma Department of Corrections awards emergency-time credit, established under the Oklahoma Prison Overcrowding Emergency Powers Act. Whenever the state's inmate population exceeds 95 percent of authorized capacity, an emergency situation will be declared by the governor and the department director will authorize each facility to grant 60 days of emergency time credit to all eligible inmates. These credits are only available to inmates classified medium security or lower; incarcerated for nonviolent offenses; and who are not serving sentences for their second and subsequent offense;
- ▶ officials with the Maryland Division of Correction noted that the division's special project credit was originally promulgated to alleviate overcrowding; and
- ▶ in Mississippi, overcrowding may affect the awarding of earned time, and the state's trusty earned-time credit was authorized to reduce overcrowding.

Maximum Credit Available

Several SLC states currently offer various types of credit, with some offering good time, earned time and meritorious time. Most often, however, states with more than one system have a single, good- or earned-time credit

base, with all other available credit(s) awarded in one-time increments for completion of certain programs, degrees or meritorious acts. Due to the infrequency of these one-time awards, it is difficult, if not misleading, to incorporate the total good-time credit available to an inmate on a monthly or yearly basis. Thus, the following highlights states with the least and most amount of reoccurring good-time credit available, whether the credit be statutory or earned, absent one-time awards.

With the exception of Georgia, which offers none, Virginia allows inmates the least possible amount of reoccurring good time (up to 4.5 days credit per 30 days served).¹ Missouri awards the next least amount of credit (up to two months a year, or approximately five days per month), followed by North Carolina (up to six days per month) and Kentucky and Florida (both awarding up to 10 days per month). To select inmates, Alabama has available the most reoccurring good-time credit among SLC states (awarding up to 75 days credit per 30 days served). The next highest possible credit may be awarded to eligible inmates in Texas (up to 45 days per 30 days served), followed by Oklahoma (44 days per month) and South Carolina (up to 35 days per month). Among other Southern states reoccurring good-time possibilities range between 16 and 30 days per month.

Class Determination, Restrictions and Ineligibility

All Southern states' maximum possible good-time allowances are in some manner restricted, with some classes of inmates either ineligible to earn credit at the highest rates, or prohibited from earning it all together. These restrictions may be based on such factors as the crime for which an inmate was convicted; the sentence imposed; the amount of sentence already served; or an inmate's disciplinary record, custody status, lack of (or unsatisfactory) program participation or other factors.

Most Southern states awarding good time prohibit those serving death, life or life-with-

¹Virginia alone responded that it currently applies different good-time credit systems for misdemeanants and felons. For simplification and congruity, this report highlights the state's credit as it applies to felons, unless otherwise noted.

out-parole sentences from earning the credit. In these cases, however, many states allow records to be kept of how much good time would be awarded to these inmates, and will later apply the credit to their sentence if it is commuted or adjudicated to a fixed number of years.

In addition, some SLC states prevent entire inmate classes from receiving good-time credit, or from earning the highest amount of credit available. As examples:

- ▶ while Alabama may have the most credit available overall, Class A felons and those serving a sentence for more than 15 years (one case) are ineligible for good time. Also, those convicted of various assault or child sexual abuse charges may never be placed in the highest credit-earning class;
- ▶ Florida does not allow inmates sentenced under the Prisoner Release Reoffender or Firearm Mandatory Law to earn sentence reduction credit;
- ▶ sex offenders in Kentucky may not earn good time until they have completed a sex offender treatment program;
- ▶ violent offenders in Louisiana may earn less than one-fifth the good-time credit available to nonviolent offenders, and are prohibited entirely from earning educational good time. Among other classes, inmates convicted of a second crime of violence or various sexual offenses, especially those involving children, may not earn good-time credit;
- ▶ Maryland inmates sentenced for defined violent crimes and drug offenses may earn only up to one-half the amount of credit available to other offenders;
- ▶ in Missouri, inmates with persistent sexual, prior drug sales and possession, and dangerous records may not earn good time, nor may those convicted of tampering with a witness. Also, Class A or B felons may only earn half the good time available to Class C or D felons;
- ▶ in North Carolina, those convicted of contempt of court, health law violators and inmates serving an active prison term followed by special probation are prohibited from earning time credits;
- ▶ in Oklahoma, those convicted of certain drug offenses are ineligible for good time or have severe restrictions applied, and those serving at

least their third felony conviction for select robbery offenses are ineligible for 10 years; and

- ▶ South Carolina prohibits inmates sentenced under the Youthful Offender Act; for family court contempt when the judge orders no good time; under the Armed Enhancement Act or for civil contempt of court from earning good time. Earned-work and earned-education credits have several more restrictions placed on their availability.

Loss and Restoration of Credit

All SLC state corrections systems offering good time have provisions whereby an inmate's acquired credit, once awarded, may be revoked; however, causes for, and increments of, credit revocation vary. The most frequent reasons cited for revocation of an inmate's good time are disciplinary violations such as attempting to escape or assaulting other inmates or corrections staff; infractions such as drug possession and trafficking or refusal to work; other rule violations; having civil action against a department dismissed by the court as frivolous or malicious; failing to provide DNA samples; or having parole revoked. The authority to take away accredited good time usually resides with a facility warden or superintendent following a review or hearing process and consent of the state's secretary or director of corrections.

While any or all credit may be revoked in most Southern states, depending on the gravity of infraction, some states limit the amount of good time which may be lost. As an example, while Kentucky inmates may lose any previously earned good time, educational good-time credit may not be forfeited. In addition to requiring the forfeiture of good time, some states restrict the amount of credit which may be earned following a rule violation or disciplinary infraction. This is especially true in states where credit is awarded based on an inmate's disciplinary or custody class. As examples:

- ▶ Alabama inmates found guilty of violating rules may have their current earning class extended indefinitely;
- ▶ Kentucky inmates may be denied the right to earn future good time in any amount;
- ▶ Tennessee inmates who refuse to provide a blood specimen for DNA testing will not be awarded behavior sentence credit each and

every month until such time the specimen is provided, and they cannot earn behavior credit for any month in which they are found guilty of a disciplinary action; and

- ▶ Texas inmates found guilty of a major infraction may not be promoted in credit-earning class for a period of 12 months from the date of the offense.

Many SLC states do, however, have mechanisms whereby some or all credit, once revoked, may be restored. Often, as a condition, such restoration can only occur following a period during which an inmate maintains a good record, and through a review or hearing process. On the other hand, some states prohibit restoration of any good time once revoked. A review of restoration processes, the amount of time which may be restored, if any, and under what conditions follows:

- ▶ in Arkansas, an inmate's lost credit from an escape may be returned; however, only if the escapee returns voluntarily, without expense to the state and without having committed an act of violence;
- ▶ in Kentucky, while revoked statutory good time may be restored after a minimum of six months, certain losses may never be restored, and forfeited meritorious time is not subject to restoration;
- ▶ in Louisiana, neither forfeited diminution of sentence nor educational good-time credits may be restored;
- ▶ in Maryland, some or all revoked diminution credits may be restored, but not until such time that, if the credits are restored in full, makes the inmate eligible for release within 90 days;
- ▶ under North Carolina policies slated to take effect in 2001, only up to 50 percent of lost time could be restored, and no time lost for the most serious of infractions may be restored;
- ▶ in Oklahoma, inmates may have earned credit restored only after 12 months of clear conduct. Earned credit revoked as a result of a frivolous or malicious lawsuit will not be restored;
- ▶ in Tennessee, revoked sentence reduction or behavior credits may not be restored;
- ▶ in Texas, revoked good-conduct time may not be restored;
- ▶ in Virginia, except for the offense of not providing a requested DNA sample, an inmate may not have revoked good time restored; and

- ▶ in West Virginia, inmates must remain free of disciplinary violations for one year prior to any restoration of good time.

Relevant Sentencing Reforms

Further restricting the usage and availability of good-time credit in Southern states are various recent sentencing reforms, primarily mandatory-minimum sentencing, truth-in-sentencing and three-strikes laws. These reforms are the result of state legislative efforts to constrain judicial and parole discretion as well as to increase the amount of time convicted criminals, especially violent and repeat offenders, spend behind bars.

Truth in Sentencing

The recent wave of truth-in-sentencing (TIS) reforms has changed sentencing models which allowed offenders to serve only a portion of their imposed sentence. While states define TIS differently, and the percentage of sentence required to be served varies with the class and degree of an offense, this reform generally requires an offender, usually convicted of a serious or violent crime, to serve a fixed portion (most often 85 percent) of his or her sentence before being eligible for parole or release. As its title suggests, truth in sentencing increasingly ensures that the actual time served by offenders is closer to the length of sentence they were given, thus decreasing the amount of good-time credit which may be applied to their sentence.

As defined by eligibility for federal Truth in Sentencing formula grants, 11 SLC states have adopted the 85 percent rule for inmates having committed Part 1 violent crimes²: Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Virginia. In addition, while several SLC states may not have adopted the 85 percent standard, they require a certain percentage of a sentence be served for various offenses prior to release eligibility. As examples, Maryland and Texas stipulate that some violent offenders must serve 50 percent of their sentence and Arkansas requires certain offenders to serve 70 percent. Thus, offenders

² Part 1 violent crimes include murder, non-negligent manslaughter, rape, robbery and aggravated assault.

covered by these laws may still be eligible for good time, but are required to serve out the portion of their sentence mandated by law, with credit only able to reduce their sentence to that stipulated. Summaries of each state's truth-in-sentencing law and relevant statute — as well as their implications for good time computation and eligibility — are included in states' respective sections.

Three Strikes

Another popular, recent sentencing reform has been the implementation of “three-strikes” laws, further reducing the applicability and usage of good time for sentence reduction in some cases. The underlying purpose of three-strikes laws is to incarcerate dangerous, habitual offenders for extended periods of time, often for

life, without the possibility of parole or other sentence reduction. While most states have some sort of a repeat or habitual violent offender law, this report highlights SLC states mandating a life sentence without the possibility of parole upon conviction of a second, third, or fourth serious or violent offense. Included among those states are: Arkansas, Florida, Georgia, Louisiana, Maryland, North Carolina, South Carolina, Tennessee, and Virginia. How a strike zone is defined; the offenses triggering a state's habitual offender law; the number of offenses an individual must be convicted of in order to receive the harsher sentence; what that sentence will be; and how the sentence affects an inmate's eligibility or ineligibility for good time are highlighted in each state's respective section.

Good Time: Southern State Summaries

The state sections summarize specifics of various good-time statutes and policies in 15 of the 16 SLC states: Alabama, Arkansas, Florida, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia. The state of Georgia does not offer sentence reduction credit in its state prison system.

Information was compiled directly from state statute and/or respective corrections policies and procedures. In addition, corrections officials in all 16 SLC states were contacted and sent surveys gauging various aspects of their good-time policies. Once states completed surveys, a draft of each state's pages was compiled, then returned to them for verification and comment. At this point, respondents were also asked follow-up questions in order to incorporate similar information under states' respective topic categories. Because some states have more comprehensive written policies or statutes or provided more thorough responses to the survey or other information requests, some sections are more detailed than others.

It is not uncommon for states' corrections systems to operate under two, three or more separate good-time systems, each affecting a different class of offender, determined by the law which was in effect at the time of an inmate's commission of an offense or their sentencing date. While older, outdated systems may be examined, the primary focus of this report is on the most recent good-time statutes and policies applicable to current departmental commitments, or those offenders having committed their crime “on or after” the latest (most recent statute's) specified date.



Alabama

Time Off for Good Behavior/Program Participation

The Alabama Department of Corrections awards eligible inmates — convicted of a charge committed on or after May 19, 1980 — correctional incentive time (CIT) if their record of conduct shows that they have faithfully observed institutional rules and displayed good behavior, work habits and cooperation.

While the department may award inmates convicted of a charge committed prior to May 19, 1980, both statutory good time and incentive good time, this section focuses primarily on correctional incentive time, which is the good-time policy employed for current departmental commitments. Eligible inmates may begin earning CIT at the time of their sentencing.

Computation is based on an inmate's longest sentence between their mandatory term and CIT on total sentence for convictions on or after October 29, 1991. CIT is not used in determining parole eligibility. Prison overcrowding or other factors outside an inmate's behavior do not affect the awarding of CIT.

Calculating Credit

Alabama's Correctional Incentive Time Act established four earning classes with good time earned daily at a rate according to class. Inmates in:

- Class I- earn 75 days deduction from sentence for each 30 days served in class;
- Class II- earn 40 days deduction from sentence for each 30 days served (an inmate must remain in this class for a minimum of six months before becoming eligible for Class I);
- Class III- earn 20 days deduction from sentence for each 30 days served (an inmate must remain in Class III for at least three months before becoming eligible for Class II); and
- Class IV- earn no CIT (an eligible inmate must remain in Class IV for at least 30 days before becoming eligible for Class III).

Class Determination, Restrictions and Ineligibility

Inmates restricted to Class IV, thus prohibited from earning CIT, are those convicted of a Class A felony; sentenced to life, life without parole or death; or who have received a sentence of more than 15 years (one case). Inmates also may be restricted to Class IV if serving a minimum sentence under the Alabama Correctional Incentive Time Act, if convicted of sexually abusing a child under the age of 17, or convicted of other, listed assault offenses. Inmates placed on parole are removed from CIT; if readmitted, parole violators will remain in the same earning class they were in on the date of parole.

Inmates sentenced to disciplinary segregation or placed in maximum or close custody due to disciplinary action will be removed from CIT earning status while in that segregation or status. Inmates on escape are removed from CIT on the date of escape and placed in Class IV on the date of return.

Consecutive Sentences

When a prisoner is serving two or more terms of imprisonment and the sentences run consecutively, then all such sentences shall be combined for the purpose of computing deductions for correctional incentive time and the release date. The actual CIT deduction applies only to sentences to be served. An inmate serving two or more sentences will be moved to the same or approximately equal earning class when he or she begins serving the additional sentence(s).

Loss and Restoration of Credit

A warden, with the approval of the department commissioner, may revoke an inmate's earned CIT if he or she commits an offense or violates departmental rules. If an inmate is found guilty of violating rules, the current class may be extended either for a given time period or indefinitely.

The commissioner of the department of corrections shall have the power to restore any prisoner's forfeited credit upon recommendation and evidence submitted by the warden in charge.

Arkansas

Time Off for Good Behavior/Program Participation

The Arkansas Department of Correction awards meritorious good time to inmates who earn it through good discipline, behavior, work practices, job responsibilities and involvement in rehabilitative responsibilities.

Meritorious good time is applied to an inmate's earliest possible release date for transfer eligibility. Unless otherwise ineligible, inmates may begin receiving meritorious good time at their date of sentence. Prison overcrowding or other factors outside an inmate's behavior do not influence awarding this credit.

Calculating Credit

Inmates may earn up to one day of credit for every day served as a reduction toward their transfer eligibility date, for a maximum of 30 days for each month served. Meritorious good time may be awarded and credited according to one of four classes to which an inmate is assigned. These classes, along with corresponding meritorious good-time credit, are:

- Class I - inmates may receive a total of 30 days reduction of parole eligibility date for each month served on their sentence, while in good standing;
- Class II - inmates may receive a total of 20 days reduction for each month served;
- Class III - inmates may receive a total of 10 days reduction for each month served; and
- Class IV - inmates receive no extra reduction in days for each month served.

Class Determination, Restrictions and Ineligibility

Class I inmates hold responsible jobs and have an outstanding work record, good conduct record and exceptional institutional adjustment. All inmates and parole violators are placed in Class II upon their arrival to the department of correction. Class III is reserved for inmates who have been unable to maintain the type of institutional adjustment necessary to remain in Class II. Class IV is assigned to inmates who seriously violate departmental rules and regulations or who are otherwise ineligible for meritorious good time.

Under no circumstances will meritorious good time reduce an inmate's time served in prison by more than one-half of the percentage required by law for transfer eligibility or reduce by one-half an inmate's confinement in a community punishment facility. Inmates serving death, life, or life-without-parole sentences are not ineligible for meritorious good time. Certain Class Y felons must serve at least 70 percent of their sentence, without credit for good time.

Loss and Restoration of Credit

An inmate may be reduced one or more classes as a result of disciplinary action. All meritorious good time shall be forfeited by the inmate in the event of escape, and all or a portion of accrued good time may be revoked by the department director for infraction of the rules. Under escape circumstances, all or part of any accrued time may be restored if the escapee returns to the institution voluntarily, without expense to the state and without having committed an act of violence during the process. The department director may restore lost good time.

Relevant Sentencing Reforms

Two or Three Strikes- Arkansas has both two- and three-strikes habitual offender laws, which, although not necessarily mandating sentences of life in prison, require relatively severe sentences with no possibility of parole for those convicted of various offenses after June 30, 1993. Under the two-strikes provision, an individual convicted of serious felonies involving violence — first- or second-degree murder, kidnapping, aggravated robbery, rape, a terroristic act, or causing a catastrophe — and who has previously been convicted of one or more of those offenses, must serve a sentence of at least 40 years, possibly life, without parole or the benefit of meritorious credit reducing that mandatory sentence.

A mandatory sentence ranging from 20 years to life, without the possibility of parole or meritorious good-time credit, is imposed for an offender three times convicted of the above offenses or any of the following: first-degree battery; first-degree sexual abuse; first-degree violation of a minor; unlawful discharge of a firearm from a vehicle; criminal use of some prohibited weapons; or conspiracy to commit capital murder, first- or second-degree murder, kidnapping, aggravated robbery, rape, or first-degree battery.

Florida

Time Off for Good Behavior/Program Participation

The Florida Department of Corrections is authorized to grant deductions in the form of gain time in order to encourage satisfactory prisoner behavior, to provide incentive for prisoners to participate in productive work or programs and to reward prisoners who perform outstanding deeds or services. The department also offers meritorious gain time for inmates having performed an outstanding deed.

Each prisoner sentenced to the department is established a maximum sentence expiration date. Once established, the department reduces the total time to be served by any time lawfully credited through gain time. Eligible inmates may start earning incentive gain time upon their entry into prison.

Calculating Credit

For sentences imposed for offenses committed on or after October 1, 1995, gain time may be granted at the rate of up to 10 days for each month of each sentence imposed on a prisoner who is otherwise eligible for gain time. The gain-time award cannot reduce the inmate's release date below his or her 85 percent minimum service date (see *Relevant Sentencing Reforms* below).

Following satisfactory evaluations in the areas of security and (work and program) performance, eligible prisoners may be granted gain time in the following manner:

- ▶ an inmate shall receive a preliminary base gain-time recommendation of four days;
- ▶ if one evaluation is above satisfactory and the other is satisfactory, and inmate may have six days recommended; and
- ▶ when both evaluations are above satisfactory, an inmate may have eight days recommended.

An inmate who performs an outstanding deed, such as saving a life or assisting in recapturing an escaped inmate, may be granted meritorious gain time of from one to 60 days. Additionally, eligible inmates awarded a general educational development certificate or vocational certificate may be granted a one-time award of 60 additional days of incentive gain time. A one-time educational gain-time award of up to six days may be granted to eligible inmates having satisfactorily participated in 150 hours of functional literacy instruction.

Class Determination, Restrictions and Ineligibility

Base gain-time recommendations may be modified (upward or downward by one to four days) as reflected by the inmate's overall institutional adjustment and level of work and program participation for the month, not to exceed the maximum eligible reward.

An inmate is not eligible to receive incentive gain time for the month in which there is an infraction of department rules or state law. This ineligibility period may be extended if recommended in disciplinary reports.

Offenders sentenced under Florida's Prisoner Release Reoffender or Firearm Mandatory laws must serve 100 percent of their sentence. Inmates serving death or life terms do not have their sentence reduced through gain time.

Consecutive Sentences

Portions of any sentences to be served concurrently shall be treated as a single sentence when determining basic gain time.

Loss and Restoration of Credit

Without a hearing, an inmate shall forfeit all gain time earned prior to escape or release on supervision upon: conviction of escape; revocation of parole, conditional release, control release or clemency; revocation of conditional medical release, providing the offender was revoked for



any reason other than improvement in medical condition; or revocation of provisional release supervision. Following a hearing, inmates who violate a law or department rule; threaten or knowingly endanger the life or physical well-being of another; refuse to carry out or obey lawful instructions; or neglect to perform the work, duties and tasks assigned may have all or part of their gain time forfeited.

Forfeited gain time shall be restored on the recommendation of the warden when it is determined that the gain time was improperly revoked. The warden will forward the request to the director of the Adult Services Program Office or Youthful Offender Program Office who will act as the final reviewing authority, approving or disapproving its restoration.

Relevant Sentencing Reforms

Truth in Sentencing- In October 1983, Florida prohibited parole except for capital crimes and, in 1994, it was completely eliminated. Even though parole has been abolished for quite some time, the Legislature has continued to provide for the awarding of incentive gain time in various amounts. Beginning with offenses committed in October 1995, truth in sentencing was implemented, requiring offenders to serve at least 85 percent of their court-imposed sentence. While these offenders are eligible for gain time, no amount of credit can be applied that would cause the sentence to expire, or result in the offender's release, prior to serving 85 percent of the sentence imposed.

Three Strikes- Under laws passed in 1988, felony offenders with two or more prior felony convictions, or one prior violent offense, could be sentenced to longer prison terms with less gain time and no early prison release. In 1995, the state passed the Violent Career Criminal Act (Evelyn Gort Act) which imposed substantially longer prison sentences for offenders convicted of three or more forcible felonies. In 1999, Florida amended its Criminal Punishment Code with the Three-Strike Violent Felony Offender Act, getting even tougher on three-time violent felons. The Act is aimed at enhancing the state's habitual felony offender, habitual violent felony offender and career criminal penalties by mandating that a judge impose the maximum sentence (100 percent), dependent on the degree of the sentencing offense, for adults convicted of their third or more violent felony. Except for the Three-Strike Violent Felony Offender Act, habitual offenders are eligible for various rates of gain time dependent on the date of offense. Offenders sentenced under the 1999 three-strikes provision are not eligible for any type of gain time and must serve 100 percent of the sentence imposed.

Georgia

Time Off for Good Behavior/Program Participation

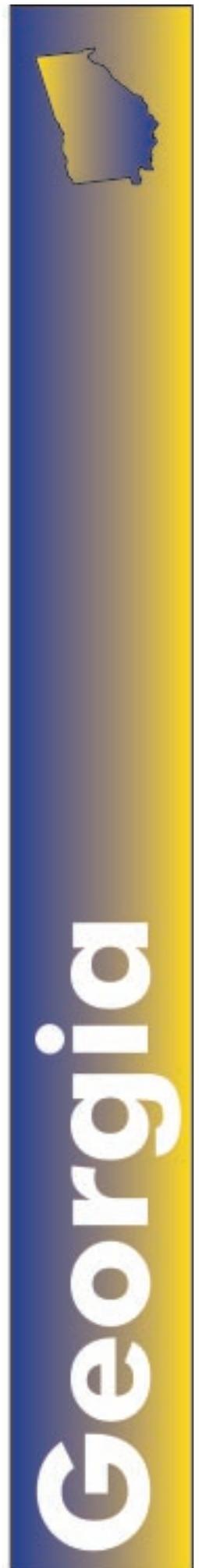
The Georgia Department of Corrections does not offer good-time credit in the state prison system. However, county jails do offer “a day for a day” for persons serving sentences for misdemeanor offenses.

Relevant Sentencing Reforms

Georgia’s State Board of Pardons and Paroles, effective January 1, 1998, requires offenders of 20 selected crimes to serve 90 percent of their sentence before becoming eligible for parole consideration. Those 20 crimes are child molestation; cruelty to children; enticing a child for indecent purposes; incest; attempted rape; statutory rape; voluntary manslaughter; involuntary manslaughter; feticide; criminal attempt to commit murder; aggravated battery on a police officer, assault on a police officer, battery, assault, and stalking; car hijacking, bus hijacking, robbery, vehicular homicide while driving under the influence, and residential burglary.

A constitutional amendment effective January 1, 1995, established Georgia’s Sentencing Reform Act of 1994, a “two-strikes” law which abolished parole, pardon, early release, leave or any other measure designed to reduce a prison sentence for any person convicted of one of seven violent crimes: murder, rape, armed robbery, kidnapping, aggravated child molestation, aggravated sodomy, or aggravated sexual battery. Under this law, violent offenders must serve 100 percent of the sentence imposed for the first offense unless they are sentenced to life. Those sentenced to life must serve at least 14 years before parole eligibility commences.

Persons sentenced to life for a first-strike offense cannot be considered for parole until they serve at least 14 years in prison.





Kentucky

Time Off for Good Behavior/Program Participation

The Kentucky Department of Corrections may apply statutory, educational and meritorious good-time credits to inmates' sentences for good behavior, program participation and performing exceptional acts.

Upon an inmate's initial sentence calculation, statutory good-time credit is shown, but only applies to the inmate's minimum expiration date (not parole eligibility date) if clear conduct is maintained. Meritorious and educational good time must be earned.

Prison overcrowding or other factors outside an inmate's behavior do not affect the awarding or revocation of good time.

Calculating Credit

Statutory good time is automatically awarded to inmates who serve their sentence without disciplinary or other infractions. Eligible inmates may receive credit — not exceeding 10 days for each month served, up to one-fourth of their sentence length — depending on their conduct.

Inmates may earn up to 60 days of educational good-time credit for completing a GED, a two- or four-year degree, and/or certain vocational programs.

An inmate may, at the discretion of the commissioner, be awarded meritorious good-time credit, not to exceed five days per month, for performing exceptional meritorious service or performing duties of outstanding importance. This allowance is in addition to commutation of time for good conduct.

Class Determination, Restrictions and Ineligibility

Sex offenders, convicted after July 15, 1998, do not earn statutory or meritorious good time until they have completed a sex offender treatment program. Sex offenders not completing this program shall serve their entire sentence without benefit of good time. Inmates who have civil actions dismissed because the court found the action to be malicious, harassing, or factually frivolous may be denied good time.

Consecutive Sentences

When two or more consecutive sentences are to be served, all sentences shall be merged and served in the aggregate for the purpose of the good-time credit computation or in computing dates of expiration of sentence.

Loss and Restoration of Credit

With the exception of educational good time, the department may forfeit any good time previously earned by inmates or deny inmates the right to earn such credit in any amount if, during the term of their imprisonment, they commit any offense or violate the rules of an institution. After a minimum of six months, statutory good time may be restored. Certain losses of statutory good time may never be restored, and any meritorious good time that is forfeited is not subject to restoration. Once an inmate has lost all statutory good time, his or her meritorious good time is revoked permanently.

Relevant Sentencing Reforms

Truth in Sentencing- Violent offenders whose crimes and conviction occurred after July 15, 1998, do not receive any statutory good time, and may only receive meritorious or educational good time in an amount equal to 15 percent of their sentence — as 85 percent of that sentence must be served. As defined by Kentucky statute, violent offenders are those having been convicted of or pleaded guilty to a capital offense; Class A felony; or Class B felony involving the death of, or serious injury to, a victim; or rape or sodomy in the first degree.

Louisiana

Time Off for Good Behavior/Program Participation

The Louisiana Department of Public Safety and Corrections awards diminution of sentence and educational good-time credit in accordance with Louisiana statute. These policies credit an inmate's sentence with time off for good behavior and allow an offender to earn credit for participation in vocational or educational programs.

Credits apply to an inmate's mandatory parole date. Persons released under diminution of sentence shall be supervised in the same manner and to the same extent as if he or she were released on parole. The supervision shall be for the remainder of the original full term of sentence. Inmates are eligible for good time from the date of their sentence to the department on actual time served in custody and all time in custody prior to receiving their sentence.

Prison overcrowding or other factors outside an inmate's personal conduct do not affect the awarding or revocation of good-time or educational good-time credits.

Calculating Credit

Time computation allows inmates convicted of nonviolent crimes, and who are otherwise eligible to earn good time, to be given the opportunity to earn good time at the rate of 30 days for every 30 days served in the department's actual custody, in lieu of incentive wages. Nonviolent inmates who opt to earn incentive wages (compensation) may earn 15 days good time for every 30 days in actual custody. While inmates who opt to earn good time do not receive incentive wages, they are not prohibited from receiving remuneration in a work release program or a certified private sector or prison industry enhancement program.

These nonviolent offenders must be eligible to earn regular good time or diminution of sentence in order to be approved to earn educational good-time credit, which is awarded as follows:

- ▶ 10 days per month of educational good-time credit may be awarded to inmates participating in full-time, approved vocational training, adult education or literacy programs;
- ▶ one to five days of credit, per calendar month, may be awarded to those participating in part-time assignments; and
- ▶ 30 days of credit (not to exceed 10 days per calendar month), per course, may be awarded to inmates successfully completing a correspondence course.

Eligible inmates may earn educational good-time credit up to a maximum of 180 days during their sentence.

Class Determination, Restrictions and Ineligibility

Inmates convicted for a first time for a crime of violence (committed on or after January 1, 1997) and who are otherwise eligible to earn good time, shall earn diminution of sentence at a rate of three days for every 17 days in actual custody, but are ineligible for educational good time. Louisiana statute lists 31 crimes of violence.

Diminution of sentence does not apply to inmates convicted of a second crime of violence or specific sex crimes committed on or after August 27, 1994, or of an offense committed during a period of time which the inmate was under the jurisdiction of the department or placed on probation as a juvenile. Inmates serving life sentences are eligible for good time; however, credit earned is be applied toward their sentence(s) only when they are communicated or adjudicated to a fixed number of years.

Among a host of other inmates ineligible for good time are those serving a sentence for 20 listed sexual offenses committed on or after August 15, 1999; habitual offenders; and those having been convicted a second time of committing or attempting to commit carnal knowledge

of a juvenile, indecent behavior with juveniles, molestation of a juvenile, incest, or aggravated incest on or after August 27, 1994.

Loss and Restoration of Credit

An inmate convicted of an escape that occurred after August 30, 1985, may be required to forfeit all good time earned on that portion of his or her sentence served prior to the escape. Inmates who commit serious rule violations may be required to forfeit up to a maximum of 180 days of good time per offense. Parole violators shall forfeit all good time earned on that portion of the sentence served prior to the granting of parole. Once revoked, good time may not be restored.

Consecutive Sentences

No inmate shall receive more than 30 days of good time or 30 days of jail credit for any calendar month while serving a term of consecutive sentences.

Relevant Sentencing Reforms

Truth in Sentencing- Under Louisiana's truth-in-sentencing law, persons convicted of a violent crime (over 30 offenses listed) which occurred on or after January 1, 1997, and not otherwise ineligible for parole, must serve at least 85 percent of their sentence prior to being eligible for parole.

Three Strikes- Louisiana's habitual offender law mandates a sentence of life in prison without the possibility of parole, probation, or suspension of sentence for an offender convicted three times for the following violent and drug felonies: murder; attempted murder; manslaughter; rape; armed robbery; kidnaping; a second or subsequent offense of aggravated battery, aggravated burglary or aggravated burglary of an inhabited dwelling; drug offenses punishable by more than five years; or any other felony punishable by more than 12 years. Anyone convicted of a third felony — if any one of those three felonies is among the aforementioned violent or drug offenses — receives a mandatory sentence of life without parole. This law also mandates that anyone convicted of three or more felonies, violent or not, be sentenced to imprisonment no less than two-thirds of the longest possible sentence which could be given, and someone convicted of a fourth felony be imprisoned no less than the longest sentenced prescribed for a first conviction, but in no event less than 20 years.

Maryland

Time Off for Good Behavior/Program Participation

The Maryland Division of Correction may award good-conduct credit (GCC) to inmates with a record of good behavior. Additionally, eligible inmates may earn industrial or educational (diminution) credits for participating in industrial assignments or educational programs, or a combination of the two. Some industrial assignments and all education programs allow the inmate to earn an additional type of diminution credit known as a special project credit.

Good-conduct credit is an initial deduction from the maximum expiration date of an inmate's sentence in anticipation of his or her future good conduct while incarcerated. While GCC is awarded and revoked irrespective of prison overcrowding, officials note that the awarding of special project credit for housing was promulgated to alleviate overcrowding.

All inmates, except those with restrictions, are eligible to start earning GCC or diminution credits from the date the initial sentence is imposed to the day before the maximum expiration date.

Calculating Credit

GCC is awarded at a rate of five or 10 days a month from the date the initial sentence is imposed to the day before the maximum expiration date. Eligible inmates may earn a maximum of five industrial or educational (diminution) credits per month for industrial assignments or education programs, or a combination of the two credits, not to exceed five per month. An additional special project credit for housing may be awarded if inmates meet sentencing criteria, are housed in a qualifying institution, are double celled, and have not exceeded their maximum total of allowable diminution of confinement credits allowed per month. An inmate may earn a maximum of 10 diminution credits for special projects per month.

Industrial and educational credits are awarded to the inmate from the first day that the task is performed or participates in the course, and special project credits are awarded from the first day that the inmate participates in an approved assignment, educational program, or qualifies under the housing provisions. All three credits are prorated for any portion of a calendar month during which the inmate earned them.

By statute, an eligible inmate sentenced on or after October 1, 1992, may earn, from all sources, a total of 20 diminution credits per month and a total of 10 special project credits per month. These inmates shall be allowed a deduction in advance from their term of confinement, subject to their future good behavior, calculated at the rate of 10 credits per month.

Class Determination, Restrictions and Ineligibility

Inmates sentenced for defined violent crimes or a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance (on or after October 1, 1992) shall be allowed only five good time credits per month, subject to the inmate's future good behavior.

Only inmates serving civil or criminal sentences for definite terms of confinement may earn good-conduct or diminution credits. Credits are not applied to any sentence for civil contempt with an indefinite sentence, such as commitments which specifically state that the sentence can be lifted only through payment of a fine, etc. Additionally, credits are not applied to inmates serving life sentences or in cases in which the death penalty has been imposed.

Loss and Restoration of Credit

Inmates committing disciplinary infractions may have good-conduct or special project credits revoked. The determination of credit forfeiture is part of an adjustment hearing process, conducted by a hearing officer who makes a determination of an inmate's guilt or innocence and then recommends appropriate penalties to include the revocation of diminution credits to the warden.



Once revoked, case management staff may conduct a restoration hearing to determine if some or all revoked diminution credits may be restored. Consideration of restoration does not occur until such time as, if the credits revoked are restored in full, makes the inmate eligible for release within 90 days. At that time, case management staff then make a recommendation to the warden for the restoration of credits.

Relevant Sentencing Reforms

Maryland's four-strike law mandates a prison term of life without the possibility of parole for an offender convicted four times of the following violent offenses: abduction; first-degree arson; kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; first- or second-degree sexual offense; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforementioned offenses; first-degree assault; and assault with intent to murder, rape, rob, and commit a first- or second-degree sexual offense. Under this law, the offender must have served three separate terms of confinement as a result of three separate convictions.

Additionally, any person who has been convicted on two separate occasions of a crime of violence where the convictions do not arise from a single incident, and has served at least one sentence for a violent crime, must serve, upon a third violent crime conviction, at least 25 years without the possibility of parole. Any person convicted of a second violent offense must serve a prison term of no less than 10 years without the possibility of parole. Any person sentenced under the provisions of this law who is at least 65 years old and has served at least 15 years of the sentence imposed may petition for and be granted parole.

Mississippi

Time Off for Good Behavior/Program Participation

The Mississippi Department of Corrections offers five types of earned time (sentence reduction credit) to eligible inmates: earned-release allowance (ERS), trusty earned time, meritorious earned time (MET), executive earned time and earned-time allowance. Because the earned-time allowance applies only to offenders sentenced prior to July 1, 1995, this section focuses on the four other sentence commutation credits available.

An inmate is eligible for earned time the day he or she is sentenced. Earned-time credits are applied to an offender's discharge date, parole or ERS date.

Calculating Credit

Offenders sentenced after July 1, 1995, may be eligible for earned release allowance whereby their sentence may be reduced by 15 percent. ERS is similar to statutory credit offered in other states; it is awarded automatically, using established criteria, to inmates serving their sentence free of disciplinary infractions. In addition, inmates may earn:

- ▶ Trusty earned time, which is assigned to certain offenders who meet special class criteria and are in an approved work program. These offenders may have access to the community or institution and be deemed essential to the operation of the institution or agency. Once inmates are placed in trusty earned time status they may earn 10 days, for each 30 days served, toward their release date;
- ▶ Meritorious earned time, which is reserved for those offenders "dedicated to enhancing their potential for return to society as productive, law-abiding citizens." It is deducted from an inmate's sentence for successfully completing an educational or instructional program, and satisfactory participation in work projects or in any special incentive program (those targeted toward behavioral modification or life skills). Inmates may earn up to 10 days MET credit for each 30 days worked or for participation in educational or vocational programs. This credit is limited to a total of 180 days during an inmate's entire sentence; and
- ▶ Executive earned time, which may be awarded to offenders who meet certain criteria at the discretion of the governor, and only through working in situations declared a national or state emergency. The governor designates the number of days earned for each day worked.

Of these credits, there are no designated classes for credit eligibility; credits for each type of earned time are awarded to all eligible offenders in the same manner, and each receives the same amount of time for the same work or program participation.

Overcrowding

Department officials noted that the Legislature authorized trusty earned time, in part, to help alleviate overcrowding.

Class Determination, Restrictions and Ineligibility

Inmates sentenced to life; convicted as a habitual offender or of a sex crime; not having served the mandatory time required for parole for the offenses of robbery, attempted robbery, carjacking, attempted carjacking with a deadly weapon or drive-by shooting; who have forfeited their earned-time allowance or have escaped or attempted to escape are ineligible for earned-release allowance.

Trusty status may not apply to offenders participating in alcohol and drug, educational, vocational or institutional pre-release programs. Those offenders may receive meritorious earned time up to the maximum of 180 days.

Offenders must be free of a major or serious rule violation for at least six months, and a minor infraction for three months, prior to being awarded meritorious earned time. Those serving a mandatory or habitual sentence; assigned to a maximum security facility for security reasons; guilty of a serious rule violation report within the last six months or minor rule violation report within the last three months; or found guilty of an escape, attempted escape or aiding an escape are ineligible to earn either meritorious earned time or trusty earned time credit.

Only “A” custody offenders serving sentences for nonviolent crimes and those scheduled for discharge within the next 12 months are eligible for emergency work details, and may receive executive earned time. Offenders convicted of sex offenses, with mandatory sentences, who have ever escaped or who have received a detainer (notification by legal authority against an inmate) are ineligible for the credit.

Loss and Restoration of Credit

All or part of any credits earned, from any source, may be forfeited by just cause upon the written approval of the department commissioner or his designee. Once forfeited, earned time may not be restored.

Consecutive Sentences

An inmate, under two or more consecutive sentences, shall be allowed commutation based upon the total term of the sentences.

Relevant Sentencing Reforms

Truth in Sentencing- In 1995, Mississippi passed the “85 percent rule” mandating that offenders convicted of any felony, violent or nonviolent, after June 30, 1995, serve at least 85 percent of their sentence without the possibility for release.

The 1995 law also abolished the state’s parole board as of July 1, 2000. Currently, the Department of Corrections assumes and exercises all the duties, powers and responsibilities previously under the purview of the parole board.

Missouri

Time Off for Good Behavior/Program Participation

The Missouri Department of Corrections may award good-time credit to eligible (not excluded by statute) inmates who have served their sentences orderly and peacefully.

The credit is subtracted from an inmate's established conditional release date (a release to supervision after the completion of a statutorily-fixed prison term of all sentences), creating a projected good-time credit release date. Inmates are eligible to begin earning credit upon their entry into prison.

The department does not offer earned time or meritorious credit, and prison overcrowding or other factors outside an inmate's personal conduct do not affect the awarding of any credit.

Calculating Credit

Missouri's good-time credit is calculated at the rate of:

- ▶ one calendar month for each year of the sentence for Class A or B felony offenders; and
- ▶ two calendar months for each year of the sentence for Class C or D felony offenders.

Class Determination, Restrictions and Ineligibility

Inmates whose conditional release date has been extended to the maximum release date due to disciplinary infractions; whose convictions were based on a crime committed before January 1, 1979; serving life sentences; who are persistent sexual, drug sales or dangerous offenders; or are convicted of tampering with a victim or witness are not eligible for good-time credit.

Other inmates shall not be eligible for good-time credit until the minimum term required by statute has been served for certain offenses or convictions, i.e., prior or persistent offenders, dangerous felons, those convicted of armed criminal action or first- or second-degree pharmacy robbery or those who have committed a crime on or after August 28, 1994, and have one or more previous commitments to the department.

Consecutive Sentences

For consecutive sentences, the credit is subtracted from the established conditional release date of the length of the last consecutive sentence, not from the aggregate of sentences combined.

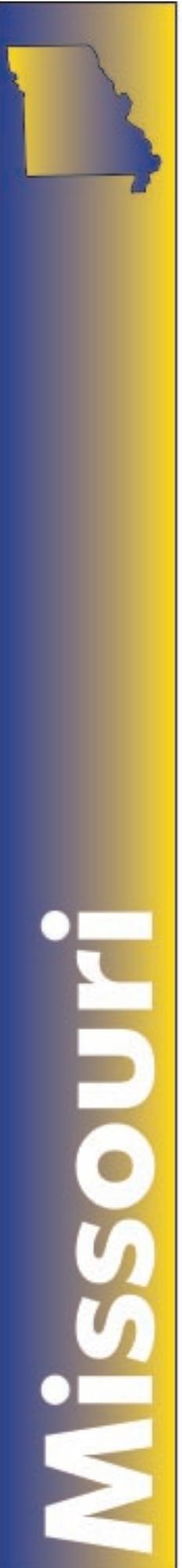
Loss and Restoration of Credit

By statute, any violation of institutional rules or the law of the state may result in the loss of all or a portion of any credit earned by the inmate pursuant to the law.

Relevant Sentencing Reforms

Truth in Sentencing- Any defendant who has pleaded guilty to or has been found guilty of a dangerous felony — robbery I, forcible sodomy, second degree murder, first degree assault, forcible rape, kidnapping or arson — is required to serve a minimum prison term of 85 percent of the sentence imposed by the court before becoming eligible for parole.

An offender's prior criminal history determines parole eligibility. Non-drug offenders with one previous conviction must serve a minimum of 40 percent of their sentence; two convictions, 50 percent; and three or more convictions, 80 percent. Non-drug offenders who reach 70 years of age and have served at least 40 percent of their sentence are eligible for parole. All other offenders are subject to other statutory prohibitions on parole.





North Carolina

Time Off for Good Behavior/Program Participation

Under the Structured Sentencing Act of 1994, and effective for inmates sentenced for a crime committed on or after October 1 of that year, the North Carolina Department of Correction may award earned-time credit to inmates who perform work assignments. Additionally, inmates may earn meritorious time.

When an inmate is sentenced under North Carolina's structured sentencing, judges set their sentence with a minimum and maximum term. The prison staff who process the offender at intake enter a projected release date based on that maximum sentence length. Any credit earned is deducted from that maximum date. There is no possibility for the inmate to earn below the minimum date.

Prison overcrowding or other factors outside an inmate's personal behavior do not affect the awarding of earned-time credit.

Calculating Credit

Inmates are eligible to earn credits from the first day of incarceration; however, according to officials, "realistically, they cannot begin to accumulate time until they have begun working on a job assignment." All inmates eligible for earned time are eligible for meritorious time sentence reduction credits.

Earned time is awarded to inmates who perform work assignments in the following categories:

- ▶ Earned Time I — and require a minimum of four hours of productive activity per day, for the number of days per month assigned to participate — receive two days per month deducted from their sentence, and
- ▶ Earned Time II — and require a minimum of six hours participation per day, for the number of days per month assigned to participate — receive four days per month deducted from their sentence.

Inmates performing assigned jobs which require special skills or specialized responsibilities such as maintenance, cook, equipment operator, canteen operator, hospital technician, or who participate in full-time training programs, which are designated for:

- ▶ Earned Time III — and require a minimum of six hours participation per day, for the number of days per month assigned to participate — receive six days per month deducted from the inmate's sentence.

While inmates may receive up to six days of earned-time credit per month while actively assigned to a job, new policies which will take effect in 2001 will allow inmates to earn up to 10 days per month for a combination of consistent good behavior and compliance with work and program assignments.

Consideration for meritorious time awards will be given to inmates if they:

- ▶ are involved in a job activity beyond a regular 40-hour work week, performing satisfactorily;
- ▶ perform work during inclement or adverse working conditions;
- ▶ perform work during emergency work conditions;
- ▶ perform an act which is exemplary and merits the award of sentence reduction credits; and/or
- ▶ successfully complete the GED test, receive a vocational trades license or trades certification, or attain an Associate or Bachelor of Arts Science or Graduate Degree.

Meritorious time awards shall not exceed four days per month for the total number of months sentenced nor reduce an inmate's maximum term below the minimum term. The exemplary conduct credit may not exceed 30 days for each act, and educational meritorious time is limited to 30 days per educational achievement. Inmates identified as special students may be awarded an additional five days per month for progress toward established educational goals.

Class Determination, Restrictions and Ineligibility

Earned-time credits are not available to inmates serving life-without-parole or DWI sentences, which are governed by separate statute. Additionally, inmates committed to custody for contempt of court, health-law violators, serving an active prison term followed by a period of special probation, safekeepers and pre-sentence commitment for study defendants are not eligible for earned time.

Loss and Restoration of Credit

Prison facility superintendents may revoke earned-time credit for any disciplinary infractions, and may restore credit for subsequent good conduct. Policies expected to take effect in 2001 would limit restoration to only 50 percent of lost time for inmates at the highest incentive level. Under the proposed policy, no time lost for a Class A (most serious) infraction could be restored.

Relevant Sentencing Reforms

Truth in Sentencing- Though parole, good time and gain time were eliminated when structured sentencing was implemented in 1994, felons remain eligible to earn up to six days per month earned time off their maximum sentence for participating in training, educational or rehabilitative programs.

Three Strikes- Those convicted of two violent felonies are declared to be “violent habitual offenders.” If a violent habitual offender is then convicted of another violent felony (a “third strike”) a mandatory life sentence without the possibility of parole is imposed. For the purposes of this law, “violent felony” includes all class A through E (approximately 75) felonies.

The logo for the Oklahoma Department of Corrections is a vertical bar on the left side of the page. It features a blue-to-yellow gradient background. At the top, there is a white outline of the state of Oklahoma. Below the outline, the word "Oklahoma" is written vertically in a large, white, sans-serif font.

Oklahoma

Time Off for Good Behavior/Program Participation

The Oklahoma Department of Corrections has available earned credits, each equal to a day, whereby inmates may have their term of imprisonment reduced. Eligible inmates may also be awarded achievement credits, meritorious earned credits and — unique among Southern states — an emergency time credit.

All credits are applied to an inmate's release date, which is converted to days remaining to be served, updated based upon the number of credits earned or lost and the number of days served.

Calculating Credit and Class Determination

For earned credit, all inmates are assigned to one of four class levels with assignments determined by a committee, based upon the desired behavior of the inmate in all areas of institutional life: work attendance and productivity, conduct record, program participation, cooperative general behavior and appearance of self and living area. Class levels and corresponding credit increments are as follows:

- Class 1 - 0 credits per month
- Class 2 - 22 credits per month;
- Class 3 - 33 credits per month; and
- Class 4 - 44 credits per month.

Offenders obtain Class 1 (ineligibility) standing when placed on escape status; refuse a job, education or program assignment; are removed from a job or program due to job-related misconduct or nonperformance; are assigned to restrictive housing; or upon conviction of any prison rule violation.

Inmates are assigned to, and remain in, Class 2 once they are assessed; placed in administrative segregation (unless in Class 1); and received good evaluations for class-determining criteria. Those in Class 3 must have been incarcerated for at least eight months and received excellent evaluations. Those in Class 4 must have been incarcerated for at least 12 months and have received outstanding evaluations.

Achievement credits may be earned by inmates, regardless of their class level designation, who successfully complete departmentally-approved programs or for attaining set goals or standards. No more than 90 achievement credits may be awarded in a calendar year.

Meritorious earned credits may be awarded to inmates having performed meritorious acts involving property preservation or matters of life, security, or safety. Up to 100 meritorious credits may be awarded for each act.

Overcrowding

To reduce prison overcrowding — and as mandated under the Oklahoma Prison Overcrowding Emergency Powers Act — upon the declaration by the governor that a state of emergency exists (whenever the inmate population exceeds 95 percent of authorized capacity) within the penal system, the department director will authorize each facility to grant 60 days of emergency time credit to all eligible inmates. Once an emergency is declared, the director is authorized by law to grant the credit every 60 days for as long as the emergency exists. No inmate will receive more than 360 days of emergency time credit during a year.

Restrictions and Ineligibility

Inmates incarcerated under the Delayed Sentencing Program for Young Adults Act; sentenced to death or life in prison, or while assigned to disciplinary segregation are ineligible to earn credit. However, records are maintained on inmates serving life, detailing their participa-

tion in work, school, vocational training or other approved programs. If a life sentence is commuted or modified to a determinate sentence, the recorded credit will apply as a reduction.

Additionally, inmates serving at least their third felony conviction for a robbery or attempted robbery with a dangerous weapon or intimidation firearm are not eligible for good time for 10 years, and those convicted of trafficking in select, illegal drugs are not eligible. Those convicted of racketeering activities or distributing controlled substances within certain ranges of select locations (i.e., schools, parks) have additional restrictions on credit eligibility.

Emergency time credits only are available to inmates classified as medium security or lower; incarcerated for nonviolent offenses; and who are not incarcerated for a second and subsequent offense.

Loss and Restoration of Credit

Inmates may have earned or achievement credits revoked as punishment for infractions of departmental rules and regulations. When an inmate is charged with a violation, a hearing is held. If found guilty, punishment, established per degree of violation, is rendered. Additionally, up to 720 earned credits may be ordered revoked by the court if it has determined an inmate has filed a frivolous or malicious lawsuit.

If a sanctioned inmate has served 12 months with clear conduct, earned credit forfeited as a result of disciplinary action may be restored following a recommendation and review process. However, earned credit revoked as a result of a frivolous or malicious lawsuit will not be restored.

Relevant Sentencing Reforms

Truth in Sentencing- Offenders convicted of 11 crimes — first-degree murder, first-degree rape, first-degree burglary, bombing, child abuse, child pornography, lewd molestation of a child, robbery with a dangerous weapon, first-degree arson, forcible sodomy and child prostitution — on or after March 1, 2000, must serve at least 85 percent of their sentence before becoming eligible for parole consideration. They may not earn or accrue any type of credit that might reduce the length of their sentence to less than 85 percent of the time they were given.



South Carolina

Time Off for Good Behavior/Program Participation

In an effort to reward good behavior, the South Carolina Department of Corrections allows eligible inmates the opportunity to accrue good-time credit. This credit may be awarded to inmates faithfully observing institutional rules and who have not been subjected to punishment for misbehavior.

Inmates are entitled to this deduction from the term of their sentence beginning with the day on which the service of their sentence commences. Additionally, prisoners assigned to a productive duty assignment or who are regularly enrolled and actively participating in an academic, technical or vocational training program, may earn a reduction from the term of their sentence through earned education and earned work credits.

Calculating Credit

An inmate sentenced to the custody of the department, including a prisoner serving time in a designated local facility, is eligible for good time. The credit is computed at the rate of 20 days for each month served. Prisoners convicted of a “no-parole offense” are entitled to a deduction from the term of their sentence beginning with the day on which the service of the sentence commences to run, computed at the rate of three days for each month served, but are not entitled to a reduction below the minimum term of incarceration provided.

Eligible inmates enrolled in academic, technical or vocational training programs may earn a reduction in their sentence of zero to one day for every two days they are employed or enrolled. This credit is applied against their parole eligibility date and dependent upon the crime for which they were convicted. A maximum annual credit for both work credit and education credit is limited to 180 days per year. “No parole offenders” in this area may earn a reduction of six days for every month they are employed or enrolled, however, that reduction may not reduce their minimum term of incarceration. A maximum annual credit for both work credit and education credit for this group of offenders is limited to 72 days.

Class Determination, Restrictions and Ineligibility

Inmates ineligible to earn good time are: those serving life or mandatory-minimum (30 years) sentences; on death row; sentenced under the Youthful Offender Act; sentenced as habitual offenders; sentenced for family court contempt when the judge specifically orders they not be credited good time; sentenced under the Armed Enhancement Act; and those confined for civil contempt of court.

Inmates convicted of a violent crime; sentenced under the Youthful Offender Act; serving sentences from other states under provisions of the Interstate Corrections Compact; on parole or probation; on death row; who are habitual offenders or are serving mandatory five-year sentences for the possession of a firearm during the commission of a violent crime are not eligible to receive earned work or earned education credits. Inmates housed in maximum security units will not receive earned work credits.

Consecutive Sentences

When two or more consecutive sentences are to be served, the aggregate of the multiple sentences is the basis upon which the good-conduct credit is computed.

Loss and Restoration of Credit

If an inmate commits an offense or violates one of the rules of the institution during his or her term of imprisonment, all or part of the good-time credit earned may be forfeited at the discretion of the department director, and all or part of any work or education credit earned may be forfeited at the discretion of the official having charge of the prisoner. An inmate found guilty of violating department rules or regulations, a misdemeanor, a felony or furlough violation, or

who escapes is ineligible to earn good time for the month during which the infraction occurred. In addition, the disciplinary hearing officer may recommend forfeiture of part or all of an inmate's accrued good time, within certain guidelines.

Relevant Sentencing Reforms

Truth in Sentencing- South Carolina's truth-in-sentencing law, effective January 1, 1996, mandates that an individual convicted of a Class A, B, or C felony or certain other offenses punishable by a maximum term of imprisonment for 20 years or more (approximately 66 violent, drug, property and other crimes) is required to serve 85 percent of the actual prison term imposed with no possibility of parole, early release, discharge, or community supervision.

Two Strikes- The state's two-strikes provision mandates that an offender found guilty two or more times of 24 "most serious" offenses be sentenced to a term of life imprisonment without the possibility of parole. Additionally, the state has a three-strikes provision mandating a life sentence without the possibility of parole for an offender convicted three or more times of 12 listed "serious offenses," (in addition to most serious offenses). A person who has been convicted of, or has pleaded guilty to, murder must be punished by death, life imprisonment, or by a mandatory minimum term of 30 years with no possibility of parole.

Tennessee

Time Off for Good Behavior/Program Participation

Currently, the Tennessee Department of Correction provides for reduction of sentence through prisoner sentence reduction credits (PSRC), which are awarded for both an inmate's good behavior and program participation. Behavior credits are given automatically if an inmate serves his or her sentence without disciplinary infractions. Program credits are earned by participating in approved work, educational, vocational or mental health programs, with credits allotted according to the inmate's attendance and performance.

After their sentencing and classification into a program for both behavior and program credits, inmates are eligible to start earning those credits. PSRC credits are awarded monthly toward the calculated release dates for inmates serving felony convictions.

Calculating Credit

Any inmate sentenced for a felony committed on or after December 11, 1985, is automatically eligible to earn PSRC. Inmates sentenced for a felony committed prior to December 11, 1985, may become eligible for the credit by waiving their rights to earn sentence credits under the law in effect at the time their crime was committed.

Inmates shall be eligible to receive PSRC behavior credits in accordance with the following schedule:

- ▶ during the first calendar year of imprisonment: at the rate of four days per month;
- ▶ after the first year of imprisonment: at the rate of six days per month; and
- ▶ regardless of the year of imprisonment, all inmates classified as minimum custody shall receive an additional two behavior credit days per month.

Inmates shall be eligible to receive PSRC program credits in accordance with the following schedule:

- ▶ regardless of the calendar year of imprisonment, inmates who participate in a full-time program may receive up to six program credits per calendar month, with inmates participating half-time receiving three credits; and
- ▶ regardless of the year of imprisonment, all minimum custody inmates shall receive an additional two program credit days per month.

Overall, an inmate may earn a maximum of eight days per month for good behavior plus eight days per month for positive program participation, for a maximum of 16 days per month. Within certain restrictions, eligible inmates participating in a program and electing not to participate in PSRC may earn prisoner performance sentence credits in accordance with another schedule. Additionally, all inmates sentenced to a determinate or indeterminate sentence on or after July 1, 1981, are eligible for good-conduct sentence credits at another rate.

For those not participating in the PSRC program, eligible inmates convicted of an offense committed before September 1, 1980, may be awarded prisoner performance sentence credits (PPSC) as incentive time for participation in work, educational and/or vocational programs.

The department of correction also provides for reduction of sentence through good-conduct sentence credits for good behavior inherent in the sentences of eligible inmates convicted of an offense committed after July 1, 1981.

Class Determination, Restrictions and Ineligibility

Per statute, certain sentences are served without benefit of reduction credit, including those of offenders convicted of violent crimes. Inmates classified as maximum custody are ineligible for PSRC. Neither behavior nor program PSRCs are awarded for any month in which an inmate is convicted of a Class A disciplinary offense or for an offense resulting in their removal from a program, and any inmate refusing to provide a blood specimen for DNA testing will not be awarded behavior sentence credits each and every month until such time he or she provides the specimen. Among other factors, special consideration is given to inmates incapable of performing within their assigned program due to injuries accidentally received while participating in the program.

Loss and Restoration of Credit

PSRC credits may be revoked for Class A disciplinary infractions, and no behavior credits are earned for a month in which an inmate is found guilty of any disciplinary infraction. Loss of credit must be approved by both a warden and the department commissioner. Once revoked, these credits cannot be restored. For any month in which an inmate is found guilty of a disciplinary offense or is held in segregation at a level of maximum security, good-conduct credits will be forfeited. Once revoked, they cannot be restored.

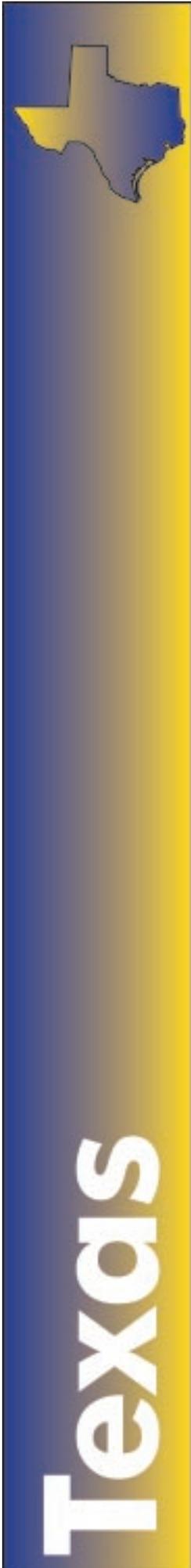
A final court order dismissing as frivolous or malicious a claim or lawsuit filed by an inmate will result in the loss of 60 days of an inmate's accrued PSRC/PPSC/good-conduct sentence credits if the department has previously received one final order; 120 days if they have received two such orders; and 180 days for three.

Relevant Sentencing Reforms

Truth in Sentencing- As of July 1, 1995, an offender convicted of the following offenses — first- or second-degree murder, rape, aggravated rape, rape of a child, especially aggravated robbery, aggravated sexual battery, aggravated child abuse, aggravated kidnapping or aggravated arson — shall serve 100 percent of the sentence imposed, less sentence credits earned and retained. Under the 1995 statute, no such sentence reduction credits shall reduce the sentence imposed by more than 15 percent. Anyone serving a life sentence for first-degree murder must serve at least 51 years. Additionally, no person convicted of rape of a child or multiple rape is eligible for any sentence reduction credits. Other convicted felons must serve anywhere from 30 percent to 60 percent of their sentences, depending on the severity of the offense, before becoming eligible for parole.

Three Strikes- Tennessee has both two- and three-strikes repeat violent offender laws. The state's two-strikes law mandates that an offender convicted twice of first-degree murder, including any attempt, solicitation, or facilitation to commit first-degree murder; especially aggravated robbery; especially aggravated kidnapping; aggravated rape; rape of a child; or aggravated arson, serve a life term in prison without the possibility of parole, if that person has already served prison time for the first strike.

Under the three-strikes provision, offenders three times convicted of any of the above mentioned crimes plus rape, aggravated sexual battery, especially aggravated burglary, aggravated child abuse or aggravated sexual exploitation of a minor, or especially aggravated sexual exploitation of a minor, will be sentenced to a mandatory life term in prison without the possibility of parole, if they have served prison sentences for the first two strikes. There is no release eligibility for a defendant receiving a sentence of imprisonment for life without parole as a repeat violent offender.



Texas

Time Off for Good Behavior/Program Participation

The Texas Department of Criminal Justice (TDCJ) awards good-conduct credit according to offenders' conduct, obedience and industry, to include satisfactory participation in assigned work, treatment, or educational programs while incarcerated.

As in most states, the method of awarding good-conduct time credits is determined by the laws in effect at the time an offender committed his or her offense(s), and the time earning status to which they are assigned (associated with a specific number of days of credit which may be awarded each month to offenders assigned that status). Currently, TDCJ's good-conduct credits apply to three classes of offenders: those sentenced to the department for an offense or offenses committed prior to August 29, 1977; for offenses committed on or after August 29, 1977, and prior to September 1, 1987; and for offenses committed on or after September 1, 1987. The following addresses credits applying to offenders sentenced under the latter, which is TDCJ's current policy for calculating good-conduct time for new commitments.

The good-conduct time credit is applied to offenders' eligibility for parole or mandatory supervision, and shall not otherwise affect their term. Prison overcrowding or other factors outside offenders' behavior do not influence the awarding of credit.

Calculating Credit

Offenders sentenced to the TDCJ for an offense committed on or after September 1, 1987, shall accrue good-conduct time only if a division director determines that the offender is actively engaged in an agricultural, vocational, or educational endeavor, or an industrial, treatment or other work program. Good-conduct time also may include an additional 15 days per month which is awarded for diligent participation in assigned work or school programs. Thus, the maximum amount of good-conduct time shall be determined by adding the bonus of 15 days "diligent participation" credits to the amount of good-conduct time allowed on offenders' time earning status, which are as follows:

- Line Class III - earns no good-conduct time;
- Line Class II - earns 10 days good-conduct time plus 15 days of diligent participation credit per 30 days served;
- Line Class I - earns 20 days good-conduct time plus 15 days of diligent participation credit per 30 days served;
- SAT IV - earns 25 days good-conduct time plus 15 days of diligent participation credit per 30 days served; and
- SAT II, II-Restricted, I - earns 30 days good-conduct time plus 15 days of diligent participation credit per 30 days served.

Department policy spells out in detail the requirements by which an offender may be promoted/demoted to and from the above time-earning promotion categories and custody levels for determining good-conduct time eligibility, with any change in classification having to be recommended by the Unit Classification Committee and approved by the State Classification Committee.

Offenders who are not capable of participating in work or school programs (i.e., those on furlough or bench warrant, going through classification, in transient status and housing or those with special needs) are exempt from participation requirements and are awarded the maximum amount of good-conduct time each month based on their time-earning status, to include 15 days of diligent participation credit.

Class Determination, Restrictions and Ineligibility

For as long as offenders are in administrative segregation, they are awarded only the amount of good-conduct time based on their time-earning status. They may not be awarded the diligent participation credit. An offender placed in pre-hearing detention may not earn good-conduct time credits while in that status. Offenders who are placed on cell restriction for any violation are required to participate in their assigned work, or treatment or school programs in order to be awarded good-conduct time. Those on special cell restriction (not allowed to leave their cells to participate in such programs) will earn no good-conduct time while on that restriction. While in solitary confinement, offenders shall not be awarded any good-conduct time or diligent participation good-conduct time.

Officials responded that, outside of those restricted to Line Class III and listed above, only offenders convicted of capital murder under the sentence of death are excluded from earning any good-time credit if incarcerated in the department's Institutional Division. Offenders sentenced to the department's state jails or Substance Abuse Felony Punishment facilities also are exempted from earning any good-time credit.

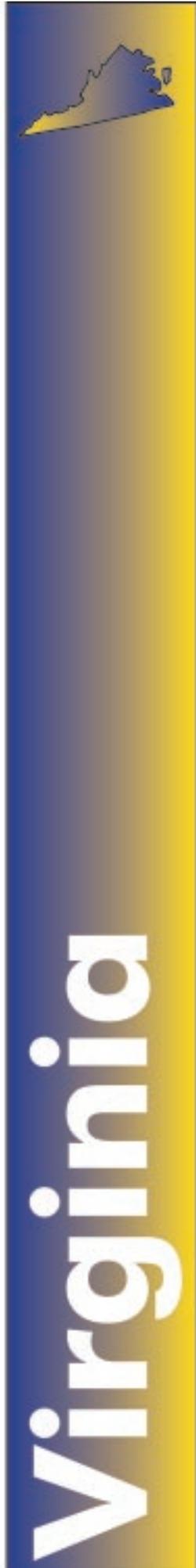
Offenders found guilty of a disciplinary offense (see also *Loss and Restoration of Credit*) resulting in a minor penalty are not precluded from being reviewed or considered for promotion in their time-earning status. However, minor cases may be considered in making decisions regarding status promotion. Offenders guilty of major penalties may not be reviewed or considered for promotion in class for a period of 12 months from the date of the offense.

Consecutive Sentences

When two or more sentences for offenses committed on or after September 1, 1987, are to be served consecutively, each sentence shall be considered as a single sentence for purposes of the application of good-conduct time credit determining an offender's parole eligibility date. The Texas Board of Pardons and Paroles will designate the date on which one sentence in the series "ceases to operate," and the offender then begins the next sentence in the series. Calendar time served and good-conduct time accrued during one sentence in the series cannot be used to determine the date on which a subsequent sentence in the series ceases to operate or the offender's parole eligibility from the last sentence in the series begins. The sum of the consecutive sentences shall be considered as a single sentence for purposes of the application of good-conduct time in determining the date on which the offender is eligible for release to mandatory supervision.

Loss and Restoration of Credit

Good-conduct time may be forfeited as a result of disciplinary rule violations and shall not be restored. Additionally, good-time credit shall be forfeited by an offender upon a final state or federal court order dismissing as frivolous or malicious a lawsuit brought by the offender. The amount of good-conduct time an offender is subject to forfeit is 60 days of an offender's accrued good-conduct time if the TDCJ has previously received one final order; 120 days of time for two final orders; and 180 days of time for three or more final orders received.



Virginia

Time Off for Good Behavior/Program Participation

The Virginia Department of Corrections utilizes several different good time policies, with offense dates governing which policy is applied for each felony conviction. Currently, offenders may be serving sentences under three good time systems: good-conduct allowance (GCA), earned sentence credit (ESC) and good-conduct time (GCT).

GCA serves to reduce the time an inmate must serve to satisfy his or her sentence. Only one-half of GCA earned serves to reduce the inmate's discretionary parole eligibility date. ESC (the more prevalent system, applicable for current commitments) is applied to reduce an inmate's maximum term of confinement, not affecting parole eligibility. GCT reduces the term of imprisonment from which parole eligibility is computed.

Calculating Credit

Inmates may earn good-conduct allowance if convicted of felonies between July 1, 1981, and December 31, 1994 (the date parole was abolished in the state), and misdemeanors committed on or after July 1, 1981. Earned sentence credit is available to eligible inmates serving sentences for felonies (no parole offenses) committed on or after January 1, 1995. The ESC system — automatically available to all inmates who commit their offense on or after that date — reduces good-time earning levels, awarding credits to inmates participating in work, academic, vocational or treatment programs.

GCA is time earned in three classes, determined by the total point score earned from an inmate's class evaluation in five areas of individual adjustment and performance: personal conduct, work/vocational assignment performance, educational program assignment performance, treatment program participation, and infractions. The class levels are differentiated by the amount of GCA earned per 30-day-period served:

- Class I - misdemeanor inmate earns 30 days GCA for every 30 days served;
- Class II - inmate earns 20 days GCA for every 30 days served;
- Class III - inmate earns 10 days GCA for every 30 days served; and
- Class IV - inmate earns no GCA.

The ESC system also awards time in three levels, with rates ranging from 0 to 4.5 days earned per 30 days served. An inmate's personal conduct; work, vocational or educational assignment performance; treatment program participation and infractions are evaluated in determining or adjusting his ESC level and score. ESC good-time earning class levels are:

- Class I - felon inmate earns 4.5 days ESC for every 30 days served;
- Class II - inmate earns 3 days ESC for every 30 days served;
- Class III - inmate earns 1.5 days ESC for every 30 days served; and
- Class IV - inmate earns no ESC.

The department also has a good-conduct time policy, which awards time earned at a constant rate of 10 days earned per 20 days served. However, because this policy only applies to those inmates who committed crimes before July 1, 1981, and applies to fewer than 100 offenders currently incarcerated, this section primarily focuses on EST, with some emphasis on GCA since it is applicable to current misdemeanor commitments.

Class Determination, Restrictions and Ineligibility

Among other determining factors, an inmate's numerical score, thus ESC level, can be rejected if a point score in one area of evaluation is inordinately high or low, therefore affecting the ESC level; the seriousness of an institutional infraction or a significant recent decrease in an area of evaluation warrants a lower ESC level; extraordinary improvement in one or more areas of evaluation warrants a higher ESC level; or a lack of program availability inordinately affects an ESC level. Additional score criteria are considered for inmates with special medical, mental or other needs/limitations.

An inmate who refuses assignment to a work, academic, vocational or treatment program is ineligible for earned sentence credits. Inmates who meet the criteria for Substance Abuse Therapeutic Community program assignments, but who either refuse to participate or are removed from the program for unsatisfactory participation, will be reduced to Class Level IV, and unable to earn credits.

Inmates confined in isolation are ineligible to earn credit during that period and those confined to segregation are not eligible to advance to Class Level I. While incarcerated as a youthful offender, inmates do not earn ESC. Any inmate committing a felony or misdemeanor while in confinement, or an escapee returned to confinement, is ineligible for ESC for 12 months. Inmates serving life imprisonment cannot earn ESC. An inmate who fails or refuses to provide a DNA blood sample will not be eligible to earn ESC until such time the sample is provided.

Loss and Restoration of Credit

An inmate may lose up to 30 days good-conduct time allowance or equivalent earned sentence credits (4.5 days) per disciplinary infraction, once found guilty. Except for the offense of not providing a requested DNA sample, an inmate cannot request restoration of good time revoked after September 1, 2000.

Relevant Sentencing Reforms

Truth in Sentencing- Effective January 1, 1995, Virginia adopted truth in sentencing and abolished discretionary parole. From that date forward, persons convicted of a felony offense may be awarded earned sentence credit; however, such credit may only reduce an offender's sentence by a maximum of 15 percent.

Three-Strikes- In 1994, Virginia enacted its three-strikes law whereby an offender convicted three times of murder, kidnapping, robbery, carjacking, sexual assault, or conspiracy to commit any of these is sentenced to a mandatory life term in prison without the possibility of parole.

West Virginia

Time Off for Good Behavior/Program Participation

The West Virginia Division of Corrections allows eligible adult inmates to be granted commutation (good time) from their sentences for good conduct.

Good time is deducted from the maximum term(s) of an inmate's indeterminate sentence or from the fixed term of a determinate sentence. Inmates receive a minimum discharge date, as if they served the full time necessary to expire their sentence. The actual discharge date is determined by the actual amount of good time earned while physically incarcerated. Inmates may begin earning credits from the effective sentence date established by the court.

In addition, by statute, the commissioner of corrections may, with the approval of the governor, allow extra good time for inmates who perform exceptional work or service.

Calculating Credit

Eligible inmates who maintain a record of good conduct may be granted one day of good-time credit for each day he or she is incarcerated in a Division of Corrections facility or in a jail, including any and all days in jail awaiting sentencing. Therefore, officials note, it may amount to being one-half of an inmate's maximum sentence.

Class Determination, Restrictions and Ineligibility

Inmates sentenced to serve life are ineligible to earn or receive good time. No inmate is granted good time for time served on parole.

Consecutive Sentences

An inmate under two or more consecutive sentences shall be allowed good time if the several sentences — when the maximum terms thereof are added together — were all one sentence.

Loss and Restoration of Credit

The commissioner of corrections has the authority to promulgate separate conduct rules for each institution, procedures for determining the guilt or innocence of inmate charged with violating such rules, and the sanctions which may be imposed. For each rule violation, any part or all of the good time which has been granted may be revoked by an institution's superintendent or warden, who also may restore any good time forfeited with the approval of the commissioner, provided the inmate remains free of disciplinary violations for one year prior to any recommendation for restoration.

Upon a finding by the court that an inmate's civil action against the division is frivolous, malicious or intended to harass the party against whom the civil action is brought, or that the inmate knowingly testified falsely or otherwise knowingly presented false evidence or information to the court, the court may order that the inmate forfeit earned good-time credit. A court may take additional evidence to determine the appropriate amount of good-time credit to be forfeited.

Current Good-Time Credit Policies in Southern States

State	Sentence Reduction Credit Available	Maximum Credit Available	Have Provisions for:		Good Time Applies to:		Revocation	Restoration
			Good/Earned Time	Meritorious Good Time	Parole Eligibility Date	Discharge Date		
Alabama	yes	75 days deduction per 30 days served	up to 75 days	none	no	yes	in whole or in part	in whole or in part
Arkansas	yes	30 days per month	up to 30 days	none	yes		in whole or in part	in whole or in part
Florida	yes	10 days per month, with separate, one-time meritorious and education awards available	up to 10 days	from 1 to 60 days per act	no	yes	in whole or in part	in whole or in part
Georgia	no	NA	NA	NA	NA	NA	NA	NA
Kentucky	yes	15 days per month, with separate, one-time education awards available	up to 10 days per month, only up to one-fourth of total sentence	up to five days per month	no	conditional release date	in whole or part, but with exceptions for education credit	in whole or part, but only after a minimum of 6 months
Louisiana	yes	30 days per month for non-violent offenders, in lieu of incentive wages; may also earn up to 180 days total in education credit	up to 30 days per month	none	mandatory parole date	no	in whole or in part	once revoked, good time may not be restored
Maryland	yes	20 days per month through good conduct, diminution and special project credit	up to 20 days per month	none	no	yes	in whole or in part	in whole or part, with conditions reflecting an inmates' release eligibility
Mississippi	yes	15 percent sentence reduction plus 10 days per month trusty earned time and up to 180 days MET credit	up to 10 days per month for certain inmates; up to 180 days total for completion of certain programs	credit amount awarded at discretion of governor	yes	yes	in whole or in part	once revoked, earned time may not be restored

Current Good-Time Credit Policies in Southern States

	Sentence Reduction Credit Available	Maximum Credit Available	Provisions for:		Good Time Applies to:		Revocation	Restoration
			Good/Earned Time	Meritorious Good Time	Parole Eligibility Date	Discharge Date		
Missouri	yes	up to two calendar months for each year of sentence	up to two months a year	none		conditional release date	in whole or in part	information not made available
North Carolina	yes	6 days per month, with an additional meritorious credit available	up to 6 days per month	at the discretion of director, within set limits	no	yes	in whole or in part	in whole or in part
Oklahoma	yes	up to 44 days per month; additional achievement, meritorious or emergency time credit	up to 44 days per month	up to 100 days for each act	no	yes	earned or achievement credits may be revoked in whole or in part	in whole or part if inmate has 12 months clear conduct; no restoration for frivolous or malicious lawsuits
South Carolina	yes	up to 35 days per month through good time and work and education credit	up to 20 days per month	none	earned time	good time	in whole or part	information not made available
Tennessee	yes	up to 16 days per month in behavior and program credit	up to 8 days per month	none	yes	no	in whole or in part	once revoked, credits cannot be restored
Texas	yes	up to 45 days per 30 days served	up to 30 days conduct and 15 days program credit per 30 days served	none	yes	no	in whole or in part	once revoked, credits cannot be restored
Virginia	yes	up to 4.5 days per 30 days served	up to 4.5 days per 30 days served	none	no	yes	up to 4.5 days per disciplinary infraction	cannot be restored unless related to DNA infraction
West Virginia	yes	one day credit for one day served	one day for a day	at discretion of the commissioner	no	yes	in whole or in part	only if inmate has clear conduct

Report Summary and State Feedback

The majority of Southern states' departments of corrections provide good-time credit, whereby inmates' sentences may be reduced for good behavior, program participation and/or outstanding acts. However, states' policies in this area differ significantly in what types of credit are available, eligibility requirements, and in what increments good-time credit may be awarded. Such differentiation may also be found within certain states, as separate classes of inmates — determined by such factors as the date and nature of offense or sentence, custody level or other variables — qualify for, or are restricted from, earning good time.

This information was compiled directly from respective state statute and/or corrections policies and procedures. In addition, corrections officials in all 16 SLC states were sent surveys to gauge various aspects of their good-time policies and asked related questions in this area. While all states provided information on their good-time policies, many elaborated in other areas, such as historical good-time trends, the credit's effectiveness as a managerial tool, and the challenges encountered in its application.

Good Time as a Management Tool

Based on historical information provided by Southern states' corrections departments, inmates' total good-time possibilities have been somewhat reduced in recent years, with sentencing reforms such as mandatory-minimum sentencing, truth in sentencing, three-strikes laws and other "get-tough" measures further limiting their availability and applicability. Good-time proponents may argue that this reduction in the potential for earning the credit decreases its effectiveness as a management tool as inmates may be less compelled to serve their sentences in good conduct and participate in prison programs. Opponents of good time may champion its limitations, as offenders — especially those with violent or habitual records — will be required to serve more of their sentence as parole board and administrative discretion is further restricted in determining inmates' actual release dates. Regarding the role of good-time credit in prison management, the responses were varied:

- ▶ Maryland officials responded that the awarding of good time encourages inmates to adhere to institutional rules and regulations, thus serving as an effective management tool;
- ▶ Missouri officials noted that, although they offer good-time credit, due to infrequent award recommendations, it is seldom applied. Because of this, the department does not rely on the credit as an effective management tool. Officials also responded that it does not significantly impact inmates' behavior or sentence length; and

- ▶ West Virginia officials responded that the granting of good time encourages good behavior in some inmates.

State Challenges

It is not uncommon for states' corrections systems to operate under two, three or more separate good-time systems, each affecting a different class or level of offender, which is determined by the law in effect at the time of an inmate's commission of an offense or sentencing date. With good-time laws and policies, as well as related administrative practices, frequently changing, the calculation and filing of such credit has become more complex, and projecting the actual amount of time an inmate spends in prison may be challenging. Additionally, once good-time credit is calculated, there remains the possibility that it may be revoked and/or restored (in whole or in part) for disciplinary infractions, class-level changes or other factors, making the accurate calculation of good time more complicated. When asked to cite their biggest problems or challenges associated with good-time policies, the responses from Southern states' corrections officials mostly centered in this area:

- ▶ According to Maryland officials, their biggest challenge is the technical complexity of commitment management (differing good-conduct policies for inmates' respective sentencing dates). This complexity has increased over the past decade, they added, due to legislative changes and court decisions;
- ▶ Oklahoma officials noted that major changes in the earned-credit statute in 1976 and 1988, along with minor adjustments each year

following, have resulted in a complex system whereby one offender can earn credits under three earned-credit laws. Noting these revisions, those responding stated that if policies reflect credits as a privilege and not a right, then credits can be used to modify and encourage behavior. "Placing an inmate on Level 1 (no credits) for rule violations leaves no doubt as to our expectations of behavior."

- ▶ Tennessee officials cited administering the different calculation processes of behavior and program credits as their biggest challenge;
- ▶ Virginia officials, in citing changes in laws governing time computation, acknowledged that their sentencing and good-time awards are complex, with inmates serving under three different good-time systems; and
- ▶ West Virginia officials noted that calculating good-time credit is time consuming for staff, with disagreements over calculating accumulated credit often surfacing. Contributing to the difficulty, they added, is the fact that time calculations are done manually (as no automated program exists), which may allow for human error.

Recent Revisions and Future Planning

Several Southern states' corrections departments responded that they — based on legislative or administratively-approved action — have recently implemented, or have plans to implement, revised good-time policies in the near future:

- ▶ Oklahoma has recently (March 2000) revised its good-time system, implementing a new policy tying privileges, job status and program status to the earned credit level system in order to keep credits from being the only means of incentive;
- ▶ Alabama officials responded that there are plans to draft a new, revised correctional incentive time plan for 2002; and
- ▶ North Carolina officials expect to implement in 2001 a system of awarding graduated incentives to inmates for good behavior, work and program involvement. The proposed Inmate Incentives System is based on a grid of incentive levels and incentive types such as earned time credits, incentive wages, and privileges such as visitation, telephone access, trust fund draw and amount of merit time available.

Future Research

While this report focuses on Southern states' good-time policies, regrettably, systematic reviews or scholarly attention of the application and effects of good-time credit are few. Expressing their desire to obtain other relevant information, report contributors stated they would like to see future research focus on such areas as good-time's usefulness in controlling prison environments, impact on sentence length, effectiveness in rehabilitating offenders or preventing recidivism and relationship with sentencing and/or parole recommendations and practices. Other areas of research requested include the utilization and understanding of good time by corrections officials, the actual operation of good-time systems, and the risks good-time releases pose to the community. 

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A special thanks is extended to everyone who assisted in gathering and verifying the information for this report in each respective SLC state. Please note that officials' comments found throughout the report are not necessarily attributable to the following individuals:

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