

# Report on Parole & Good Time Statutes of Southern States

Alabama  
Arkansas  
Florida  
Georgia  
Kansas  
Kentucky  
Louisiana

Mississippi  
Missouri  
New Mexico  
North Carolina  
Oklahoma  
South Carolina  
Tennessee  
Texas

# TABLE OF CONTENTS

<b>ALABAMA PAROLE STATUTES</b>	2
<u>§ 15-22-26 Grounds for Release on Parole</u>	3
<u>§ 15-22-27 Pardon or parole of person having death sentence commuted to life imprisonment</u>	3
<u>§ 15-22-27.1 Parole of person convicted of certain felonies or attempts and having been previously convicted of felonies or attempts resulting in serious physical injury</u>	3
<u>§ 15-22-27.2 Parole of persons sentenced to life imprisonment upon second convictions of Class A felonies</u>	3
<u>§ 15-22-27.3 Parole of persons convicted of sex offense involving a child – PROPOSED LEGISLATION</u>	4
<u>§ 15-22-28 Investigation for parole; cooperation with Board of Corrections; temporary leave; restrictions on paroling; minimum sentence to be served prior to eligibility for parole</u>	4
<u>§ 15-22-29 Conditions of parole; adoption of rules concerning conditions</u>	5
<u>§ 15-22-31 Warrant for retaking parolee; arrest without warrant; execution of warrant and fees thereafter</u>	6
<u>§ 15-22-32 Parole court; hearing officers</u>	6
<u>§ 15-22-33 Discharge from parole; permission to leave state or country</u>	6
<u>§ 14-8-7 Good time</u>	7
<u>§ 14-8-38 Eligibility of inmates for good time credit</u>	7
<u>§ 14-9-41 Computation of incentive time deductions – PROPOSED LEGISLATION</u>	7
<b>ARKANSAS PAROLE STATUTES</b>	11
<u>§ 16-93-609 Effect of more than one conviction for certain felonies</u>	12
<u>§ 16-93-610 Computation of sentence</u>	12

<u>§ 16-93-612 Parole Eligibility—Date of offense – PROPOSED LEGISLATION</u>	12
<u>§ 16-93-613 Parole eligibility—Class Y, Class A, or Class B felonies</u>	13
<u>§ 16-93-614 Parole Eligibility—Offenses committed after January 1, 1994</u>	13
<u>§ 16-93-615 Parole eligibility procedures—Offenses committed after January 1, 1994 – AMENDED by 2013 Arkansas Laws Act 485 (S.B. 259)</u>	14
<u>§ 16-93-616 Parole Eligibility Procedures—Offenses committed after January 1, 1994—Computation of sentence</u>	16
<u>§ 16-93-617 Parole Eligibility Procedures—Offenses committed after January 1, 1994—Revocation of transfer</u>	16
<u>§ 16-93-618 Parole Eligibility—Certain Class Y felony offense and certain methamphetamine offenses—Seventy percent crimes – PROPOSED LEGISLATION – AMENDED by Arkansas Laws Act 132 (S.B. 242)</u>	16
<u>§ 16-93-701 Authority to grant and parameters</u>	18
<u>§ 16-93-702 Procedures—Required recommendations</u>	18
<u>§ 16-93-703 Procedures—Place of hearings</u>	18
<u>§ 16-93-704 Notice to law enforcement personnel and committing court</u>	18
<u>§ 16-93-708 Parole alternative—Home detention – AMENDED by 2013 Arkansas Laws Act 1335 (H.B. 1350)</u>	18
<u>§ 16-93-709 Sex offender may not reside with minors</u>	19
<u>§ 16-93-710 Parole for inmates who have served their term of imprisonment in a county jail prior to being processed into the Department of Corrections</u>	19
<u>§ 16-93-711 Parole alternatives—Electronic monitoring of parolees – AMENDED by 2013 Arkansas Laws Act 1335 (H.B. 1350)</u>	19
<u>§ 16-93-712 Parole supervision –AMENDED by 2013 Arkansas Laws Act 1415 (S.B. 860)</u>	20
<u>§ 16-93-705 Revocation—Procedures and hearings generally AMENDED by 2013 Arkansas Laws Act 130 (H.B. 1253)</u>	22

<u>§ 16-93-206 Parole revocation review –Jurisdiction</u>	23
<u>§ 12-29-201 Meritorious good time</u>	23
<u>§ 12-29-202 Classification committee –Classifications</u>	23
<u>§ 12-29-203 Loss and restoration</u>	24
<u>§ 12-29-204 Statutory good time</u>	24
<u>§ 12-29-205 Earning time pending transfer</u>	24
<b>FLORIDA PAROLE STATUTES</b>	26
<u>§ 921.22 Determination of exact period of imprisonment by Parole Commission</u>	27
<u>§ 947.1405 Conditional release program- PROPOSED LEGISLATION</u>	27
<u>§ 947.149 Conditional medical release</u>	27
<u>§ 947.16 Eligibility for parole; initial parole interviews; powers and duties of commission – PROPOSED LEGISLATION</u>	27
<u>§ 947.165 Objective parole guidelines – PROPOSED LEGISLATION</u>	30
<u>§ 947.168 Consideration for persons serving parole-eligible and parole-ineligible sentences</u>	30
<u>§ 947.1405 Conditional release program</u>	33
<u>§ 947.1405 Child Sexual Crime Special Conditions of Release</u>	34
<u>§ 947.147 Victim restitution as condition of control release</u>	36
<u>§ 947.149 Conditional medical release</u>	36
<u>§ 947.18 Conditions of parole</u>	41
<u>§ 947.181 Fines, fees, restitution, or other costs ordered to be paid as conditions of parole</u>	42
<u>§ 947.185 Application for intellectual disability services as condition of parole – PROPOSED LEGISLATION</u>	42

<u>§ 947.19 Terms of parole</u>	42
<u>§ 947.141 Violations of conditional release, control release, or conditional medical release or conditional medical release or addiction-recovery supervision – PROPOSED LEGISLATION</u>	42
<u>§ 947.21 Violations of parole</u>	43
<u>§ 947.22 Authority to arrest parole violators with or without warrant</u>	43
<u>§ 947.173 Review of presumptive parole release date</u>	43
<u>§ 947.174 Subsequent interviews – PROPOSED LEGISLATION</u>	43
<u>§ 947.24 Discharge from parole supervision or release supervision – PROPOSED LEGISLATION – effective July 1, 2001</u>	45
<u>§ 951.21 Gain-time for good conduct for county prisoners</u>	45
<u>§ 944.275 Gain-time</u>	46

## **GEORGIA PAROLE STATUTES** 50

<u>§ 17-10-16 Sentence of death, life imprisonment without parole, or life imprisonment; ineligibility for parole, work release, or leave programs – PROPOSED LEGISLATION</u>	51
<u>§ 42-9-39 Restrictions on relief for person serving a second life sentence</u>	51
<u>§ 42-9-40 Parole guideline system</u>	51
<u>§ 42-9-42 Vote required to extend clemency; written opinions; prerequisites to probation, pardon or parole; terms and conditions; status of parolees; peonage forbidden-PROPOSED LEGISLATION</u>	51
<u>§ 42-9-42.1 HIV testing for persons eligibility for clemency, pardon, parole, or other relief from sentence; conditions imposed where person determined to be infected</u>	52
<u>§ 42-9-45 General rule making power</u>	52
<u>§ 42-9-42.1 Use of HIV test results in granting relief from sentence; condition</u>	54

<u>§ 42-9-43 Information to be used by board in considering cases. Disposition of prisoners – PROPOSED LEGISLATION effective July 1, 2013</u>	55
<u>§ 42-9-44 Terms of parole; imposition of rules; penalty for violation; obtaining high school diploma or general education development (GED) diploma</u>	55
<u>§ 42-9-44.3 Community service as condition of parole or as alternative to revocation of parole</u>	56
<u>§ 42-9-48 Arrest of parolee or conditional release violating terms of parole or release</u>	56
<u>§ 42-9-50 Preliminary hearing</u>	57
<u>§ 42-9-51 Final hearing; finding of board; conviction of crime</u>	57
<u>§ 42-9-52 Time of discharge from parole. Granting privileges to, and pardoning, parolee</u>	58
<u>§ 42-9-54 Relief from disabilities; conditional pardons forbidden</u>	58
<u>§ 42-9-56 No power of Governor to grant pardons and paroles</u>	58
<u>§ 42-4-7 Record of inmates to be kept; earned allowances – PROPOSED LEGISLATION</u>	59
<u>§ 42-5-100 Persons to whom earned-time allowance not applicable</u>	59

## **KANSAS PAROLE STATUTES** 62

<u>§ 22-3717 Parole or postrelease supervision; eligibility; interviews, notices and hearings; rules and regulations; conditions of parole or postrelease supervision – AMENDED by 2013 Kansas Laws Ch. 76 (H.B. 2170) – PROPOSED LEGISLATION</u>	63
<u>§ 44-6-114c Parole eligibility computation</u>	71
<u>§45-700-2 Review and consideration of application for release</u>	72
<u>§ 22-3712 Placement in diagnostic or treatment facility as condition of release</u>	74
<u>§ 22-3713 Prisoner review board; hearings; personnel and accounting</u>	75

<u>services— Amended by 2013 Kansas Laws Ch. 76 (H.B. 2170)</u>	
<u>§ 22-3716 Arrest for violating condition of probation, assignment to community corrections, suspension of sentence or nonprison sanction; procedure; time limitation on issuing warrant; limitations on serving sentence in department of corrections’ facility or serving period of postrelease supervision exceptions – AMENDED by 2013 Kansas Laws Ch. 76 (H.B. 2170)</u>	75
<u>§ 22-3718 Conditional release; notice</u>	77
<u>§ 22-3727 Secretary of corrections; prior to release; information to victim</u>	77
<u>§ 22-3727a Notification to victims of the escape or death of certain committed defendants or inmates; when</u>	77
<u>§ 22-3728 Functional incapacitation release; procedures; notice; conditions; supervision upon release – PROPOSED LEGISLATION</u>	77
<u>§ 22-3729 Terminal medical release; procedures; notice; conditions; revocations; supervision upon release</u>	78
<u>§ 45-1000-1 Restitution</u>	78
<u>§ 45-400-3 Release</u>	78
<u>§ 45-400-4 Deferred release</u>	78
<u>§ 75-5217 Violation of conditions of release; notice to appear or arrest, procedure; detention; hearing and order of the board, rules and regulation—Amended by 2013 Kansas Law Ch. 76 (H.B. 2170)</u>	79
<u>§ 22-3722 Service on parole, conditional release and postrelease supervision; discharge; restoration of civil rights</u>	80
<u>§ 44-6-101 Definitions</u>	80
<u>§ 21-6821 Good time and program credits; calculation; forfeiture; rules and regulations of secretary—AMENDED by 2013 Kansas Laws Ch. 76 (H.B. 2170)</u>	80
<u>§ 44-6-101 Definitions</u>	82
<u>§ 44-6-114e Guidelines release date</u>	82

<b>KENTUCKY PAROLE STATUTES</b>	<b>89</b>
<u>§ 439.331 Risk and needs assessment of criminal risk factors of parole-eligible inmates</u>	90
<u>§ 439.335 Scientific means of personality analysis to be used to establish level, intensity, terms, and conditions of supervision</u>	90
<u>§ 439.340 Parole of prisoners confined in adult penal or correctional institutions – PROPOSED LEGISLATION</u>	90
<u>§ 439.3401 Parole for violent offenders; applicability of section to victim of domestic violence or abuse; time of offense; prohibition against award of credit – Bryan Durman Act – Approved March 22, 2013</u>	91
<u>§ 439.3403 Reconsideration of parole of inmate given deferment or serve-out longer than 60 months; exceptions; hearings</u>	92
<u>§ 439.3405 Parole of prisoners with documented terminal medical conditions; hearings</u>	93
<u>§ 439.3406 Mandatory reentry supervision for inmate got granted discretionary parole six months prior to expiration of sentence; exceptions; terms of supervision; no credit for time absconding; report – Amended by 2013 Kentucky Laws Ch. 69 (SB 78)</u>	93
<u>§ 439.3407 Conditional parole of state inmates to be served in local facility; administrative regulations; work release</u>	93
<u>§ 439.470 Powers and duties of commissioner</u>	94
<u>§ 439.3408 Department to approve any acceptable housing for parolees</u>	95
<u>§ 439.342 Retention of prisoner on parole</u>	95
<u>§ 439.348 Paroled prisoner under supervision of department; cessation</u>	95
<u>§ 439.341 Preliminary revocation hearing of probation, parole, and post incarceration supervision violators</u>	95
<u>§ 439.44 Effect of parole on sentence; exceptions</u>	95
<u>§ 439.430 Parole officer may arrest parolee or person subject to post incarceration supervision, when; detention; report to commissioner; return</u>	96



<u>of prisoner to prison; prisoner for whose return a warrant has been issued to be deemed a fugitive from justice; effect of violation on parole</u>	
<u>§ 439.440 Prisoner returned to prison for violation of release to be heard by board; time</u>	96
<u>§ 439.354 Final discharge of paroled prisoner; conditions</u>	96
<u>§ 439.356 Final discharge; effect</u>	96
<u>§ 439.358 Final discharge provisions; application</u>	96
<u>§ 197.045 Credit on sentence for prior confinement, educational accomplishment, good behavior, or meritorious service; requirement of completion of sex offender treatment program for eligible sexual offenders; forfeiture of credit for certain dismissals of inmates' civil actions – AMENDED by 2013 Kentucky Laws Ch. 69 (SB 78)</u>	96
<u>§439.345 Compliance credits for parolees; administrative regulations</u>	99
<b>LOUISIANA PAROLE STATUTES</b>	<b>100</b>
<u>15:574.4 Parole Eligibility</u>	101
<u>574.4.1 Parole consideration and hearings</u>	103
<u>574.20 Medical parole program; eligibility; revocation</u>	103
<u>574.4.2 Decisions of parole committee; nature, order, and conditions of parole; rules of conduct; infectious disease testing</u>	106
<u>15:574.4.3 Parole requirements for certain sex offenders</u>	108
<u>15:574.6 Parole term and automatic discharge</u>	108
<u>15:574.8 Summary arrest of parolees</u>	108
<u>15:574.9 Revocation for violation of condition</u>	108
<u>574.10 Conviction of a felony while on parole</u>	109
<b>MISSISSIPPI PAROLE STATUTES</b>	<b>118</b>
<u>§ 47-7-3 Parole eligibility</u>	119

<u>§ 47-7-4 Certain medical release</u>	119
<u>§ 47-7-17 Consideration of parole</u>	119
<u>§ 47-7-35 Permissible conditions of post-release supervision</u>	120
<u>§ 47-7-34 Post-release supervision</u>	120
<u>§ 47-7-27 Parole revocation</u>	120
<u>§ 47-7-29 Effect of felony while on parole</u>	121
<u>§ 47-5-138 Earned time allowance; earned release supervision</u>	121
<u>§ 47-5-139 Earned time allowance; eligibility; forfeiture</u>	121
<u>§ 47-5-142 Operation of meritorious earned time incentives</u>	121
<b>MISSOURI PAROLE STATUTES</b>	123
<u>§ 558.011 Conditional release terms; eligibility</u>	124
<u>§ 558.018 Parole requirements for “predatory sexual offenders”</u>	124
<u>§ 217.690 Parole considerations; parole eligibility for first degree murder and consecutive sentences; educational requirements; minimum hearing procedures including victim attendance</u>	124
<u>§ 558.019 Minimum sentences for prior felony imprisonment; minimum for dangerous felonies</u>	125
<u>§ 217.725 Parole release to answer warrant</u>	125
<u>§ 217. 695 Parolee registration of information and identification; change of residence</u>	125
<u>§ 217.735 Lifetime supervision of certain sex offenders</u>	126
<u>§ 558.031 Parole violation, authority to revoke</u>	126
<u>§ 217.718 Temporary detention for parole violation</u>	126
<u>§ 217.720 Warrant for arrest of parolee in violation of condition; hearing to determine violation; revocation</u>	127

<u>§ 558.046 Reduction of term of parole, conditional release</u>	127
<u>§ 217.703 Compliance credits of parolee; reduction of parole term</u>	128
<u>§ 558.041 Good time credits</u>	128
<b>NEW MEXICO PAROLE STATUTES</b>	130
<u>§ 31-21-25 Powers and duties of the board in granting, denying, and revoking parole</u>	131
<u>§ 31-21-10 General eligibility</u>	131
<u>§ 31-21-11 Parole for treatment</u>	132
<u>§ 31-21-25.1 Medical and geriatric parole program</u>	132
<u>§ 31-21-27 Early release for drug court program</u>	133
<u>§ 31-21-10.1 Sex offenders; parole considerations, terms and conditions</u>	133
<u>§ 31-21-14 Return of parole violator</u>	134
<u>§ 33-2-34 Eligibility for earned meritorious deductions</u>	135
<u>§ 33-2-36 Forfeiture of earned meritorious deductions</u>	136
<u>§ 33-2-37 Restoration of forfeited meritorious deductions</u>	137
<b>NORTH CAROLINA PAROLE STATUTES</b>	138
<u>§ 15A-1371 Parole eligibility; consideration; refusal; separate parole eligibility for impaired driving</u>	139
<u>§ 148-60.1 Allowances for paroled prisoner</u>	140
<u>§ 15A-1374 Conditions of parole</u>	141
<u>§ 15A-1375 Commencement of parole; multiple sentences</u>	142
<u>§ 15A-1373 Incidents of parole - revocation</u>	142
<u>§ 15A-1340.19D Incidents of parole – life sentence</u>	142

<u>§ 15A-1376 Arrest for violation; parole revocation hearings</u>	142
<u>§§ 15A-1340.13(d) and 15A-1340.20(d) Earned credit for offenses authorized</u>	143
<u>§ 148-13 Rates and circumstances of earned credit - administrative duty to adopt</u>	143
<b>OKLAHOMA PAROLE STATUTES</b>	144
<u>57 § 332 Power of governor to grant parole</u>	145
<u>21 § 13.1 Required service of minimum percentage of sentence</u>	145
<u>57 § 332.7 Consideration for parole</u>	145
<u>57 § 332.7a Parole eligible offenders and dangerous substances</u>	146
<u>57 § 354 Study of prisoner for consideration and recommendation for parole</u>	146
<u>57 § 332.8 Conditions for parole, employment and residence assistance</u>	146
<u>57 § 332.20 Data collection/tracking in the first three years of parole release</u>	147
<u>57 § 350 Deduction from sentence of time spent on parole; revocation of parole</u>	147
<u>57 § 349.3 Rights of parolee</u>	147
<u>57 § 20 Credit for work performed in a local prison</u>	147
<u>57 § 65 Credit for good behavior, donating blood</u>	148
<b>SOUTH CAROLINA PAROLE STATUTES</b>	149
<u>§ 24-21-610 Eligibility for parole generally; violent crime; medical; evaluation of mental conditions</u>	150
<u>§ 24-13-100 No parole offenses</u>	150
<u>§ 24-13-150 Early release for a “no parole offense”</u>	150

<u>§ 24-21-620 Effect of time served on minimum for eligibility</u>	151
<u>§ 24-21-635 Earned work credits</u>	151
<u>§ 24-21-620 Board review of parole</u>	151
<u>§24-21-640 Board general considerations; second or subsequent conviction for violent crimes</u>	151
<u>§ 24-21-700 Special parole of persons needing psychiatric care</u>	151
<u>§ 24-21-715 Parole for terminally ill, geriatric, or permanently disabled inmates</u>	151
<u>§ 24-21-645 General condition requirements for parole</u>	152
<u>§ 24-21-650 Subjugation to conditions, board's jurisdiction</u>	152
<u>§ 24-21-670 Term of parole</u>	152
<u>§ 24-21-680 Violation of and revocation of parole</u>	153
<u>§ 24-21-690 Release</u>	153
<u>§ 24-13-210 Good behavior credit</u>	153
<u>§ 24-13-220 Good conduct credits in cases of commuted or suspended sentences</u>	153
<u>§ 24-13-230 Reduction of sentence for productive duty assignment or participation in academic, technical, or vocational training program</u>	154
<b>TENNESEE PAROLE STATUTES</b>	<b>155</b>
<u>§ 40-35-501 Parole eligibility calculations</u>	156
<u>§ 40-28-115 Parole eligibility</u>	156
<u>§ 40-28-116 Release</u>	158
<u>§ 40-28-117 Grounds and terms of release</u>	158
<u>§ 40-28-601 Supervision of parolee</u>	159

<u>§ 40-28-121 Parole violations - arrests; procedures</u>	159
<u>§ 40-28-122 Parole violations – hearings; appointment of attorneys</u>	159
<u>§ 40-28-123 Felonies committed during parole</u>	160
<u>§ 40-28-607 Report of parole violation; delinquency</u>	160
<u>§ 40-28-608 Relief from further reports; permission to leave state or county</u>	160
<u>§ 40-28-609 Final discharge of parolee</u>	160
<b>TEXAS PAROLE STATUTES</b>	<b>161</b>
<u>§ .. Classification and Reclassification</u>	162
<u>§ 499.025. Award of Administrative Good Conduct Time; Advancement of Parole Eligibility Date</u>	162
<u>§ 499.027. Eligible Inmates</u>	162
<u>§ 508.002. Clemency, Commutation Distinguished</u>	163
<u>§ 508.045. Parole Panels – PROPOSED LEGISLATION</u>	163
<u>§ 508.046. Extraordinary Vote Required</u>	164
<u>§ 508.117. Victim Notification – PROPOSED LEGISLATION</u>	164
<u>§ 508.141. Authority to Consider and Order Release on Parole</u>	164
<u>§ 508.142. Period of Parole</u>	164
<u>§ 508.145. Eligibility for Release on Parole; Computation of Parole Eligibility Date – AMENDED by 2013 Tex. Sess. Law Serv. Ch. 126 (S.B. 727)</u>	165
<u>§ 508.146. Medically Recommended Intensive Supervision – PROPOSED LEGISLATION</u>	166
<u>§ 508.150. Consecutive Felony Sentences</u>	167
<u>§ 508.151. Presumptive Parole Date</u>	167
<u>§ 508.153. Statements of Victim</u>	167

<u>§ 508.1531. Contact with Victim</u>	167
<u>§ 508.154. Contract on Release</u>	169
<u>§ 508.156. Determinate Sentence Parole</u>	169
<u>§ 508.157. Temporary Housing on Release</u>	169
<u>§ 508.184. Controlled Substance Testing</u>	170
<u>§ 508.185. Substance Abuse Treatment</u>	170
<u>§ 508.186. Sex Offender Registration</u>	170
<u>§ 508.1861. Prohibitions on Internet Access for Certain Sex Offenders</u>	170
<u>§ 508.187. Child Safety Zone</u>	171
<u>§ 508.188. Community Service for Certain Releasees</u>	171
<u>§ 508.189. Parole Fee for Certain Releasees</u>	171
<u>§ 508.190. Avoiding Victim of Stalking Offense</u>	171
<u>§ 508.192. Reentry Into the United States Prohibited</u>	171
<u>§ 508.221. Conditions Permitted Generally</u>	172
<u>§ 508.222. Payment of Certain Damages</u>	172
<u>§ 508.223. Psychological Counseling</u>	172
<u>§ 508.224. Substance Abuse Counseling</u>	172
<u>§ 508.225. Child Safety Zone</u>	172
<u>§ 508.226. Orchiectomy as Condition Prohibited</u>	173
<u>§ 508.227. Electronic Monitoring of Certain Members of Criminal Street Gang</u>	173
<u>§ 498.0042. Forfeiture for Contacting Victims</u>	174
<u>§ 499.026. Release Procedure</u>	174

<u>§ 508.0441. Release and Revocation Duties</u>	174
<u>§ 508.115. Notification of Release of Inmate – PROPOSED LEGISLATION</u>	175
<u>§ 508.155. Completion of Parole Period</u>	175
<u>§ 498.003. Accrual of Good Conduct Time</u>	175
<u>§ 498.005. Annual Review of Classification; Retroactive Award of Good Time</u>	176
<u>§ 498.004. Forfeiture and Restoration of Good Conduct Time</u>	176
<u>§ 498.0045. Forfeiture of Good Conduct Time: Frivolous Lawsuits</u>	177



# Report on Parole & Good Time Statutes of Southern States

Alabama  
Arkansas  
Florida  
Georgia  
Kansas  
Kentucky  
Louisiana

Mississippi  
Missouri  
New Mexico  
North Carolina  
Oklahoma  
South Carolina  
Tennessee  
Texas

# **ALABAMA PAROLE STATUTES**

# **ALABAMA**

## **Ala. Code**

### ***1. ELIGIBILITY OF PAROLE***

#### **§ 15-22-26 Grounds for Release on Parole**

Alabama does not allow a prisoner to be released “merely for a reward for good conduct or efficient performance of duties assigned in prison.” The Board of Pardons and Paroles decides whether there is reasonable probability that, if released, the prisoner will “live and remain at liberty without violating the law,” and that the prisoner’s “release is not incompatible with the welfare of society.” If the Board of Pardons and Paroles decides the prisoner is paroled, the prisoner has to follow the terms and conditions of their parole and is still in the legal custody of the warden of the prison until the end of the maximum term specified in his sentence or until the prisoner is fully pardoned. (Ala. Code § 15-22-26).

#### **§ 15-22-27 Pardon or parole of person having death sentence commuted to life imprisonment**

A person whose death sentence has been commuted by the Governor is not eligible for pardon unless sufficient evidence is presented to the Board of Pardons and Paroles to satisfy the Board that the person is innocent of the crime. The Board votes unanimously to grant the person a pardon and the Governor then concurs and approves the pardon. A person whose death sentence has been commuted by the Governor is **not** eligible for parole. This statute does not deny any person with a commuted death sentence the right to apply to the courts of their state for a remedy that the person is entitled to under the laws of Alabama. (Ala. Code § 15-22-27).

#### **§ 15-22-27.1 Parole of person convicted of certain felonies or attempts and having been previously convicted of felonies or attempts resulting in serious physical injury**

If a person commits any of the following acts, and if the act results directly and proximately in serious physical injury to another, and if the commission of the act follows within five years a previous conviction of another felony, or attempted thereof, resulting in serious physical injury to another, the person may not be eligible for parole notwithstanding any law to the contrary:

- Murder
- Rape
- Robbery
- Assault with a deadly weapon

(Ala. Code § 15-22-27.1).

#### **§ 15-22-27.2 Parole of persons sentenced to life imprisonment upon second convictions of Class A felonies**

When a person is convicted of a Class A felony committed after a previous conviction of another Class A felony and the second Class A felony conviction results in life imprisonment, the prisoner will not be eligible for parole. (Ala. Code § 15-22-27.2).

1. Class A Felony Offenses found under (Ala. Code § 13A)

**§ 15-22-27.3 Parole of persons convicted of sex offense involving a child – PROPOSED LEGISLATION**

Any person convicted of a criminal sex offense involving a child under subdivision 5 of §15-20-21 which constitutes a Class A or B felony is **not** eligible for parole. (Ala. Code § 15-22-27.3).

**§ 15-22-28 Investigation for parole; cooperation with Board of Corrections; temporary leave; restrictions on paroling; minimum sentence to be served prior to eligibility for parole**

The Board of Pardons and Paroles investigates and determines whether a prisoner is eligible for parole. Reinvestigations can be made if the Board of Pardons and Paroles determines it should or at the request of the Board of Corrections. The Board of Pardons and Paroles and the Board of Corrections must cooperate to made this investigation and determination. A prison may be allowed a furlough to leave for Christmas if there is sufficient reason. Christmas furlough will not be granted to any prisoner convicted of:

- Drug peddling
- Child molestation or rape
- Or to any maximum security prisoner

A prisoner is released on parole with a majority vote of the Board. The Board must conclude the prisoner can be suitable employed or that he will not become a public charge if he is released. **The Board may only grant parole to a prisoner if the prisoner has either served 1/3 or 10 years of their sentence**, whichever is lesser, except by unanimous affirmative vote of the board. (Ala. Code § 15-22-28).

<b>Alabama Eligibility Based on Type of Offense/Offender</b>		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Murder* (§ 15-22-27.1)	Not eligible	NA
Attempted Murder* (§ 15-22-27.1)	Not eligible	NA
Rape* (§ 15-22-27.1)	Not eligible	NA
Attempted Rape* (§ 15-22-27.1)	Not eligible	NA
Robbery* (§ 15-22-27.1)	Not eligible	NA
Attempted Robbery* (§ 15-22-27.1)	Not eligible	NA
Assault with a deadly weapon* (§ 15-22-27.1)	Not eligible	NA

Attempted Assault with a deadly weapon* (§ 15-22-27.1)	Not eligible	NA
Criminal sex offense involving a child under 15-29-21(5) that classifies a Class A or B felony (§ 15-22-27.2)	Not eligible	NA
<b>Eligibility in Life Sentences § 15-22-27.2</b>		
<ul style="list-style-type: none"> <li>In all cases where criminal has been convicted of a Class A felony committed after a previous conviction of another Class A felony, and such second conviction in a sentence to imprisonment for life, he shall not be eligible for parole</li> </ul>		
<b>*Special Eligibility Requirements</b>		
<ul style="list-style-type: none"> <li>If, from the offense, there results the direct or proximate serious physical injury to another which follows 5 years a previous conviction of another felony, or attempted thereof, resulting from a serious physical injury to another, shall upon conviction serve such sentence as may be imposed without benefit of parole, notwithstanding any law to the contrary</li> </ul>		

2. **CONDITIONS OF PAROLE**

**§ 15-22-29 Conditions of parole; adoption of rules concerning conditions**

The Board of Pardons and Paroles must provide parolee written specifications of their parole. If the parolee violates these specifications the parolee may be arrested and re-imprisoned. The Board shall determine the general rules and conditions of parole based on the particular case. Examples of some rules:

1. Parolee shall not leave state without consent of the Board
2. Parolee shall continue to support his dependents to the best of his ability
3. Parolee shall make restitution for his crime
4. Parolee shall abandon all evils associated with his crime
5. Parolee shall comply with parole officer

(Ala. Code § 15-22-29).

**Alabama Conditions of Parole § 15-22-29**

<b>Requirements/Conditions</b>	<b>Requirements/General Rules (not exclusive list)</b>
(1) Board of Pardons will specify conditions of parole in writing	(1) cannot leave state without consent of board
(2) copy of those conditions are given to parolee	(2) contribute to support his dependents to best of ability
(3) violation of conditions may render prisoner liable to arrest and re-imprisonment	(3) make reparation or restitution for his crime
	(4) shall abandon evil associates and ways
	(5) carry out instructions of his parole officer and in general be available to parole office as parole officer determines

**3. REVOCATION OF PAROLE**

**§ 15-22-31 Warrant for retaking parolee; arrest without warrant; execution of warrant and fees thereafter**

If the parole officer of any member of the Board of Pardons and Paroles shall have reasonable cause to believe **that a prisoner has lapsed or is probably about to lapse** in any way associated with the terms of their parole the officer will make a report to the Department of Corrections and a warrant will be issued for the parolee. If the parole office requests an arrest, any officer may make a warrantless arrest of the parolee. (Ala. Code § 15-22-31).

**§ 15-22-32 Parole court; hearing officers**

If the Board of Parole and Pardons believes parolee have violated parole the Board will deem the parolee delinquent. Once the parolee is back in custody, a parole court will be held at the prison or at another place to determine and consider the case. A parole revocation hearing will then be conducted to determine the guilt of innocence of the parolee. Upon revocation of parole, the prisoner may have to serve the rest of the originally imposed prison sentence, calculated from the date of delinquency. (Ala. Code § 15-22-32).

**4. DISCHARGE FROM PAROLE**

**§ 15-22-33 Discharge from parole; permission to leave state or country**

The parolee will not be discharged from parole before the expiration of the full maximum term for which he was sentenced, unless the parolee is fully pardoned. The Board may determine is the parolee can leave the state or country. (Ala. Code § 15-22-33).

5. **DOS/GOOD TIME**

**§ 14-8-7 Good time**

Inmates are eligible for good time credit in the same manner as other inmates under the jurisdiction of the Board. (Ala. Code § 14-8-37).

**§ 14-8-38 Eligibility of inmates for good time credit**

County inmates are eligible for good time credit in the same manner as other inmates confined or detained in the county jail or other county correctional facilities. State inmates are eligible for good time credit in same manner as other inmates confined or detained in state or other state correctional facilities. (Ala. Code § 14-8-38).

**§ 14-9-41 Computation of incentive time deductions – PROPOSED LEGISLATION ELIGIBILITY:**

- Each prisoner, excluding those who have a life sentence, who is confined to hard labor against the laws of Alabama, is eligible for deduction from the term of their sentence as follows:
  1. 75 days for each 30 days actually served while prisoner is classified as Class I prisoner.
  2. 40 days for each 30 days actually served while the prisoner is classified as a Class II prisoner.
  3. 20 days for each 30 days actually served while the prisoner is classified as a Class III prisoner.
  4. No good time shall accrue during the period the prisoner is classified as a Class IV prisoner.
- The “Class” of the prisoner includes consideration of the prisoner’s behavior, discipline, and work practices and job responsibilities.
  - Class I: prisoners who are considered trustworthy in every respect; by virtue of:
    - Work habits
    - Conduct
    - By attitude of cooperation have proven their trustworthiness
    - Ex: an inmate who could work without constant supervision by a security officer
  - Class II: prisoners whose jobs are under supervision of a correctional employee at all times. All inmates remain in this classification for a minimum of 6 months before being eligible for Class I.
  - Class III: prisoners with special assignments; may not receive any of the privilege of Class I and II inmates. All inmates remain in this classification for minimum of 3 months before being eligible for Class II.
  - Class IV: prisoners who are
    - not yet classified; or
    - those who are unable to work; or
    - those who refuse to work; or
    - those who commit disciplinary infractions of such a nature that do not warrant a higher classification; or
    - inmates who do not abide by the institution’s rules
      - Class IV prisoners have no correctional incentive

- All inmates remain in this classification for a minimum of 30 days before being eligible for Class III.

\*No inmate may reach any class without first having gone through and meeting the requirements of all lower classifications.

\*As prisoner reaches higher classification they will not be granted retroactive incentive credit based on the higher classification reached, but shall be granted incentive credit based solely on the classification in which he was serving at the time the incentive credit was earned

**EXCEPTIONS:**

- A prisoner will not receive correctional incentive time if prisoner ever been:
  - Convicted of a Class A felony; or
  - Sentenced to life; or
  - Sentenced to death; or
  - Has received a sentence of more than 15 years in state penitentiary, county jail at hard labor, or in any municipal jail
  - Convicted of a criminal sex offense involving a child under Section 15-20-21(5)
- No prisoner shall be placed in Class I category if prisoner has ever been convicted of:
  - assault where victims of such assault suffered the permanent loss or use or permanent partial loss or use of bodily organ or appendage
  - a crime involving the perpetration of sexual abuse upon a child under 17 years of age

\*It will be noted in transcript whether the prisoner has ever been convicted of a crime that excludes him from becoming a Class I prisoner

**FORFEITURE OF TIME DEDUCTION:**

- If at any time a prisoner commits an offense or violates a rule of the Department of Corrections, all or any part of correctional incentive time accrued can be forfeited.

**REINSTATEMENT OF CORRECTIONAL INCENTIVE TIME:**

- The Commissioner of the Department of Corrections has the power to restore to any prisoner the forfeited deductions allowed to prisoner based on the prisoners:
  - Good behavior
  - Work habits and cooperation
  - Good conduct

**COMBINATION OF SERVING TWO OR MORE TERMS OF IMPRISONMENT AND SENTENCES RUN CONSECUTIVELY:**

- All sentences shall be combined for purpose of computing deductions for correctional incentive time and release date; however, the actual deduction from sentence for correctional incentive time provided by this section shall apply only to sentences to be served
- When prisoner is serving 2 or more sentences which run concurrently, the sentence which results in the longer period of incarceration yet remaining shall be considered



the term to be used for the purpose of commuting his release date and correctional incentive time under the provisions of this title

- Maximum sentence will be used for the basis of the computation
- Will be administered by the chief administrative offices of the penal institution as it applies to prisoners by the appropriate authority

**WHEN GOOD TIME APPLIES**

- Deductions of the following apply retroactively only to those crimes committed after May 19, 1980:
  - Good behavior
  - Work habits and cooperation
  - Good conduct
    - **EXCEPTIONS:**  
Those convicted of crimes of:
      - Unlawful sale or distribution of controlled substances as enumerated in Title 13A of Chapter 2 of Title 20
      - Any sexual offenses as enumerated in Chapter 6, Title 13A

<b>Alabama Good Time Computation § 14-9-41</b>		
<b>Note: Each prisoner, excluding those who have a life sentence, who is confined to hard labor is eligible for time deduction for the term of sentence as follows:</b>		
<b>Class Level of Prisoner</b>	<b>Time Served in Days</b>	<b>Good Time Earned in Days</b>
Class I – trustworthy in every respect	30	75
Class II – jobs are under supervision by security officer	30	40
Class III – jobs are under supervision of correctional employee at all times	30	20
Class IV – not yet classified, unable to work, refuse to work, commit infractions, do not abide by rules	Not eligible	Not eligible
<b>Alabama Good Time Computation – No Good Time Awarded– EXCEPTIONS</b>		
<b>§ 14-9-41</b>		

**No Good Time is Awarded for the Following Offenses:**

- Class A Felony
- Sentenced to life
- Sentenced to death
- Has received more than 15 years in state penitentiary, county jail at hard labor or any municipal jail
- Criminal sex offense involving a child

**NOTE:** The Commissioner of the Department of Corrections has the power to restore to any prisoner the forfeited deductions allowed to prisoner based on the prisoners good behavior, work habit and cooperation, and good conduct.

# **ARKANSAS PAROLE STATUTES**

# **ARKANSAS**

## **Ark. Code Ann.**

### **1. ELIGIBILITY OF PAROLE**

#### **§ 16-93-609 Effect of more than one conviction for certain felonies**

Any person who committed the following offenses subsequent to March 24, 1983 and who had previously been found guilty of or pleaded guilty or nolo contendere to the same offenses, are not eligible for release on parole by the Parole Board:

- degree murder (§ 5-10-102)
- Rape (§ 5-14-103)
- Aggravated robbery (§ 5-12-103)

Any person who committed a violent felony offense or any felony sex offense subsequent to August 13, 2001 and who had previously been found guilty, pleaded guilty, or nolo contendere to any violent felony offense or any felony sex offense is not eligible for parole by the Parole Board. Under this statute, a violent felony offense or a felony sex offense are those listed in § 5-4-501(d)(2):

- Murder in the first degree, § 5-10-102;
- Murder in the second degree, § 5-10-103;
- Kidnapping, § 5-11-102, involving an activity making it a Class Y felony;
- Aggravated robbery, § 5-12-103;
- Terroristic act, § 5-13-310, involving an activity making it a Class Y felony;
- Rape, § 5-14-103;
- Sexual assault in the first degree, § 5-14-124;
- Causing a catastrophe, § 5-38-202(a); or
- Aggravated residential burglary, § 5-39-204; or
- A conviction of a comparable serious felony involving violence from another jurisdiction.

#### **§ 16-93-610 Computation of sentence**

Time served begins on the day the sentence is imposed, not the day the prisoner is received by the Department of Corrections. Time served continues only during the time the prisoner is actually confined. When the sentencing judge imposes a sentence, the prisoner is to direct that the time already served by the prisoner in confinement.

#### **§ 16-93-612 Parole Eligibility—Date of offense – PROPOSED LEGISLATION**

A person's parole eligibility shall be determined by the laws in effect at the time of the offense for which he or she is sentenced to the Department of Correction. For an offender serving a sentence for a felony committed on or after January 1, 1994, § 16-93-614 governs that person's parole eligibility. If the inmate committed the following offenses they are not eligible for parole:

- degree murder (§ 5-10-102)
- Kidnapping, if a Class Y felony § 5-11-102(b)(1)
- Aggravated robbery (§ 5-12-103)
- Causing a catastrophe (§ 5-38-202(a))

- Or an offense that occurred after July 28, 1995, then § 16-93-618 governs that person's parole liability

If the offense occurred after April 9, 1999 §16-93-18 governs that person's parole eligibility if the felony is:

- Manufacturing methamphetamine (§ 5-64-423(a))
- Possession of drug paraphernalia with the intent to manufacture methamphetamine (§ 5-64-403(c)(5))

For an offender serving a sentence for a felony committed on or after January 1, 1994 § 16-93-15 governs their parole eligibility procedures.

**§ 16-93-613 Parole eligibility—Class Y, Class A, or Class B felonies**

A person who commits a Class Y, Class A, or Class B felony, except the following felonies addressed in § 16-93-619, § 16-93-614 or § 16-93-618 (see below) and is convicted and incarcerated for that felony are eligible for release on parole as follows:

- Not eligible for parole if inmate is sentenced to:
  - Death sentence
  - Life imprisonment without parole
    - But may be pardoned or his sentence commuted to term of years by the Governor, as provided by law
- Consecutive sentences by one or more courts for one or more counts are considered a single commitment reflecting the cumulative sentence to be served.

**§ 16-93-614 Parole Eligibility—Offenses committed after January 1, 1994**

Felonies are those crimes that are classified as Class Y, Class A, Class B, Class C, Class D, or unclassified felonies by the laws of Arkansas. (See § 16-93-615, § 16-93-616, § 16-93-617)

Any person who committed a felony on or after January 1, 1994 and who is still convicted or incarcerated for that felony are eligible for transfer to community corrections as follows:

- Inmate not eligible for parole if sentenced to:
  - Death
  - Life imprisonment without

(BUT, the inmate may be pardoned or have their sentence commuted by the Governor as provided by law.)

- Inmate eligible for transfer when sentenced to life imprisonment if sentence is commuted to a term of years by executive clemency

An offender who is transferred back to the Department of Correction for disciplinary reasons may be considered for transfer to Department of Community Correction supervision after earning good-time credit equal to ½ of the remainder of their sentence.

Every other classified or unclassified felon who is incarcerated is eligible to transfer to community punishment after have served 1/3 or 1/2 , with credit for meritorious good time, of their sentence depending on the seriousness determination made by the Arkansas Sentencing Commission, or ½ with credit for meritorious good time, of the time to which their sentence is commuted by executive clemency.

**§ 16-93-615 Parole eligibility procedures—Offenses committed after January 1, 1994 – AMENDED by 2013 Arkansas Laws Act 485 (S.B. 259)**

The Parole Board will consider the following information when considering a risk needs assessment of the inmate before granting parole. The Board will begin transfer release proceedings or a preliminary review no later than 6 months before a person's eligibility date, and the Board shall authorize jacket review procedures no later than 6 months before a person's transfer eligibility at all institutions holding parole-eligible inmates to prepare parole applications.

The Board has 2 options:

- Transfer the inmate to the DCC accompanied by notice of conditions of the transfer including:
  - Supervision levels
  - Economic fee sanction
  - Treatment program
  - Programming requirements
  - Facility placement when appropriate OR
  - To deny transfer based on set of established criteria and to accompany the denial with a prescribed course of action to be undertaken by the inmate to rectify the Board's concerns

An inmate is eligible for discretionary transfer to the DCC by the Parole Board after having served 1/3 or 1/2 of their sentence, with credit for meritorious good time, depending on the seriousness of the crime, or 1/2 of the time to which their sentence is commuted by executive clemency, with credit for meritorious good time unless the offense is listed under § 16-93-612(e)(1), the following homicide offenses:

- Capital murder (§ 5-10-101)
- degree murder (§ 5-10-102)
- degree murder (§ 5-10-103)
- Manslaughter (§ 5-10-104)
- Negligent homicide (§ 5-10-105)
- Any offense that inmate is required to register as sex offender upon release
- degree battery (§ 5-13-201)
- degree domestic battery (§ 5-26-203)
- Unless the offense is listed under § 16-93-612(e)(1), the following Class Y felonies:
  - Kidnapping
  - Aggravated robbery
  - Causing a catastrophe
- Engaging in a continuing criminal enterprise
- Simultaneous possession of drugs and firearms

The Board will review an inmates enumerated offenses and will conduct a risk-needs assessment review. The Board may deny reconsideration of parole for a maximum of 2 years.

The Board will notify the victim of the crime or the victim's next of kin of the transfer hearing and will solicit written or oral recommendations of the victim or their

next of kin regarding the granting of the transfer unless the prosecuting attorney has notified the Board at the time of the commitment that they do not want to be notified.

An inmate who is sentenced for a serious violent felony or a felony involving violence may be considered eligible for parole or for community correction transfer upon reaching regular parole eligibility, BUT only after reaching a minimum age for 55 years old.

### **§ 16-93-615 Parole Eligibility Procedure**

The Parole Board decides if an inmate is eligible for parole by reviewing the risk-needs assessment by reviewing that person's risk to reoffend, and if parole is granted, that information will be used to set forth the conditions of their parole.

The Board will begin release proceedings or preliminary review no later than 6 months before a person's transfer eligibility date. The review may be conducted without a hearing when an inmate has not received a major disciplinary report against them that resulted in loss of good time, there has been a request by a victim to have input on transfer conditions, and there is no indication in the risk-needs assessment review that special conditions needs to be placed on the inmate.

The Board has 2 options to consider if the inmate can be released on parole:

1. To transfer the inmate to the DCC accompanied by notice of conditions of transfer, including without limitation;
    - a. Supervision levels
    - b. Economic fee sanction
    - c. Treatment program
    - d. Programming requirements; and
    - e. Facility placement when appropriate; or
  2. To deny transfer based on set of established criteria and to give with the denial, a prescribed course of action to be undertaken by the inmate to rectify the Board's concerns.
    - a. After the inmate completes the course of action and after final review of the inmate's file to ensure successful completion the Board will review the file again
    - b. If the inmate fails to complete the recommended course of action the inmate will have to petition the Board for rehearing
- 2013 Arkansas Laws Act 485 (S.B. 259) Approved 3/22/13—Sex Offenses-Parole-Eligibility—Amended § 16-93-615(b)(1)

An inmate is eligible for discretionary transfer to the DCC by the Parole Board after having served 1/3 or 1/2 of their sentence, with credit for meritorious good time, depending on the seriousness determination made by the Arkansas Sentencing Commission or 1/2 of the time if the sentence is commuted by executive clemency with credit for meritorious good time.

Unless the offense is listed under § 16-93-612(e)(1), the following homicide offenses:

- Capital murder
- Attempted capital murder
- 1st degree murder
- Attempted 1st degree murder

- 2nd degree murder
- Manslaughter
- Negligent homicide
- And offense under § 5-54-201

Unless the offense is listed under § 16-93-612(e)(1) the following Class Y felonies:

- Kidnapping
- Aggravated robbery
- Attempted Aggravated robbery
- Terroristic act
- Causing a catastrophe
- Arson
- Aggravated residual burglary
- Unlawful discharge of a firearm from a vehicle

Unless the offense is listed under § 16-93-612(e)(1), an offense for which the inmate is required upon release to register as a sex offender under the Sex offender Registration Act of 1996, §12-12-901:

- 1st degree battery
- degree domestic battering
- Engaging in a continuing criminal enterprise
- Simultaneous possession of drugs and firearms

**§ 16-93-616 Parole Eligibility Procedures—Offenses committed after January 1, 1994—Computation of sentence**

Time served begins on the day the sentence is imposed, not the day the prisoner is received by the Department of Corrections. Time served continues only during the time the prisoner is actually confined. Once sentenced, the department where the inmate is sentenced to will have legal custody of the inmate for the duration of the sentence. When the sentencing judge imposes a sentence, the prisoner is to direct that the time already served by the prisoner in confinement

**§ 16-93-617 Parole Eligibility Procedures—Offenses committed after January 1, 1994—Revocation of transfer**

If the parolee violates the terms or conditions of their transfer, a hearing will follow all applicable legal requirements and will be subject to any additional policies, rules, and regulations set by the Parole Board. If the parolee violates parole they will be transported to the DCC to server the remainder of their sentence. Notice of ineligibility and the reasons will be provided to the offender. The offender may request a hearing before the Board to contest the factual basis of the ineligibility. An offender that is judicially transferred to the DCC for disciplinary or administrative reasons may not become eligible for any further transfer.

**§ 16-93-618 Parole Eligibility—Certain Class Y felony offense and certain methamphetamine offenses—Seventy percent crimes – PROPOSED LEGISLATION – AMENDED by Arkansas Laws Act 132 (S.B. 242)**

Notwithstanding any law allowing the award of meritorious good time or any



other law to the contrary, a person who is found guilty of or pleads guilty or nolo contendere to subdivisions (a)(1)(I) of this section shall not be eligible for parole or community correction transfer, except as provided in subdivision (a)(3) or subsection (c) of this section, until the person serves seventy percent (70%) of the term of imprisonment to which the person is sentenced, including a sentence prescribed under § 5-4-501:

- 1st degree murder
- Kidnapping, Class Y felony
- Aggravated Robbery
- Rape
- Trafficking of persons, Class Y felony (this was added by “The Arkansas Human Trafficking Act of 2013)
- Causing a catastrophe
- Manufacturing methamphetamine
- Trafficking methamphetamine
- Possession of drug paraphernalia with the purpose to manufacture methamphetamine

\* The sentencing judge, at his discretion, may waive the section listed above under the following circumstance:

- The defendant was a juvenile at the time of the offense
- The juvenile was merely an accomplice to the offense; and
- The offence occurred on or after July 28, 1995

**OFFENSES ELIGIBLE FOR 70% Provision:**

The 70% provision includes the award for meritorious good time to any person who is found guilty of or pleads guilty or nolo contendere to:

- Manufacturing methamphetamine
- Trafficking methamphetamine
- Possession of drug paraphernalia with the purpose to manufacture methamphetamine

The 70% provision, regardless of the date of the offense, unless the person is sentenced to life imprisonment, may include credit for the award of meritorious good time to any person who is found guilty of or pleads guilty or nolo contendere:

- Manufacturing methamphetamine
- Trafficking methamphetamine
- Possession of drug paraphernalia with the purpose to manufacture methamphetamine

At no point will any person who is convicted of the crimes listed directly above have their sentence reduced to less than 50% of their original sentence.

**EXCEPTIONS:**

70% provision is not applicable to any person who is found guilty of or pleads guilty to or nolo contendere to:

- Kidnapping
- Class B felony

- The provisions of this section apply retroactively to all persons presently serving a sentence for kidnapping, Class B felony

**§ 16-93-701 Authority to grant and parameters**

The Board may release any individual on parole who they believe has reasonable probability will not be a detriment to the community or to themselves. Before releasing the prisoner on parole, the Board will interview the prisoner and for all parole decisions made after January 1, 2012 the Board shall conduct a risk-needs assessment review of all the parole applicants. Parole will be granted only for the best interest of society. Parole is not awarded for clemency. The prisoner will be put on parole only if the Board believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner, while on parole, remains in the legal custody of the institution from which they were released.

**§ 16-93-702 Procedures—Required recommendations**

Before the Parole Board will grant parole, the Board shall solicit the written or oral recommendations of the committing court, the prosecuting attorney, and the sheriff of the county from which the inmate was committed. If the potential parolee was convicted of the following crimes the board will notify the victim of the crime, the victim’s next of kin, of the parole hearing and will solicit written or oral recommendations from them regarding the granting of parole:

- Capital murder
- Class Y, Class A, or Class B felony
- Any violent offence
- Any sexual offense

The victim or next of kin will be notified of the date, time, and place of the parole hearing.

**§ 16-93-703 Procedures—Place of hearings**

The Parole Board will be scheduled at the Central Administration Building at the DCC at Pine Bluff. The Board can conduct the hearing in 2 sessions:

1. At the place of the inmate’s incarceration
2. Second session for victim and relatives of victims

**§ 16-93-704 Notice to law enforcement personnel and committing court**

At any time the Parole Board shall give written notice of the granting of parole to he sheriff, the committing court, and the chief of police of al cities of the first class from which the person was sentenced. If a person is paroled to a county other than from which they were committed, the Board shall give notice to the necessary officials of the county from which that person was committed.

**PAROLE ALTERNATIVES**

**§ 16-93-708 Parole alternative—Home detention – AMENDED by 2013 Arkansas Laws Act 1335 (H.B. 1350)**

A parolee may have home detention if the Board of Corrections make this determination. The person has to be “permanently incapacitated, meaning:

- Has a medical condition that is not necessarily terminal but renders the parolee permanently and irreversibly incapacitated; and
- Requires immediate and long-term care; and
- Terminally ill
  - has an incurable condition caused by illness or disease; and
  - will likely die within 2 years due to illness or disease

**§ 16-93-709 Sex offender may not reside with minors**

When parolee is found guilty or has pleaded guilty or nolo contendere to any sexual offense or incest, and the sexual offense or incest was against a minor, the parolee may not live in a residence with the minor, unless the Parole Board makes a specific finding otherwise.

**§ 16-93-710 Parole for inmates who have served their term of imprisonment in a county jail prior to being processed into the Department of Corrections**

An offender convicted of a felony and sentenced to term of 2 years or less in the Department of Correction, and who has served his term in jail may be paroled by the Department of Correction county jail backup facility.

**§ 16-93-711 Parole alternatives—Electronic monitoring of parolees – AMENDED by 2013 Arkansas Laws Act 1335 (H.B. 1350)**

The parolee may be released and monitored via an electronic monitoring device. The parolee may be electronically monitored if:

- (i) Sentence was not the result of a jury or bench verdict;
- (ii) Inmate has served one hundred twenty (120) days of his or her sentence;
- (iii) Inmate has an approved parole plan;
- (iv) Inmate was sentenced from a cell in the sentencing guidelines that does not include incarceration in the presumptive range;
- (v) Conviction is for a Class C or Class D felony;
- (vi) Conviction is not for a crime of violence, regardless of felony level;
- (vii) Conviction is not a sex offense, regardless of felony level;
- (viii) Conviction is not for manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401;
- (ix) Conviction is not for possession of drug paraphernalia with the purpose to manufacture methamphetamine, § 5-64-443, if the conviction is a Class C felony or higher;
- (x) Conviction is not a crime involving the threat of violence or bodily harm;
- (xi) Conviction is not for a crime that resulted in a death; and

- (xii) Inmate has not previously failed a drug court program.

**§ 16-93-712 Parole supervision –AMENDED by 2013 Arkansas Laws Act 1415 (S.B. 860)**

The Parole Board shall establish written policies and procedures governing in the supervision designed to enhance the public safety and to assist the parolees in reintegrating into society. This is based on evidence-based practices including a validated risk-needs assessment. The Board will look at the parolee’s criminal risk factors. The parolee will be supervised and given a written statement of the conditions of their parole and that the parolee must comply with the conditions of their parole. Sanctions may be imposed upon the parolee if there is a violation of parole.

**ADC = Arkansas Department of Correction**

**DCC = Arkansas Department of Community Correction**

**Arkansas Parole Eligibility – Offenses Committed After January 1, 1994 - § 16-93-614**

**-Eligibility Based on Type of Offense/Offender**

The Arkansas Code Annotated 16-93-614, 615, 616, and 617 allows for the transfer of inmates who have committed certain crimes on or after January 1, 1994, under the provisions of a transfer date, to be transferred to parole status by the ADC subject to rules and regulations promulgated by the Board of Corrections and conditions set by the Board. The electronic Offender Management Information System (eOMIS) assigns a transfer eligibility (TE) date to inmates who are in this “transfer eligible” category (other inmates who are eligible for parole are assigned a “parole eligibility (PE)” date).

<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Any Homicide (§16-93-625)	Eligible for discretionary transfer to DCC by Parole Board after having served 1/3, 1/2 of sentence, with credit for meritorious good time, depending on seriousness determination made by AK Sent. Comm., or 1/2 time of sentence commuted by executive clemency with credit for	NA

	meritorious GT	
degree sexual assault (§16-93-625)	"	NA
degree battery (§16-93-625)	"	NA
degree domestic battery (§16-93-625)	"	NA
kidnapping (§16-93-625)	"	NA
Rape	"	NA
Aggravated Robbery	"	NA
Causing Catastrophe	"	NA
Engaging in continued criminal enterprise	"	NA
Simultaneous possession of drugs and firearms	"	NA
<b>Note:</b> The same standard of review applies to those who committed crime prior to January 1, 1994		
<b>Arkansas Eligibility in Death Sentences § 16-93-601(a)</b>		
<ul style="list-style-type: none"> <li>An individual under sentence of death is not eligible for release on parole.</li> </ul>		

2. **CONDITIONS OF PAROLE**

<b>Arkansas Conditions of Parole</b>	
<b>Requirements/Conditions</b>	
Reports	Must report to supervising officer day after released then must report to supervising officer as

	instructed
Employment/Education	Must obtain approved employment or be enrolled in approved educational program; must obtain permission to quit either; must report if terminated from job or education program
Residence and Travel	Must obtain prior approval for travel
Laws	Must obey all laws
Weapons	Must NOT own, possess, use, pawn, sell or have under your control any firearm or other dangerous weapon or be with someone who has weapon; may not possess ammunition
Alcohol/Controlled Substances	Avoid excessive use of alcohol, or use other controlled substances unless prescribed by a physician; must be randomly drug tested
Association	Must not associate with convicted felons or person engaged in criminal activity
Supervision Fees	Must pay monthly supervision fee
Cooperation	Must cooperate with supervising officer and Parole Board
Search and Seizure	Must submit to, without a search warrant, and at any time, search and seizure by any DCC officer
Waiver of Extradition	Acceptance of conditional release constitute an agreement to waive extradition to State of Arkansas
Special Conditions	Board can set special conditions the parolee must abide by
From the <u>Arkansas Parole Board Policy Manual</u> Revised and Adopted January 21, 2013, Attachment 3, pg 32	

### 3. **REVOCATION OF PAROLE**

**§ 16-93-705 Revocation—Procedures and hearings generally –AMENDED by 2013 Arkansas Laws Act 130 (H.B. 1253)**

At any time during a parolee's release on parole the Board may issue a warrant for the arrest of the parolee for the violation of any condition of parole or may issue a notice to appear to answer a charge of a violation. The warrant has to be served personally upon the individual. Any parole officer may arrest a parolee without a warrant or may deputize any officer with the power to arrest by giving the officer a written statement setting forth the violated conditions of the parole.

If the Board decides there has been a violation of parole the parole may be revoked at any time prior to the expiration of the period of parole. If the parolee cannot be found they are deemed a fugitive. The Board determines whether the time of issuance of the warrant to the date of the arrest, or any part of it, shall be counted as time served under the sentence.

The Board will hold a preliminary hearing to determine whether there is a reasonable cause to believe that the parolee has violated their parole. The parolee can waive the parole hearing. If the hearing examiner finds there is reasonable cause to believe the parolee has violated a condition of parole the parolee may be returned to the custody of the Department of Correction and may impose additional supervision conditions in response to the violating conduct. Parole can only be revoked after a parole hearing.

**§ 16-93-206 Parole revocation review –Jurisdiction**

The Parole Board serves as the revocation review board for any person subject to either parole or transfer from prison. Revocation proceedings for parole follow all legal requirements applicable to parole and shall be subject to any additional policies, rules, and regulations set by the board.

**4. DOS/GOOD TIME**

**§ 12-29-201 Meritorious good time**

An inmate is entitled to meritorious good time that reduces their transfer eligibility date up to 30 days for each month incarcerated after imposition in 1 of the units, facilities, and centers maintained by the Department of Corrections or the Department of Community Corrections.

A inmate transferred or paroled may receive meritorious good time of up to 30 days for each month they are under the supervision of the Department of Community Correction. Meritorious good time will reduce the length of the sentence, but will not reduce the inmate's confinement by more than 1/2.

Inmates sentenced to life imprisonment will not receive meritorious good time calculated on their sentences unless the sentence is commuted to a term of years by executive clemency.

**§ 12-29-202 Classification committee –Classifications**

**ELIGIBILITY**

The committee meets as often as necessary to classify inmates into 4 classes according to the following criteria:

- Good behavior

- Good discipline
- Medical condition
- Job responsibilities
- Involvement in rehabilitative activities

Any inmate who maintains class through the above criteria may earn up to 1 day for every day served as a reduction toward their eligibility date for each incarceration.

### **EXCEPTIONS**

The following are exceptions to meritorious good time:

- Inmate reduced to lowest class
- Inmate serving punitive disciplinary sentence in punitive segregation

The Board can make changes to the rules in accordance with Arkansas Administrative Procedure Act

### **RECLASSIFICATION**

An inmate may be reclassified as often as the committee deems necessary.

### **MERITORIOUS GOOD TIME**

Upon recommendation of the committee, the Director of the Department of Correction may award an amount of meritorious good time to reduce incarceration up to 90 days, not to exceed a total of 360 days for each successful completion of:

- State-sponsored general education development certificate program
- Vocational program for which certification is awarded
- Drug or alcohol treatment program offered at a Department of Correction facility; or
- Pre-release and other rehabilitative programs or assignments as approved by the Board of Corrections.

### **§ 12-29-203 Loss and restoration**

#### **FORFEITURE OF GOOD TIME**

An inmate forfeits all or part of meritorious good time for infraction of the rules.

#### **RESTORATION**

In an event of an escape, the Director of the Department of Correction may restore all or part of the accrued meritorious good time if the escapee returns to the institution voluntarily, without expense to the state, and without violence. The Director may restore lost good time.

### **§ 12-29-204 Statutory good time**

No inmate will ever receive a reduction of sentence of more than 30 days for each month served except for the additional days of meritorious good time awards authorized in 12-29-202(d).

### **§ 12-29-205 Earning time pending transfer**



Any person awaiting transfer may earn meritorious good time. Good time will only be given for being housed in a jail or similar secure facility while awaiting transfer conviction.

<b>Arkansas Good Time Computation § 12-29-201</b>	
<b>Note: An inmate is entitled to meritorious good time that reduces their transfer eligibility date up to 30 days for each month incarcerated after imposition in 1 of the units, facilities, and centers maintained by the Department of Corrections or the Department of Community Corrections.</b>	
<b>Time Served</b>	<b>Good Time Earned in Days</b>
1 month	up to 30 days for each month served
<b>EXCEPTIONS:</b>	
<ul style="list-style-type: none"> <li>• Meritorious good time will reduce the length of the sentence, but will not reduce the inmate's confinement by more than ½.</li> <li>• Inmates sentenced to life imprisonment will not receive meritorious good time calculated on their sentences unless the sentence is commuted to a term of years by executive clemency.</li> </ul>	

<b>Arkansas Good Time Classification Committee—§ 12-29-202</b>	
<b>ELIGIBILITY: The committee meets as often as necessary to classify inmates into 4 classes according to the following criteria:</b>	
<ul style="list-style-type: none"> <li>• Good Behavior</li> <li>• Good Discipline</li> <li>• Medical Condition</li> <li>• Job Responsibilities</li> <li>• Involvement in Rehabilitative Activities</li> </ul>	
<b>NOTE: Any inmate who maintains class through the above criteria may earn up to 1 day for every day served as a reduction toward their eligibility date for each incarceration.</b>	
<b>EXCEPTIONS:</b>	
<ul style="list-style-type: none"> <li>• Inmate reduces to the lowest class</li> <li>• Inmate serving changes to the rules in accordance with Arkansas Administrative Procedure Act</li> </ul>	

# **FLORIDA PAROLE STATUTES**

**FLORDIA**  
**Fla. Stat. Ann.**

**1. ELIGIBILITY OF PAROLE**

**§ 921.22 Determination of exact period of imprisonment by Parole Commission**

The Parole Commission, upon recommendation of the Department of Corrections, will have the authority to determine the exact period of imprisonment to be served by the prisoner.

**§ 947.1405 Conditional release program- PROPOSED LEGISLATION**

Any inmate who:

- Is convicted of a crime on or after January 1, 1994 where the crime in the following categories:
  - Category 1: Murder, Manslaughter
  - Category 2: Sexual offenses
  - Category 3: Robbery
  - Category 4: Violent personal crimes; and
  - Habitual violent offender
  - Sexual predator

When the inmate reaches their tentative release date or provisional release date, whichever is earlier as established by the Department of Corrections, be released under supervision subject to specified terms and conditions

**§ 947.149 Conditional medical release**

The commission shall establish the conditional medical release program. An inmate is eligible for conditional release because of an existing medical or physical condition that is outlined in this statute.

**§ 947.16 Eligibility for parole; initial parole interviews; powers and duties of commission – PROPOSED LEGISLATION**

Inmates who are eligible for an interview for parole consideration include:

- Every person who has been convicted of a felony; or
- Who has been convicted of one or more misdemeanors; and
- Whose sentence or cumulative sentences total 12 months or more;
- Who is confined in execution of the judgment of the court; and
- Whose record during confinement or while under supervision is good

Cumulative sentence structure for inmates is as follows:

- Sentenced for an indeterminate term or a term of 3 years or less shall have an initial interview conducted by a hearing examiner within 8 months after the initial date of confinement in execution of the judgment.
- Sentenced for a minimum term in excess of 3 years but of less than 6 years shall have an initial interview conducted by a hearing examiner within 14 months after the initial date of confinement in execution of the judgment.
- Sentenced for a minimum term of 6 or more years but other than for a life term shall have an initial interview conducted by a hearing examiner within 24 months after the initial date of confinement in execution of the judgment.

- Sentenced for a term of life shall have an initial interview conducted by a hearing examiner within 5 years after the initial date of confinement in execution of the judgment.
- Convicted and sentenced under ss. 958.011-958.15, or any other inmate who has been determined by the department to be a youthful offender, shall be interviewed by a parole examiner within 8 months after the initial date of confinement in execution of the judgment.

The following special types of cases shall have their initial parole interview as follows:

- Initial interview may be postponed for good cause for 90 days. Reasons for postponement must be in writing.
- Initial interview may be deferred for any inmate who is out to court. Must occur within 90 days after notice the inmate has been returned from court.
- Initial interview may be deferred for any inmate confined in any appropriate treatment facility within the state, public or private, by virtue of transfer from the department under any applicable law. Must occur within 90 days after the department provides written notice to the commission that the inmate has been returned to the department.
- Inmate designated a mentally disordered sex offender shall have an initial interview conducted within 90 days of receiving written notification by the department to the commission of the need for such interview and that the inmate's file contains all investigative reports deemed necessary by the commission to conduct such interview.
- Inmate who has been determined to be an incapacitated person will have initial interview conducted within 90 days after the date the commission is provided with written notice that the inmate has been restored to capacity by the court.
- Initial interview may be held at the discretion of the commission after the entry of a commission order to revoke parole or mandatory conditional release.

The mandatory minimum portions of consecutive sentences shall be served at the beginning of the maximum sentence as established by the Department of Corrections and will be served consecutively provided, that in no case shall a sentence begin to run before the date of imposition. Initial interview for an inmate serving a mandatory minimum sentence according to the following schedule:

- An inmate serving a mandatory term of 7 years or less shall have an initial interview no sooner than 6 months prior to the expiration of the mandatory minimum portion of the sentence.
- An inmate serving a mandatory term in excess of 7 years but of less than 15 years shall have an initial interview no sooner than 12 months prior to the expiration of the mandatory minimum portion of the sentence.
- An inmate serving a mandatory term of 15 years or more shall have an initial interview no sooner than 18 months prior to the expiration of the mandatory minimum portion of the sentence.

If an inmate is serving a sentence from another state concurrently with a sentence from Florida and if the other state is the designated jurisdiction for the reception and confinement of the person, the inmate so released to another jurisdiction shall be eligible for consideration for parole, except that the commission shall determine the presumptive parole release date and the effective parole release date

by requesting such person's record file from the receiving jurisdiction. After receiving the records the commission panel will determine release dates based on the file.

Any person is eligible for parole after their initial interview except those who are convicted of committing the following crimes:

- Murder
- Robbery
- Burglary of a dwelling
- Burglary of a structure or conveyance in which a human being is present
- Aggravated assault
- Aggravated battery
- Kidnapping
- Sexual battery
- Attempted sexual battery
- Incest
- Attempted incest
- Unnatural and lascivious act
- Attempted unnatural and lascivious act
- Lewd and lascivious behavior
- Assault when a sexual act is completed or attempted
- Aggravated assault when a sexual act is completed or attempted
- Battery when a sexual act is completed
- Attempted or aggravated battery when a sexual act is completed or attempted
- Arson
- Any felony involving the use of a firearm or other deadly weapon or the use of intentional violence

When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to the first one-third of the maximum sentence imposed for the highest felony of which the person was convicted. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to one-third of the total consecutive sentences imposed.

Gain-time as provided for by law shall accrue, except that an offender over whom the trial court has retained jurisdiction as provided herein shall not be released during the first one-third of her or his sentence by reason of gain-time.

Within 30 days of receipt of the items listed in paragraph (e), the original sentencing judge or her or his replacement shall review the order, findings, and evidence; and, if the judge finds that the order of the commission is not based on competent substantial evidence or that the parole is not in the best interest of the community or the inmate, the court may vacate the release order. The judge or her or his replacement shall notify the commission of the decision of the court, and, if the release order is vacated, such notification shall contain the evidence relied on and the reasons for denial. A copy of such notice shall be sent to the inmate.

The decision of the original sentencing judge or, in her or his absence, the chief judge of the circuit to vacate any parole release order as provided in this section is not

appealable. Each inmate whose parole release order has been vacated by the court shall be reinterviewed within 2 years after the date of receipt of the vacated release order and every 2 years thereafter, or earlier by order of the court retaining jurisdiction. However, each inmate whose parole release order has been vacated by the court and who has been convicted of the following

- Murder
- Attempted murder
- Sexual battery
- Attempted sexual battery
- Kidnapping
- Attempted kidnapping
- Robbery
- Burglary of a dwelling,
- Burglary of a structure or conveyance
- Breaking and entering
- Attempt thereof of any of these crimes, in which a human being is present and a sexual act is attempted or completed; or
- Sentenced to a 25-year minimum mandatory sentence previously provided in [s. 775.082](#), shall be reinterviewed once within 7 years after the date of receipt of the vacated release order and once every 7 years thereafter, if the commission finds that it is not reasonable to expect that parole would be granted during the following years and states the bases for the finding in writing. For an inmate who is within 7 years of his or her tentative release date, the commission may establish a reinterview date before the 7-year schedule.

An inmate whose parole release order has been vacated by the court may not be given a presumptive parole release date during the period of retention of jurisdiction by the court. During such period, a new effective parole release date may be authorized at the discretion of the commission without further interview unless an interview is requested by no fewer than two commissioners. Any such new effective parole release date must be reviewed in accordance with the provisions of this statute.

Within 90 days after any interview for parole, the inmate shall be advised of the presumptive parole release date. Subsequent to the establishment of the presumptive parole release date, the commission may, at its discretion, review the official record or conduct additional interviews with the inmate. However, the presumptive parole release date may not be changed except for reasons of institutional conduct or the acquisition of new information not available at the time of the initial interview.

#### **§ 947.165 Objective parole guidelines – PROPOSED LEGISLATION**

The commission shall develop and implement objective parole, guidelines which are the criteria on which parole is based. At least once a year the commission shall review the guidelines and make necessary revisions.

#### **§ 947.168 Consideration for persons serving parole-eligible and parole-ineligible sentences**

A person serving a parole-eligible sentence who subsequently receive a parole-ineligible sentence will be considered for parole on the parole-eligible sentence.

<b>Eligibility of Parole – Initial Interview for Consideration of Parole</b>	
<b>Years Sentenced for Intermediate Term</b>	<b>Timeframe When Initial Interview Conducted</b>
Youthful Offender	8 months
≥ 3 years	8 months
3 year < 6 years	14 months
6 years < Anything Not Life Sentence	24 months
Life Sentence	5 years

<b>Parole Eligibility – Offenses- § 947.16</b>		
Any person is eligible fore parole after their initial interview except those convicted of committing the following crimes:		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Murder	Not eligible	NA
Robbery	Not eligible	NA
Burglary of a dwelling	Not eligible	NA
Burglary of a structure or conveyance in which a human being is present	Not eligible	NA
Aggravated assault	Not eligible	NA
Kidnapping	Not eligible	NA
Sexual battery	Not eligible	NA
Attempted sexual battery	Not eligible	NA
Unnatural and lascivious act	Not eligible	NA
Attempted unnatural and lascivious act	Not eligible	NA

Lewd and lascivious behavior	Not eligible	NA
Assault when a sexual act is completed or attempted	Not eligible	NA
Aggravated assault when a sexual act is completed or attempted	Not eligible	NA
Battery when a sexual act is completed	Not eligible	NA
Attempted or aggravated battery when a sexual act is completed or attempted	Not eligible	NA
Arson	Not eligible	NA
Any felony involving the use of a firearm or other deadly weapon or the use of intentional violence	Not eligible	NA
<p><b>Note:</b> When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to the first one-third of the maximum sentence imposed for the highest felony of which the person was convicted. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to one-third of the total consecutive sentences imposed.</p>		

<b>Conditional Release Program Act § 947.1405 – Eligibility Based on Type of Offense/Offender</b>		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
<b>Category 1</b> under FL ST RCRP Rule 3.701 & 3.988: Murder, Manslaughter	Upon reaching release date or provisional release date, whichever is earlier, be release under supervision subject to terms, conditions, and costs	NA



Category 2 under FL ST RCRP Rule 3.701 & 3.988: Sexual Offenses	"	NA
Category 3 under FL ST RCRP Rule 3.701 & 3.988: Robbery	"	NA
Category 4 under FL ST RCRP Rule 3.701 & 3.988: Violent personal crimes	"	NA
Habitual or violent offender	"	NA
<b>* Requirements</b>		
<ul style="list-style-type: none"> <li>• Supervision is applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release</li> <li>• If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit random substance abuse testing intermittently throughout the term of the conditional release supervision</li> </ul>		

2. **CONDITIONS OF PAROLE**

**§ 947.1405 Conditional release program**

- Parolee may have to make payment of debt due for medical care, treatment, hospitalization, or transportation received by releasee in detention facility
- if has probation or community control will be subject to those terms
- Commission shall determine:
  - Amount of reparation or restitution
  - Consequences of the offense as reported by the aggrieved party
  - Aggrieved party's fear of the inmate or concerns about release of inmate
- Commission shall provide aggrieved party info regarding manner of developing concerns and status of inmate
- Within 180 days prior to tentative release date or provisional release date, whichever is earlier, a representative of the department shall review the following:
  - Program participation records
  - Disciplinary record
  - Psychological records
  - Medical records
  - Criminal records

- Any other pertinent information

**§ 947.1405 Child Sexual Crime Special Conditions of Release**

For a sexual crime with a child under § 827.071, § 847.0135(5), or § 847.0145 and when parolee is subject to release supervision, the following special conditions are imposed:

- Mandatory curfew from 10pm to 6am or another designated 8 hour period
  - if commission determines that imposing a curfew would endanger the victim, the commissioner may consider alternative sanctions
- If victim was under 18 years old, parolee is prohibited from living within 1,000 feet of a school, child care facility park, playground, public school bus stop, or place where children congregate regularly
- Active participation in and successful completion of sex offender treatment program
- Parolee is prohibited form any contact with victim
- If victim was under 18 years old, parolee is prohibited from contact with children under 18 without review and approval by the commission
- Sex offender must be currently enrolled in or have successfully completed a sex offender therapy program
- A qualified practitioner must prepare a written report that includes an assessment with each of the sex offender’s following components:
  - Current legal status
  - History of adult charges with apparent sexual motivation
  - Sex offender’s history of juvenile charges, whenever available
  - Treatment history, including a consultation from the sex offender's treating, or most recent treating, therapist;
  - Current mental status;
  - Mental health and substance abuse history as provided by the Department of Corrections
  - Personal, social, educational, and work history;
  - The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;
  - A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;
  - The child's preference and relative comfort level with the proposed contact, when age-appropriate;
  - The parent's or legal guardian's preference regarding the proposed contact; an
  - The qualified practitioner's opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child.
- Recommendation made as part of risk assessment as whether supervised contact with child should be approved
- Written consent signed by child’s parent or legal guardian if the parent or legal guardian is not a sex offender, agreeing to have sex offender have supervised contact with the child
- A safety plan
- Parents understanding that safety plan should be in place

- If victim under 18 years old the parolee is prohibited from working for pay or as a volunteer anywhere children regularly congregate
- Unless otherwise indicated the parolee is not permitted to have any sexual stimulating material that is relevant to the parolee's deviant behavior pattern
- If crime committed on or after July 1, 2005, a prohibition on accessing the internet or other computer services until completion of sex offender program
- Releasee must submit 2 specimens of blood for the Department of Law Enforcement to be registered with the DNA database
- Make restitution to the victim
- Submit to warrantless searches
- For releasee who committed crime on or after October 1, 1997 in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:
  - Minimum of 1 polygraph exam to obtain necessary risk management and treatment to reduce sex offender's denial mechanisms
  - Maintenance of driving log and prohibition against driving motor vehicle alone without or without approval of supervising officer
  - Prohibition against obtaining or using a post office box without the prior approval
  - If there was sexual contact, a submission to, at the releasee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.
  - Electronic monitoring of any form when ordered by the commission
  - Department of Corrections is to provide intensive supervision by experienced correctional probation officers to conditional release offenders. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 conditional release offenders per officer to provide for enhanced public safety and to effectively monitor conditions of electronic monitoring or curfews, if so ordered by the commission.
  - The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the provisions of the Conditional Release Program Act.
  - Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s. 775.21, in addition to any other provision of this section, the commission must order electronic monitoring for the duration of the releasee's supervision.
  - Effective for a releasee whose crime was committed on or after October 1, 2008, and who has been found to have committed the crime for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, the commission shall, in addition to any other conditions imposed, impose a condition prohibiting the releasee from knowingly associating with other

criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

- In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:
  - A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from the releasee's supervising officer. The commission may also designate additional prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee's child or grandchild at a child care facility or school.
  - A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume without prior approval from the commission.

**§ 947.147 Victim restitution as condition of control release**

If the releasee is released under § 775.089, where the releasee is required to make restitution for their crime, the restitution will be a condition of conditional release.

**§ 947.149 Conditional medical release**

The commission will have a conditional medical release program. The releasee under a conditional medical release program is within one of the following designations:

- Permanently incapacitated inmate
- Terminally ill inmate

The commission decides whether to release a prisoner on the medical release program. There is no diminution of sentence for good behavior. Conditional medical release can be revoked if there is no longer a medical need

<b>Florida Conditions of Parole § 947.18</b>	
<b>Requirements/Conditions § 947.18</b>	<b>Requirements/General Rules § 947.1405 (Effective July 1, 1994)</b>
<p>(1) no parole merely for good conduct or efficient performance of duties assigned in prison</p> <p>(2) placed only parole only if commission finds there is reasonable probability that person will behave well</p> <p>(3) commission has to be satisfied that parolee can get and retain employment</p> <p>(4) commission shall determine grounds of parole</p> <p>(5) if convicted of substance abuse, parolee must submit to random testing</p> <p>(6) payments may be due during parole</p> <p>(7) if convicted of benefitting, promoting, or furthering interests of criminal gang, then parolee cannot knowingly associated with gang members unless aiding in investigation of criminal activity</p>	<p>(1) Releasee make payment of debt due for medical care, treatment, hospitalization, or transportation received by releasee in detention facility</p> <p>(2) if has probation or community control will be subject to those terms</p> <p>(3) Commission shall determine:</p> <ul style="list-style-type: none"> <li>- Amount of reparation or restitution</li> <li>- Consequences of the offense as reported by the aggrieved party</li> <li>- Aggrieved party's fear of the inmate or concerns about release of inmate</li> </ul> <p>(4) Commission shall provide aggrieved party info regarding manner of developing concerns and status of inmate</p> <p>(5) Within 80 days prior to tentative release date or provisional release date, whichever is earlier, a representative of the department shall review the following:</p> <ul style="list-style-type: none"> <li>- Program participation records</li> <li>- Disciplinary records</li> <li>- Psychological records</li> <li>- Medical records</li> <li>- Criminal records</li> <li>- Any other pertinent information</li> </ul>
<b>Sex offender conditions of parole § 947.1405</b>	
If convicted sexual predator:	

- (1) inmate is subject to maximum level of supervision
- (2) supervision will continue through end of sentence
- (3) if under 18, prohibited from living within 1,000 ft of a school, child care facility, park, playground, designated public school bus stop, or other places where children congregate regularly
- (4) active participation in and successful completion of sex offender treatment program
- (5) prohibited from contacting victim, directly or indirectly
- (6) if victim under age 18 the commission cannot have contact with children under age 18 without approval by commission
- (7) risk assessment and written report of findings of the sex offender's:

#### **Child Sexual Crime Special Conditions of Release § 947.1405**

For a sexual crime with a child under § 827.071, § 847.0135(5), or § 847.0145 and when parolee is subject to release supervision, the following special conditions are imposed:

- Mandatory curfew from 10pm to 6am or another designated 8 hour period
  - if commission determines that imposing a curfew would endanger the victim, the commissioner may consider alternative sanctions
- If victim was under 18 years old, parolee is prohibited from living within 1,000 feet of a school, child care facility park, playground, public school bus stop, or place where children congregate regularly
- Active participation in and successful completion of sex offender treatment program
- Parolee is prohibited form any contact with victim
- If victim was under 18 years old, parolee is prohibited from contact with children under 18 without review and approval by the commission
- Sex offender must be currently enrolled in or have successfully completed a sex offender therapy program
- A qualified practitioner must prepare a written report that includes an assessment with each of the sex offender's following components:
  - Current legal status
  - History of adult charges with apparent sexual motivation
  - Sex offender's history of juvenile charges, whenever available
  - Treatment history, including a consultation from the sex offender's treating, or most recent treating, therapist;
  - Current mental status;
  - Mental health and substance abuse history as provided by the Department

of Corrections

- Personal, social, educational, and work history;
  - The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;
  - A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;
  - The child's preference and relative comfort level with the proposed contact, when age-appropriate;
  - The parent's or legal guardian's preference regarding the proposed contact; an
  - The qualified practitioner's opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child.
- Recommendation made as part of risk assessment as whether supervised contact with child should be approved
  - Written consent signed by child's parent or legal guardian if the parent or legal guardian is not a sex offender, agreeing to have sex offender have supervised contact with the child
  - A safety plan
  - Parents understanding that safety plan should be in place
  - If victim under 18 years old the parolee is prohibited from working for pay or as a volunteer anywhere children regularly congregate
  - Unless otherwise indicated the parolee is not permitted to have any sexual stimulating material that is relevant to the parolee's deviant behavior pattern
  - If crime committed on or after July 1, 2005, a prohibition on accessing the internet or other computer services until completion of sex offender program
  - Releasee must submit 2 specimens of blood for the Department of Law Enforcement to be registered with the DNA database
  - Make restitution to the victim
  - Submit to warrantless searches
  - For releasee who committed crime on or after October 1, 1997 in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:
    - Minimum of 1 polygraph exam to obtain necessary risk management and treatment to reduce sex offender's denial mechanisms
    - Maintenance of driving log and prohibition against driving motor vehicle alone without or without approval of supervising officer
    - Prohibition against obtaining or using a post office box without the prior approval
    - If there was sexual contact, a submission to, at the releasee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.
    - Electronic monitoring of any form when ordered by the commission
    - Department of Corrections is to provide intensive supervision by

experienced correctional probation officers to conditional release offenders. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 conditional release offenders per officer to provide for enhanced public safety and to effectively monitor conditions of electronic monitoring or curfews, if so ordered by the commission.

- The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the provisions of the Conditional Release Program Act.
- Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s. 775.21, in addition to any other provision of this section, the commission must order electronic monitoring for the duration of the releasee's supervision.
- Effective for a releasee whose crime was committed on or after October 1, 2008, and who has been found to have committed the crime for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, the commission shall, in addition to any other conditions imposed, impose a condition prohibiting the releasee from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.
- In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:
  - A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from the releasee's supervising officer. The commission may also designate additional prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee's child or grandchild at a child care



facility or school.

- A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume without prior approval from the commission.

#### **§ 947.147 Victim restitution as condition of control release**

If the releasee is released under § 775.089, where the releasee is required to make restitution for their crime, the restitution will be a condition of conditional release.

#### **§ 947.149 Conditional medical release**

The commission will have a conditional medical release program. The releasee under a conditional medical release program is within one of the following designations:

- Permanently incapacitated inmate
- Terminally ill inmate

The commission decides whether to release a prisoner on the medical release program. There is no diminution of sentence for good behavior. Conditional medical release can be revoked if there is no longer a medical need.

#### **§ 947.18 Conditions of parole**

No persons shall be placed on parole merely as an award for good conduct or efficient performance of duties assigned in prison. A person may be placed on parole if the commission finds the parolee will live and conduct himself or herself as a respectable and law abiding person and that the person's release will be compatible with their own welfare and the welfare of society. No person will be placed on parole unless the conditions of the terms of their parole are met. These conditions vary by the offense of the person.

If the person's conviction was for a controlled substance violation, one of the conditions must be that the person submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in [. 943.10\(3\)](#). In addition to any other lawful condition of parole, the commission may make the payment of the debt due and owing to the state under [s. 960.17](#) or the payment of the attorney's fees and costs due and owing to the state under [s. 938.29](#) a condition of parole subject to modification based on change of

circumstances. If the person's conviction was for a crime that was found to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, one of the conditions must be that the person be prohibited from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

**§ 947.181 Fines, fees, restitution, or other costs ordered to be paid as conditions of parole**

The commission will require the payment of fines, fees, restitution, or other court-ordered costs as a condition of parole unless the commission finds reasons to the contrary. If the parolee fails to make the payments it will be considered a violation of parole and parole may be revoked. If restitution is a condition of parole and restitution is not paid, parole may be revoked. When considering to the revocation of parole the commission will consider the following:

- Employment status
- Earning ability
- Financial resources
- Willfulness of the defendant to pay
- Any other special circumstances that may be bearing on the defendant's ability to pay

**§ 947.185 Application for intellectual disability services as condition of parole – PROPOSED LEGISLATION**

The Parole Commission may require as a condition of parole that any inmate who has been diagnosed as mentally retarded, shall, upon release, apply for services from the Agency for Persons with Disabilities.

**§ 947.19 Terms of parole**

The commission, upon authorizing an effective parole release date, will specify in writing the terms and conditions of parole. The parolee will be subject to the authorized terms and conditions of parole until such time according to the provisions of this section a decision is made to continue or to modify the terms of parole.

3. **REVOCATION OF PAROLE**

**§ 947.141 Violations of conditional release, control release, or conditional medical release or conditional medical release or addiction-recovery supervision – PROPOSED LEGISLATION**

If a member of the commission has reasonable grounds to believe the offender has violated the terms and conditions of their release in a material respect, this member may cause a warrant to be issued for the arrest of the releasee; if the offender was a sexual predator, the warrant must be issued.

If the offender has a felony charge under §947.1405, §947.146, or § 944.4731, the offender must be retained without bond until initial appearance of the offender. Then a judicial determination will be made.

Within 45 days after notice of the Parole Commission arrest of the releasee charged with a violation the terms and condition of their parole a hearing must be conducted. If the releasee elects to proceed with a hearing, the releasee must be informed orally and in writing of the following:

- Alleged violation
- Right to be represented by counsel
- Right to be heard in person
- Right to have witnesses
- Right to produce documents
- Right to access to all evidence used against releasee and to confront and cross-examine witnesses
- Right to waive hearing

If a law enforcement office has reason to believe an offender who is on release under § 947.145, § 947.146, or § 947.4731 has violated a condition of release the officer can arrest the releasee without a warrant.

**§ 947.21 Violations of parole**

A violation of the terms of parole may render the parolee liable to arrest and a return to prison to serve out the term for which the parolee was sentenced.

An offender whose parole is revoked may, at the discretion of the commission, be credited with any portion of the time the offender has satisfactorily served on parole.

**§ 947.22 Authority to arrest parole violators with or without warrant**

If there is reasonable grounds to believe the parolee has violated the terms or conditions of parole the parolee may be arrested with or without a warrant.

**4. DISCHARGE FROM PAROLE**

**§ 947.172 Establishment of presumptive parole release date**

The hearing examiner will conduct an initial interview that will introduce and explain the objective parole guidelines as they relate to the presumptive and effective parole release dates. A presumptive parole release date will become binding on the commission when the agreement on the presumptive parole release date is reached.

**§ 947.173 Review of presumptive parole release date**

An inmate can request one review of their initial presumptive parole release date. The commission may affirm or modify the authorized presumptive parole release date. The modified date will never be after the initial date. Release dates must only be modified for good cause.

**§ 947.174 Subsequent interviews – PROPOSED LEGISLATION**

For any inmate, a hearing examiner shall schedule an interview for review of the presumptive release date. This interview will take place within 2 years after the initial interview and occur every 2 years. Except for an inmate convicted of an offense of:

- Murder
- Attempted murder
- Sexual battery

- Attempted sexual battery
- Kidnapping
- Attempted kidnapping
- Robbery
- Burglary of a dwelling
- Burglary of a structure or conveyance
- Breaking and entering
- Or any attempt of the above crimes in which human being is present and a sexual act is attempted or completed
- Or any inmate who has been sentenced to a 25 year minimum mandatory sentence
- And whose parole release date is more than 7 years after the initial interview

A hearing examiner will schedule an interview for review of the presumptive parole release date once within 7 years after the initial interview and once every 7 years thereafter for any inmate convicted of the following:

- Murder
- Attempted murder
- Sexual battery
- Attempted sexual battery
- Kidnapping
- Attempted kidnapping
- Robbery
- Burglary of a dwelling
- Burglary of a structure or conveyance
- Breaking and entering
- Attempt thereof of any of these crimes, in which a human being is present and a sexual act is attempted or completed
- Any inmate who has been sentenced to a 25-year minimum mandatory sentence previously provided in s. 775.082, and whose presumptive parole release date is more than 7 years after the date of the initial interview

The commission, for good cause and at any time request that a hearing examiner conduct a subsequent hearing according to the procedures outlined in this section. Such request shall specify in writing the reasons for such review.

The department shall, within a reasonable amount of time, make available and bring to the attention of the commission such information as is deemed important to the review of the presumptive parole release date, including, but not limited to, current progress reports, psychological reports, and disciplinary reports.

The department or a hearing examiner may recommend that an inmate be placed in a work-release program prior to the last 18 months of her or his confinement before the presumptive parole release date. If the commission does not deny the recommendation within 30 days of the receipt of the recommendation, the inmate may be placed in such a program, and the department shall advise the commission of the fact prior to such placement.

For purposes of this section, the commission shall develop and make available to all inmates guidelines which:

- (a) Define what constitutes an unsatisfactory institutional record. In developing such guidelines, the commission shall consult with the department.
- (b) Define what constitutes a satisfactory release plan and what constitutes verification of the plan prior to placement on parole.

**§ 947.24 Discharge from parole supervision or release supervision – PROPOSED LEGISLATION – effective July 1, 2001**

When a person is placed on parole, the commission shall determine the period of time the person will remain under parole supervision in the following manner:

- If the person is being paroled or released under supervision from a single or concurrent sentence, the period of time the person will be under parole supervision or release supervision may not exceed 2 years unless the commission designates a longer period of time, in which case it must advise the parolee or releasee in writing of the reasons for the extended period. In any event, the period of parole supervision or release supervision may not exceed the maximum period for which the person has been sentenced.
- If the person is being paroled or released under supervision from a consecutive sentence or sentences, the period of time the person will be under parole supervision or release supervision will be for the maximum period for which the person was sentenced.

**5. DOS/GOOD TIME**

**§ 951.21 Gain-time for good conduct for county prisoners**

The board of county commissioners grants commutation of time for good conduct of county prisoners. A majority of the board may elect to discontinue or revise gain-time policies for good conduct. If time for good conduct is authorized the following deductions of sentences will be made when there is no charge of misconduct against the prisoner:

- Up to 5 days per month off the first and second years of the sentence;
- Up to 10 days per month off the third and fourth years of the sentence;
- Up to 15 days per month off the fifth and all succeeding years of the sentence.
- Where no charge of misconduct is sustained against a county prisoner, the deduction shall be deemed earned and the prisoner shall be entitled to credit for a month as soon as the prisoner has served such time as, when added to the deduction allowable, will equal a month.
- A county prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence.

**FORFEITURE OF TIME FOR GOOD CONDUCT**

All time for good conduct is forfeited for each sustained charge of the following:

- Escape
  - **Except** if prisoner voluntarily returns without expense to the state or county, then the board may set aside the forfeiture
- Attempted escape
- Mutinous conduct

- Other serious misconduct

All or any part of the gain-time or extra gain-timed earned by a county prisoner may be forfeited by the board of county commissioners upon recommendation of the sheriff or warden for violation of any law of the state or any rule or regulation of the board or institution.

#### **§ 944.275 Gain-time**

The department is authorized to grant deductions from sentence in the form of gain-time to encourage the following:

- satisfactory prisoner behavior
- to provide incentive for prisoners to participate in productive activities
- to reward prisoners who perform outstanding deeds or services

The department established for each prisoner sentenced to a term of years a “maximum sentence expiration date,” which shall be the date when the sentence or combined sentences imposed on a prisoner will expire. In establishing this date, the department shall reduce the total time to be served by any time lawfully credited.

When a prisoner with an established maximum sentence expiration date is sentenced to an additional term or terms without having been released from custody, the department shall extend the maximum sentence expiration date by the length of time imposed in the new sentence or sentences, less lawful credits.

When an escaped prisoner or a parole violator is returned to the custody of the department, the maximum sentence expiration date in effect when the escape occurred or the parole was effective shall be extended by the amount of time the prisoner was not in custody plus the time imposed in any new sentence or sentences, but reduced by any lawful credits.

The department shall also establish for each prisoner sentenced to a term of years a “tentative release date” which shall be the date projected for the prisoner's release from custody by virtue of gain-time granted or forfeited as described in this section. The initial tentative release date shall be determined by deducting basic gain-time granted from the maximum sentence expiration date. Other gain-time shall be applied when granted or restored to make the tentative release date proportionately earlier; and forfeitures of gain-time, when ordered, shall be applied to make the tentative release date proportionately later.

When an initial tentative release date is reestablished because of additional sentences imposed before the prisoner has completely served all prior sentences, any gain-time granted during service of a prior sentence and not forfeited shall be applied.

The tentative release date may not be later than the maximum sentence expiration date.

As a means of encouraging satisfactory behavior, the department shall grant basic gain-time at the rate of 10 days for each month of each sentence imposed on a prisoner, subject to the following:

- Portions of any sentences to be served concurrently shall be treated as a single sentence when determining basic gain-time.
- Basic gain-time for a partial month shall be prorated on the basis of a 30-day month.

- When a prisoner receives a new maximum sentence expiration date because of additional sentences imposed, basic gain-time shall be granted for the amount of time the maximum sentence expiration date was extended.

The department may grant incentive gain-time if the inmate engages in the following:

- works diligently
- participates in training
- uses time constructively
- otherwise engages in positive activities

The rate of incentive gain-time in effect on the date the inmate committed the offense which resulted in his or her incarceration shall be the inmate's rate of eligibility to earn incentive gain-time throughout the period of incarceration and shall not be altered by a subsequent change in the severity level of the offense for which the inmate was sentenced.

- For sentences imposed for offenses committed prior to January 1, 1994, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.
- For sentences imposed for offenses committed on or after January 1, 1994, and before October 1, 1995:
  - For offenses ranked in offense severity levels 1 through 7, under [s. 921.0012](#) or [. 921.0013](#), up to 25 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.
  - For offenses ranked in offense severity levels 8, 9, and 10, under [s. 921.0012](#) or [. 921.0013](#), up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.
- For sentences imposed for offenses committed on or after October 1, 1995, the department may grant up to 10 days per month of incentive gain-time, except that no prisoner is eligible to earn any type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. For purposes of this subparagraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of 85 percent of the sentence imposed. Except as provided by this section, a prisoner shall not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served 85 percent of the sentence imposed. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.
- An inmate who performs some outstanding deed, such as saving a life or assisting in recapturing an escaped inmate, or who in some manner performs an outstanding service that would merit the granting of additional deductions from the term of his or her sentence may be granted meritorious gain-time of from 1 to 60 days.
- Notwithstanding subparagraphs (b)1. and 2., the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a general educational development certificate or vocational certificate. Under no

circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

**FORFEITURE OF GAIN-TIME**

- When a prisoner is found guilty of an infraction of the laws of this state or the rules of the department, gain-time may be forfeited according to law.
- The department shall adopt rules to implement the granting, forfeiture, restoration, and deletion of gain-time.

<b>Florida Gain-Time for Good Conduct § 951.21</b>	
<b>Years Sentenced</b>	<b>Days of Gain-Time for Good Conduct Earned</b>
1 – 2 years	Up to 5 days/month
3 – 4 years	Up to 10 days/month
5 + years	Up to 15 days/month
<b>Additional Gain-Time for Good Conduct Earned § 951.21</b>	
If there is no charge of misconduct sustained against a county prisoner the deduction shall be deemed earned and the prisoner shall be entitled to credit for a month as soon as the prisoner has served such time as, when added to the deduction allowable, will equal a month.	
<b>Cumulative Sentences and Gain-Time § 951.21</b>	
A county prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence.	

<b>Florida Gain-Time § 944.275</b>		
<b>Date Offense Committed</b>	<b>Days of Gain-Time Earned – Applied Monthly</b>	
Prior to January 1, 1994	Up to 20 days	
January 1, 1994-October 1, 1995	<b>Offense Level</b>	<b>Days Gain-Time Earned – Applied</b>



		<b>Monthly</b>
	1-7	Up to 25 days
	8-10	Up to 10 days
On or After October 1, 1995	10 days	
<b>Conditions for Earning Gain Time on or after October 1, 1995 - § 944.275</b>		
The gain-time earned may not cause a sentence to expire, end, or terminate, or would result in a prisoner's release, prior to serving 85% of the sentence imposed.		
<b>Eligibility in Life Sentence § 944.275</b>		
State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.		
<b>Additional Gain-Time § 944.275</b>		
<ul style="list-style-type: none"> <li>• An inmate who performs an outstanding deed such as saving a life, or assisting in the recapturing of an escaped inmate, or who in some manner performs an outstanding service that would merit the granting of additional deductions may be granted gain-time from 1 – 60 days.</li> <li>• The education program manager will recommend to the Department of Corrections a one-time award of 60 additional gain-time days when and inmate who is eligible for good time successfully completes a designated form of education.</li> </ul>		

# **GEORGIA PAROLE STATUTES**

# **GEORGIA**

**Ga. Code Ann.**

## **1. ELIGIBILITY OF PAROLE**

### **§ 17-10-16 Sentence of death, life imprisonment without parole, or life imprisonment; ineligibility for parole, work release, or leave programs – PROPOSED LEGISLATION**

Any person who is convicted of an offense which death penalty may be imposed and who is sentenced to imprisonment for life without parole shall not be eligible for any form of parole during the person's natural life unless the State Board of Pardons and Paroles or the court of Georgia, after notice and public hearing determine that the person was innocent of the offense for which the sentence was imposed.

### **§ 42-9-39 Restrictions on relief for person serving a second life sentence**

Except as otherwise provided in subsection (b) of Section 17-10-7, when a person is convicted of murder and sentenced to life imprisonment and has previously been incarcerated under a life sentence, such person shall serve at least 30 years in the penitentiary before being granted a pardon and before becoming eligible for parole.

When a person receives consecutive life sentences occurring from the same series of acts and any one of the life sentences is imposed for murder the person will have to serve 30 consecutive 30 year periods for each such sentence, up to a maximum of 60 years, before being eligible for parole consideration.

### **§ 42-9-40 Parole guideline system**

The board shall adopt, implement, and maintain a parole guidelines system for determining parole action. The guidelines system shall be used in determining parole actions on all inmates, except those serving life sentences, who will become statutorily eligible for parole consideration.

The guidelines system required by subsection (a) of this Code section shall be adopted by rules or regulations of the board. The rules or regulations shall be adopted in conformity with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

### **§ 42-9-42 Vote required to extend clemency; written opinions; prerequisites to probation, pardon or parole; terms and conditions; status of parolees; peonage forbidden-PROPOSED LEGISLATION**

A majority vote from the board will grant a person one of the following:

- Clemency
- Pardon
- Parole
- Or other relief from sentence except
- Commute a death sentence to life imprisonment, as provided in Code Section 42-9-20

The majority vote and decision must be in writing and must be signed by the least number of board members for relief granted which shall become a part of the permanent record.

The board considers the following for the granting of the inmates pardon or parole:

- Good conduct
- Achievement of a fifth-grade level or higher on standardized reading tests
- Efficient performance of duties by an inmate

In order for an inmate to be placed on parole, the board must find reasonable probability that, if released the inmate('s):

- will live and conduct himself as a respectable and law-abiding person
- release will be compatible with his own welfare and the welfare of society
- If the board is satisfied that he will be suitably employed in self-sustaining employment or that he will not become a public charge.

The person is released on parole on the terms and conditions prescribed by the board.

#### **CONDITION OF PAROLE**

- The board may require payment for a parole supervision fee for at least \$10.00 per month as a condition of parole or other conditional release.
- The board may require or the parolee or person under conditional release may request that up to 24 months of the supervision fee be paid in advance of the time to be spent on parole or conditional release.

#### **REVOCAION OF PAROLE**

- If a parolee violates the terms of his parole, he shall be subject to rearrest or extradition for placement in the actual custody of the board, to be redelivered to any state or county correctional institution of this state.

#### **§ 42-9-42.1 HIV testing for persons eligibility for clemency, pardon, parole, or other relief from sentence; conditions imposed where person determined to be infected with HIV**

The board is authorized to obtain from any penal institution and the penal institution is authorized to provide the board with HIV test results of the possible parolee. The board is authorized to impose conditions upon any person they grant clemency, a pardon, a parole, or other relief and who is determined by the HIV test to be infected with HIV. Those conditions may include, without being limited to, those designed to prevent the spread of HIV by that person.

#### **§ 42-9-45 General rule making power**

The board makes the rules granting forms of clemency, pardons, reprieves, commutation of penalties, removal of disabilities imposed by law, and the remission of any part of a sentence, and will prescribe the procedure to be followed in applying them.

If the inmate is serving a misdemeanor sentence(s) the inmate is only eligible for consideration for parole after the expiration of six months of his or her sentence or sentences or one-third of the time of his or her sentence or sentences, whichever is greater.

Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7, an inmate serving a felony sentence or felony sentences shall only be eligible for consideration for

parole after the expiration of nine months of his or her sentence or one-third of the time of the sentences, whichever is greater.

Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7, inmates serving sentences aggregating 21 years or more shall become eligible for consideration for parole upon completion of the service of seven years.

Except to correct a patent miscarriage of justice and not otherwise, no inmate serving a sentence imposed for any of the crimes listed in this subsection shall be granted release on parole until and unless said inmate has served on good behavior seven years of imprisonment or one-third of the prison term imposed by the sentencing court for the violent crime, whichever first occurs. No inmate serving a sentence for any crime listed in this subsection shall be released on parole for the purpose of regulating jail or prison populations. This subsection shall govern parole actions in sentences imposed for any of the following crimes: voluntary manslaughter, statutory rape, incest, cruelty to children, arson in the first degree, homicide by vehicle while under the influence of alcohol or as a habitual traffic violator, aggravated battery, aggravated assault, trafficking in drugs, and violations of Chapter 14 of Title 16, the “Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act.”

**EXCEPTIONS**

No inmate serving a sentence for murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, or aggravated sexual battery shall be released on parole for the purpose of regulating jail or prison populations.

An inmate whose criminal offense or history indicates alcohol or drug involvement shall not be considered for parole until such inmate has successfully completed an Alcohol or Drug Use Risk Reduction Program offered by the Department of Corrections.

An inmate who has committed an offense which has been identified to involve family violence as such term is defined in Code Section 19-13-1 shall not be released on parole until such inmate has successfully completed a Family Violence Counseling Program offered by the Department of Corrections.

<b>Georgia Parole Eligibility – Offense- § 17-10-16</b>		
Any person is eligible for parole except those convicted of committing the following crimes:		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Murder	Not eligible	NA
Armed Robbery	Not eligible	NA
Kidnapping	Not eligible	NA
Rape	Not eligible	NA
Aggravated child molestation	Not eligible	NA

Aggravated sodomy	Not eligible	NA
Aggravated Sexual battery	Not eligible	NA
Attempted sexual battery	Not eligible	NA
Criminal Offense or history indicates alcohol or drug involvement	Eligible	Will not be considered for parole until the inmate has successfully completed an Alcohol or Drug Use Risk Reduction Program offered by the Department of Corrections.
Offense that involved family violence	Eligible	Will not be considered for parole until the inmate has successfully completed a Family Violence Counseling Program offered by the Department of Correction.
<b>Parole Eligibility Exceptions § 17-10-16</b>		
<p><b>Note:</b> Any person who is convicted of an offense which death penalty may be imposed and who is sentenced to imprisonment for life without parole shall not be eligible for any form of parole during the person's natural life unless the State Board of Pardons and Paroles or the court of Georgia, after notice and public hearing determine that the person was innocent of the offense for which the sentence was imposed.</p>		

2. **CONDITIONS OF PAROLE**

**§ 42-9-42.1 Use of HIV test results in granting relief from sentence; condition**

The board is authorized to obtain HIV test results from any penal institution and the penal institution is authorized to give such results to the board. The board is authorized to obtain HIV test results from any person who applies or is eligible for the following:

- Clemency
- Pardon
- Parole
- Or other relief from a sentence

The board may also require such a person to submit an HIV test and consider the results to determine if the board should grant clemency, a pardon, a parole, or other relief to such

person. The test results of the HIV test may not be the sole basis for determining whether to grant or deny any such relief to such person, however.

The board may impose further conditions on a person whom is granted clemency, a pardon, a parole, or other relief and who is determined by an HIV test to be infected with HIV. These conditions may include without being limited to those designed to prevent the spread of HIV by that person.

**§ 42-9-43 Information to be used by board in considering cases. Disposition of prisoners – PROPOSED LEGISLATION effective July 1, 2013**

The board can consider all pertinent information on the person in question, including:

- A report by an official the superintendent, warden, or jailer of the jail or state or county correctional institution in which the person has been confined upon the conduct of record of the person while in such jail or state or county correctional institution;
- The results of such physical and mental examinations as may have been made of the person;
- The extent to which the person appears to have responded to the efforts made to improve his or her social attitude
- The industrial record of the person while confined, the nature of his or her occupations while so confined, and a recommendation as to the kind of work he or she is best fitted to perform and at which he or she is most likely to succeed when and if he or she is released;
- The educational programs in which the person has participated and the level of education which the person has attained based on standardized reading tests; and
- The written, oral, audiotaped, or videotaped testimony of the victim, the victim's family, or a witness having personal knowledge of the victim's personal characteristics.

AMENDED TO SAY THIS in section (b): The board may issue a medical reprieve to an entirely incapacitated person suffering a progressively debilitating terminal illness in accordance with the Constitution.

The board may have the person eligible for parole appear before it and personally examine the person. The board will decide whether the person may be paroled and if paroled, the conditions of parole are set by the parole board.

**§ 42-9-44 Terms of parole; imposition of rules; penalty for violation; obtaining high school diploma or general education development (GED)diploma**

The board will specify in writing the terms and conditions of the parolee. The rules, both general and special, may include the following:

- requirement that the parolee shall not leave this state or any definite area in this state without the consent of the board
- that the parolee shall contribute to the support of his or her dependents to the best of the parolee's ability
- that the parolee shall make reparation or restitution for his or her crime
- that the parolee shall abandon evil associates and ways
- that the parolee shall carry out the instructions of his or her parole supervisor

- in general, so comport himself or herself as the parolee's supervisor shall determine.

A parolee who lacks a high school diploma or a GED must, as a condition of parole, obtain one of the following:

- high school diploma
- general educational development (GED)
- pursue a trade at a vocational or technical school

If the board decides the parolee demonstrates an existing ability or skill which does furnish the parolee with a reliable, regular, and sufficient income, the parolee is not subject to this provision.

If the parolee fails to attend the necessary schools, take the necessary courses, or make reasonable progress toward fulfillment of such requirement will be grounds for revocation of parole.

**§ 42-9-44.3 Community service as condition of parole or as alternative to revocation of parole**

The State Board of Pardons and Paroles or its designee may direct an offender to perform community service as a condition of parole or as an alternative to the revocation of parole.

<b>Georgia Conditions of Parole</b>
<b>Requirements/Conditions</b>
<ul style="list-style-type: none"> <li>• Board is authorized to obtain HIV test results from anyone who is eligible for parole and may consider the results of the HIV test if the board should grant parole (§ 42-9-42.1)</li> <li>• Board may consider all pertinent information on the person in question (§ 42-9-43)</li> <li>• Parole may be conditional upon the following (§ 42-9-44):               <ul style="list-style-type: none"> <li>• requirement that the parolee shall not leave this state or any definite area in this state without the consent of the board</li> <li>• that the parolee shall contribute to the support of his or her dependents to the best of the parolee's ability</li> <li>• that the parolee shall make reparation or restitution for his or her crime</li> <li>• that the parolee shall abandon evil associates and ways</li> <li>• that the parolee shall carry out the instructions of his or her parole supervisor</li> <li>• in general, so comport himself or herself as the parolee's supervisor shall determine.</li> </ul> </li> <li>• Board may require community service (§ 42-9-44.3)</li> </ul>

3. **REVOCATION OF PAROLE**

**§ 42-9-48 Arrest of parolee or conditional release violating terms of parole or release**

If any member of the board shall have reasonable ground to believe that any parolee or conditional releasee has lapsed into criminal ways or has violated the terms and conditions of his parole or conditional release in a material respect, the member may issue a warrant for the arrest of the parolee or conditional releasee.



The warrant, if issued by a member or the board, shall be returned before the board and shall command that the alleged violator of parole or conditional release be brought before the board for a final hearing on revocation of parole or conditional release within a reasonable time after the preliminary hearing provided for in Section 42-9-50.

Any parole supervisor, when he has reasonable ground to believe that a parolee or conditional releasee has violated the terms or conditions of his parole or conditional release in a material respect, shall notify the board or some member thereof; and proceedings shall thereupon be had as provided in this Code section.

#### **§ 42-9-50 Preliminary hearing**

When a parolee or conditional releasee is arrested on a warrant issued by a member of the board for an alleged violation of parole or conditional release an informational preliminary hearing will be held. The preliminary hearing is not required if the parolee or conditional releasee is not under arrest on a warrant issued by the board, has absconded from supervision, has signed a waiver of a preliminary hearing, has admitted any alleged violation, or has been convicted of any crime in a federal court or in a court of this state or of another state.

The officer selected to conduct the preliminary hearing will provide the alleged violator with written notice of the time and place of the proceeding, its purpose, and the violations which have been alleged.

The decision of the hearing officer as to probable cause for revocation shall not be binding on the board but may be either ratified or overruled by majority vote of the board. The board may overrule the decision of the hearing officer if the hearing officer has determined that the alleged violator should be set free on his personal recognizance.

#### **§ 42-9-51 Final hearing; finding of board; conviction of crime**

A parolee who has allegedly violated the terms of his parole or conditional release shall, except as otherwise provided in this subsection, have a right to a final hearing before the board, to be held within a reasonable time. No final hearing shall be required or permitted if the parolee or conditional releasee has been convicted of or entered any form of guilty plea or plea of nolo contendere in any federal or state court of record to any felony crime, or misdemeanor involving physical injury, committed by the parolee or conditional releasee during a term of parole or conditional release, and which new conviction results in imposition by the convicting court of a term of imprisonment, and, in such cases, the board shall revoke the entire unexpired term of parole or conditional release. In no case shall a final hearing be required if the parolee or conditional releasee has signed a waiver of final hearing. The final hearing, if any, shall be held within a reasonable time.

The purpose of the hearing is to determine whether the alleged violator has committed any of the alleged violations of the terms and conditions of their parole or conditional release and whether those violations would warrant a revocation of parole or conditional release.

When a parolee or conditional releasee has been convicted of any crime or entered a guilty plea, or nolo contendere his parole or conditional release may be revoked without a hearing of the board. Moreover, whenever it shall appear to the board that a parolee or conditional releasee either has absconded or has been convicted of another

crime in a federal court or in a court of record of another state, the board may issue an order of temporary revocation of parole or conditional release, together with its warrant for such violator, which shall suspend the running of the parolee's or conditional releasee's time from the date of the temporary revocation of parole or conditional release to the date of the determination by the board as to whether the temporary revocation shall be made permanent. If the board determines that there has been no violation of the conditions of the parole or conditional release, then the parolee or the releasee shall be reinstated upon his original parole or conditional release without any loss of time and the order of temporary revocation of parole or conditional release and the warrant shall be withdrawn.

Within a reasonable time after the hearing provided for by this Code section, the board shall enter an order (1) rescinding parole or conditional release and returning the parolee or conditional releasee to serve the sentence theretofore imposed upon him, with benefit of computing the time so served on parole or conditional release as a part of his sentence; or (2) reinstating the parole or conditional release or shall enter such other order as it may deem proper. The board shall issue a written statement which shall indicate its reasons for revoking or not reinstating parole or conditional release or for taking such other action as it deems appropriate and shall also indicate the evidence relied upon in determining the facts which form the basis for these reasons. The parolee or conditional releasee who is the subject of the board's decision shall be furnished with a copy of this written statement.

#### **4. DISCHARGE FROM PAROLE**

##### **§ 42-9-52 Time of discharge from parole. Granting privileges to, and pardoning, parolee**

No person on parole will be discharged prior to the expiration of the term for which was sentenced or until he shall have been duly pardoned or otherwise released as provided in this Code section. The board will be authorized to withhold or to forfeit, in whole or in part, any such earned-time allowance.

The board shall also be authorized to withhold or to forfeit, in whole or in part, any such earned-time allowance. When a parolee or other conditional releasee has, in the opinion of the board, so conducted himself as to deserve a pardon or a commutation of sentence or the remission in whole in or part of any fine, forfeiture, or penalty, the board may grant such relief in cases within its power.

##### **§ 42-9-54 Relief from disabilities; conditional pardons forbidden**

All pardons shall relieve those pardoned from civil and political disabilities imposed because of their convictions.

No conditional pardons shall be issued.

##### **§ 42-9-56 No power of Governor to grant pardons and paroles**

The Governor shall have no authority or power whatever over the granting of pardons and parole.

5. **DOS/GOOD TIME**

**PROPOSED LEGISLATION: § 42-4-7 Record of inmates to be kept; earned allowances – PROPOSED LEGISLATION**

The sheriff, chief jailer, warden, or other officer who confine county inmates for probation violations of felony offenses or as provided in subsection (a) of Code Section 17-10-3 may award eared time allowances to such inmates based on institutional behavior. Earned time allowances shall not be awarded that exceed 1/2 of the sentence, except that the sheriff or other custodian may authorize the award of not more than 4 days credit for each day on which an inmate does work on an authorized work detail; provided, however, that such increased credit for performance on a work detail shall not apply to an inmate who is incarcerated for:

- Second offense of DUI within a 5 year period of time
- A misdemeanor of a high and aggravated nature; or
- A crime committed against a family member as defined in Code Section 19-13-1

While an inmate sentenced to confinement as a county inmate is in custody as a county inmate, the custodian of such inmate may award an earned time allowance consistent with this subsection and subsection (b) of Code Section 17-10-4 based on the institutional behavior of such inmate while in custody as a county inmate.

Commencing January 1, 1984, those provisions of subsection (b) of this Code section which provide for good-time allowances to be awarded to inmates sentenced to confinement as county inmates as provided in subsection (a) of Code Section 17-10-3 shall apply to all such inmates in confinement on December 31, 1983, and all inmates who commit crimes on or after January 1, 1984, and are subsequently convicted and sentenced to confinement as county inmates. Conversion of the computation of the sentences of county inmates in confinement on December 31, 1983, from earned time governed sentences to good-time governed sentences shall be made by the sheriff or other custodian of such inmates. Commencing July 1, 1994, those provisions of subsection (b) of this Code section which provide for good-time allowances to be awarded to inmates sentenced to confinement as county inmates for probation violations of felony offenses shall apply to all such inmates in confinement on June 30, 1994, and all inmates whose probation is revoked or who commit crimes on or after July 1, 1994, and are subsequently sentenced to confinement as county inmates. Commencing July 1, 2000, the award of earned time allowances pursuant to subsection (b) of this Code section for persons who commit crimes on or after July 1, 2000, and are subsequently convicted and sentenced to confinement as county inmates and inmates whose probation is revoked on or after July 1, 2000, or who commit crimes on or after July 1, 2000, and are subsequently sentenced to confinement as county inmates is not automatic or mandatory but shall be based upon institutional behavior.

**§ 42-5-100 Persons to whom earned-time allowance not applicable**

Earned-time allowances do not apply to:

- Persons who commit crimes on or after January 1, 1984, and who are subsequently convicted and sentenced to the custody of the board
- Persons who have committed a crime prior to January 1, 1984, but who have not been convicted and sentenced as of December 31, 1983, and who are

subsequently sentenced to the custody of the board, including those whose sentences have been probated or suspended, on or after January 1, 1984; however, such persons shall receive the full benefit of the earned-time allowances, in effect on December 31, 1983, and shall receive a release or discharge date computed as if they had been sentenced to the custody of the board, prior to December 31, 1983; or

- Those persons previously sentenced to the custody of the board, including those whose sentences have been probated or suspended, as of December 31, 1983; however, such persons shall receive the full benefit of the earned-time allowances in effect on December 31, 1983, and shall receive a release or discharge date the same as reflected in the records of such person on December 31, 1983, less any creditable earned time that such person could have earned as a result of forfeited earned time.

<b>Georgia Good Time Computation § 42-4-7</b>
<b>The Following types of prisoners are not permitted to gain good time:</b>
<ul style="list-style-type: none"> <li>• Second offense of DUI within a 5 year period of time</li> <li>• A misdemeanor of a high and aggravated nature; or</li> <li>• A crime committed against a family member as defined in Code Section 19-13-1</li> </ul>
<p><b>NOTE:</b> Earned time allowances shall not be awarded that exceed 1/2 of the sentence, except that the sheriff or other custodian may authorize the award of not more than 4 days credit for each day on which an inmate does work on an authorized work detail</p>
<b>Georgia Good Time Computation – No Good Time Awarded– EXCEPTIONS</b>
<b>§ 42-5-100</b>
<b>Earned-time allowances do not apply to:</b>
<ul style="list-style-type: none"> <li>• Persons who commit crimes on or after January 1, 1984, and who are subsequently convicted and sentenced to the custody of the board</li> <li>• Persons who have committed a crime prior to January 1, 1984, but who have not been convicted and sentenced as of December 31, 1983, and who are subsequently sentenced to the custody of the board, including those whose sentences have been probated or suspended, on or after January 1, 1984; however, such persons shall receive the full benefit of the earned-time allowances, in effect on December 31, 1983, and shall receive a release or discharge date computed as if they had been sentenced to the custody of the board, prior to December 31, 1983; or</li> <li>• Those persons previously sentenced to the custody of the board, including those whose sentences have been probated or suspended, as of December 31, 1983; however, such persons shall receive the full benefit of the earned-time allowances in effect on December 31, 1983, and shall receive a release or discharge date the same as reflected in the records of such</li> </ul>

person on December 31, 1983, less any creditable earned time that such person could have earned as a result of forfeited earned time.

# **KANSAS PAROLE STATUTES**

# **KANSAS**

## **Kan. Stat. Ann.**

### **1. ELIGIBILITY OF PAROLE**

#### **§ 22-3717 Parole or postrelease supervision; eligibility; interviews, notices and hearings; rules and regulations; conditions of parole or postrelease supervision – AMENDED by 2013 Kansas Laws Ch. 76 (H.B. 2170) – PROPOSED LEGISLATION**

Except as otherwise provided by this section; .S.A. 21-4628, prior to its repeal; K.S.A. 21-4635 through -4638, prior to their repeal; .S.A. 21-4624, prior to its repeal; .S.A. 21-4642, prior to its repeal; .S.A. 21-6617, -6620, -6623, -6624, -6625 and -6626, and amendments thereto; and .S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to .S.A. 21-4618, prior to its repeal, .S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

Except as provided by K.S.A. 21-4635 through -4638, prior to their repeal, .S.A. 21-6620, -6623, 21-6624 and -6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

Except as provided by subsection (b)(1) or (b)(4), .S.A. 21-4628, prior to its repeal, K.S.A. 21-4635 through -4638, prior to their repeal, and .S.A. 21-6620, -6623, 21-6624 and -6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

Except as provided by .S.A. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to .S.A. 21-4618, prior to its repeal, or .S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

An inmate sentenced to imprisonment pursuant to .S.A. 21-4643, prior to its repeal, or .S.A. 21-6627, and amendments thereto, an inmate sentenced to a mandatory term of imprisonment of 25 or 40 years for sex offenders committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

The aggregate minimum sentences, as determined pursuant to .S.A. 21-4608, prior to its repeal, or .S.A. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and (B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

If an inmate is sentenced to imprisonment pursuant to .S.A. 21-4643, prior to its repeal, or .S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), those who are convicted of a sexually violent crime committed on or after July 1, 2006, will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

- Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months, plus the amount of good time and program credit earned and retained pursuant to .S.A. 21-4722, prior to its repeal, or .S.A. 21-6821, and amendments thereto, on postrelease supervision.
- Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months, plus the amount of good time and program credit earned and retained pursuant to .S.A. 21-4722, prior to its repeal, or .S.A. 21-6821, and amendments thereto, on postrelease supervision.
- Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months, on postrelease supervision.

Persons sentenced to a term of imprisonment that includes a sentence to the term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated crime in which the offender has been ordered to register, electronic solicitation, unlawful sexual relations, shall serve the period of post release plus the amount of good time credit earned.

If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.



If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

In determining whether substantial and compelling reasons exist, the court shall consider:

- (1) Written briefs or oral arguments submitted by either the defendant or the state;
- (2) any evidence received during the proceeding;
- (3) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714, prior to its repeal, or subsection (e) of K.S.A. 21-6813, and amendments thereto; and
- (4) any other evidence the court finds trustworthy and reliable.

The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and amendments thereto.

Upon petition and payment of any restitution ordered pursuant to K.S.A. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to .S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant .S.A. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under .S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district

attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to .S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under .S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under .S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j)(1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under .S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under .S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under .S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(1) The prisoner review board shall promulgate rules and regulations in accordance .S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

- (1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;
- (2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;
- (3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;
- (4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to .S.A. 22-4529, and amendments

- thereto, unless the board finds compelling circumstances which would render payment unworkable;
- (5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in .S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;
  - (6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and
  - (7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

An inmate who is allocated regular good time credits as provided in .S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life

threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

An inmate sentenced to imprisonment pursuant to .S.A. 21-4643, prior to its repeal, or .S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

On and after July 1, 2012, for any inmate who is a sex offender, as defined .S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

As used in this subsection, "pornographic materials" means: Any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

The provisions of this subsection shall be applied retroactively to every sex offender, as defined in .S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

#### **STATUTE DEEMED UNCONSTITUTIONAL:**

This statute was deemed unconstitutional by State v. Proctor, 280 P.3d 839, 864 (Kan. Ct. App. 2012). The imposition of a sentence of lifetime post-release supervision under . Stat. Ann. §§ 22-3717 and 75-5217 for defendant, who pleaded guilty to aggravated indecent solicitation of a child and lewd and lascivious behavior, violated the prohibitions against cruel and unusual punishment under U.S. Const. amend. VIII and . Const. Bill Rights § 9 because the sentence was unconstitutionally disproportionate due to the disparity between the criminal conduct and the punishment and the fact that it exacted a harsher punishment than for more serious crimes. The sentence was vacated in part and remanded for resentencing.

In State v. Perkins, the Court of Appeals of Kansas abandoned the Proctor rationale and followed the decision of the Kansas Supreme Court in State v. Ottinger, 264 P.3d 1027 (Kan. 2011). State v. Perkins, 301 P.3d 788, 788 (Kan. Ct. App. 2013)

#### **§ 44-6-114c Parole eligibility computation**

Concurrent class A felony sentences have a fixed parole eligibility date of 15 years except as follows:

- For capital murder offenses committed on or after July 1, 1999 if a death sentence is not imposed, then under K.S.A. 21-4635 and 21-4638 and amendments thereto, a parole eligibility date of 50 years will be established.

Parole eligibility for sentences that include one or more class A felonies shall be determined as follows:

- Computing the parole eligibility on the aggregate minimum terms for crimes that are not class A felonies; and
- Adding an additional 15 years for each class A felony
- A class A felony sentence shall be served first with the 15-year or 40-year parole eligibility period, as appropriate, added to the sentence begins date, to determine the parole eligibility date on the
- Adding an additional 15 to 40 years, as appropriate, shall be added for each additional consecutive class A felony sentence.
- Good time credits are applied to class A felonies

For off-grid crimes committed on or after July 1, 1999, parole eligibility is computed in the same manner as for class A felonies except that the fixed parole eligibility date shall be at 20, 25, or 50 years as specified by the court.

**§45-700-2 Review and consideration of application for release**

The board may consider the inmate’s parole application and consider the following additional factors:

- The inmate’s age and medical condition
- The health care needs of the inmate
- The inmate’s custody classification and level of risk of violence; and
- The inmate’s effective capacity to cause physical harm
- The inmate’s need for long term care

**§45-700-2 Review and consideration of application for release**

Each offender on release status who meets at least one of the following conditions will be discharged from supervision:

- The offender has served the maximum term or sentence as determined by K.S.A. 22-3722 (see below)
- Discharge is recommended by the parole officer and approved by the board as provided in K.S.A. 22-3722 (see below)

<b>Kansas Parole Eligibility – Offense § 22-3717</b>		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Capital Murder	Not eligible	NA
degree murder	Eligible	based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time



		credits.
Off-Grid Offense	Eligible	committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.
Class A Felony	Eligible	shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.
Mandatory term of imprisonment of 25 or 40 years for sex offenders	Eligible	committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.
	Not eligible	NA
	Not eligible	NA
	Not eligible	NA
	Eligible	Will not be considered for parole until the inmate has successfully completed an Alcohol or Drug Use Risk Reduction Program offered by the

		Department of Corrections.
	Eligible	Will not be considered for parole until the inmate has successfully completed a Family Violence Counseling Program offered by the Department of Correction.

**Kansas Parole Eligibility Computation § 44-6-114c**

**Note:** Concurrent class A felony sentences have a fixed parole eligibility date of 15 years except as follows:

- For capital murder offenses committed on or after July 1, 1999 if a death sentence is not imposed, then under K.S.A. 21-4635 and 21-4638 and amendments thereto, a parole eligibility date of 50 years will be established.

Parole eligibility for sentences that include one or more class A felonies shall be determined as follows:

- Computing the parole eligibility on the aggregate minimum terms for crimes that are not class A felonies; and
- Adding an additional 15 years for each class A felony
- A class A felony sentence shall be served first with the 15-year or 40-year parole eligibility period, as appropriate, added to the sentence begins date, to determine the parole eligibility date on the
- Adding an additional 15 to 40 years, as appropriate, shall be added for each additional consecutive class A felony sentence.
- Good time credits are applied to class A felonies

For off-grid crimes committed on or after July 1, 1999, parole eligibility is computed in the same manner as for class A felonies except that the fixed parole eligibility date shall be at 20, 25, or 50 years as specified by the court.

**2. CONDITIONS OF PAROLE**

**§ 22-3712 Placement in diagnostic or treatment facility as condition of release**

As a condition of probation, parole or postrelease supervision, the person may be placed in a diagnostic or treatment facility by order of the court or prisoner review board. The placement in a diagnostic or treatment facility shall not exceed 90 days or the maximum period of prison sentence that could be imposed, but may be renewed for further 90 day periods on certificates presented to the court by the director of such facility.

**§ 22-3713 Prisoner review board; hearings; personnel and accounting services—  
Amended by 2013 Kansas Laws Ch. 76 (H.B. 2170)**

The prisoner review board may authorize one or more of its members to conduct hearings on behalf of the board.

The secretary of corrections shall provide the prisoner review board with necessary personnel and accounting services.

**§ 22-3716 Arrest for violating condition of probation, assignment to community corrections, suspension of sentence or nonprison sanction; procedure; time limitation on issuing warrant; limitations on serving sentence in department of corrections' facility or serving period of postrelease supervision exceptions –  
AMENDED by 2013 Kansas Laws Ch. 76 (H.B. 2170)**

At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (d) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (d), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written or verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. A written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction. Thereupon, or upon an arrest by warrant as provided in this section, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation.

Except as otherwise provided, if the violation is established, the court may continue or revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed. Except as otherwise provided, no offender for whom a violation of conditions of release or

assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed, except these provisions shall not apply to offenders who violate a condition of release or assignment or a nonprison sanction by committing a new misdemeanor or felony offense.

The provisions of this subsection shall not apply to adult felony offenders as described in subsection (a)(3) of K.S.A. 75-5291, and amendments thereto. The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program. When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of imprisonment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of that sentence. The provisions of this subsection shall not apply to offenders sentenced to a nonprison sanction pursuant to a dispositional departure, whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes, offenders sentenced for a "sexually violent crime" or a "sexually motivated crime" as defined by K.S.A. 22-3717, and amendments thereto, offenders sentenced pursuant to K.S.A. 21-6804, and amendments thereto, wherein the sentence is presumptive imprisonment but a nonprison sanction may be imposed without a departure or offenders whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense. The provisions of this subsection shall not apply to offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease supervision by this subsection on the effective date of this subsection. The provisions of this subsection shall be applied retroactively. The department of corrections shall conduct a review of all persons who are in the custody of the department as a result of only a revocation of a nonprison sanction. On or before September 1, 2000, the department shall have discharged from postrelease supervision those offenders as required by this subsection.

Offenders who have been sentenced pursuant to K.S.A. 21-6824, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment

program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.

**§ 22-3718 Conditional release; notice**

Upon release, an inmate who has served the inmate's maximum term or terms, less such work and good behavior credits as have been earned, shall be subject to such written rules and conditions as the prisoner review board may impose, until the expiration of the maximum term or terms for which the inmate was sentenced or until the inmate is otherwise discharged. If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant to this section, the board may set aside restitution as a condition of release payment of restitution, if the board finds compelling circumstances which would render a plan of restitution unworkable. If the court which sentenced an inmate specified reimbursement of all or part of the expenditures by the state board of indigents' defense services as a condition of release, the board may set aside such reimbursement, if the board finds compelling circumstances which would render a plan of reimbursement unworkable. Prior to the release of any inmate on parole, conditional release or expiration of sentence, if an inmate is released into the community under a program under the supervision of the secretary of corrections, the secretary shall give written notice of such release to any victim or victim's family as provided in K.S.A. 22-3727, and amendments thereto.

**§ 22-3727 Secretary of corrections; prior to release; information to victim**

Prior to the release of any inmate on parole, if the inmate is released under the supervision of the secretary of corrections, or after the escape of an inmate or death of an inmate while in the secretary of corrections' custody, the secretary of corrections will give notice to the family or the victim's family.

**§ 22-3727a Notification to victims of the escape or death of certain committed defendants or inmates; when**

The secretary of corrections will notify the victims of the escape or death of certain committed defendants or inmates.

**§ 22-3728 Functional incapacitation release; procedures; notice; conditions; supervision upon release – PROPOSED LEGISLATION**

The prisoner review board may grant release to person deemed functionally incapacitated upon terms and conditions as prescribed in the order granting release. Subject to provisions, a functional incapacitation release shall not be granted until at least 30 days after written notice of the application has been given to the following:

- The prosecuting attorney and judge of the court where the person was convicted
- Any victim of the person's crime or the victim's family

If there is no known address of the victim or their family, the shall not grant or deny the application until at least 30 days after notification is given by publication in the county of conviction.

The board shall examine each application and if the board determines the person is functionally incapacitated and does not represent a future risk to public safety. If the board determines the person is able to be released under functional incapacitation the board will establish conditions related to the release of that person.

If the person fails to comply with the conditions of release or if the board determines the person is a threat to public safety the release will be revoked.

**§ 22-3729 Terminal medical release; procedures; notice; conditions; revocations; supervision upon release**

A person may be released if they have a terminal medical condition. The chairperson of the board will establish any conditions related to the release of that person. The person will remain under supervision until the release is revoked, expiration of the maximum sentence, or discharge by the board.

**§ 45-1000-1 Restitution**

As a condition of parole the parolee may be ordered to pay restitution in the amount and manner provided in the journal entry of the sentencing court.

<b>Kansas Conditions of Parole</b>
<b>Requirements/Conditions</b>
<ul style="list-style-type: none"> <li>• Board may grant release to person deemed functionally incapacitated upon terms and conditions set by the board (§ 22-37-28)</li> <li>• A person may be granted medical release with conditions set on their supervision (§ 22-3729)</li> <li>• The parolee may be ordered to pay restitution (§ 45-1000-1)</li> </ul>

3. **RELEASE**

**§ 45-400-3 Release**

Any inmate who has been granted parole and is assigned a specific parole officer will have a release date. The release date has to comply with statutory eligibility or for any other special cause as determined on a case-by-case basis.

**§ 45-400-4 Deferred release**

The release of any inmate who has been granted parole may be deferred or the parole may be rescinded on the basis of any of one or more of the following factors:

- Department of corrections staff finds that there is probable cause to believe the inmate committed a facility infraction before being released
- The parole plane does not provide for sufficient supervision or does not adequately provide for public safety or for the successful integration of the inmate

- Information that was not available at the hearing indicates that the inmate cannot reasonably lead a law-abiding life

The board may consider the following factors to determine a deferred release:

- The date of the alleged infraction
- The nature of the alleged violation charged and its penalty classification; and
- The facility's report containing recommendations concerning the inmates parole status

#### 4. **REVOCATION OF PAROLE**

##### **§ 75-5217 Violation of conditions of release; notice to appear or arrest, procedure; detention; hearing and order of the board, rules and regulation—Amended by 2013 Kansas Law Ch. 76 (H.B. 2170)**

At any time during release on parole, conditional release or postrelease supervision, the secretary of corrections may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release, or a notice to appear to answer to a charge of violation. Any parole officer may arrest such released inmate without a warrant, or may deputize any other officer with power of arrest to do so by giving such officer a written or verbal arrest and detain order setting forth that the released inmate, in the judgment of the parole officer, has violated the conditions of the inmate's release. A written arrest and detain order delivered to the official in charge of the institution or place to which the released inmate is brought for detention shall be sufficient warrant for detaining the inmate. After making an arrest the parole officer shall present to the detaining authorities a similar arrest and detain order and statement of the circumstances of violation.

Upon such arrest and detention, the parole officer shall notify the secretary of corrections, or the secretary's designee, within five days and shall submit in writing a report showing in what manner the released inmate had violated the conditions of release.

It is within the discretion of the board whether a hearing requires the released inmate to appear personally before the board when such inmate's violation results from a conviction for a new felony or misdemeanor. An offender under certain circumstances, may waive the right to a final revocation hearing before the board

If the violation is established to the satisfaction of the board, the board may continue or revoke the parole or conditional release, or enter such other order as the board may see fit. The revocation of release of inmates who are on a specified period of postrelease supervision shall be for a six-month period of confinement from the date of the revocation hearing before the board or the effective date of waiver of such hearing by the offender pursuant to rules and regulations promulgated by the board, if the violation does not result from a conviction for a new felony or misdemeanor. Such period of confinement may be reduced by not more than three months based on the inmate's conduct, work and program participation during the incarceration period. The reduction in the incarceration period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

If the violation results from a conviction for a new felony, upon revocation, the inmate shall serve a period of confinement, to be determined by the prisoner review board, which shall not exceed the remaining balance of the period of postrelease

supervision, even if the new conviction did not result in the imposition of a new term of imprisonment.

If the violation results from a conviction for a new misdemeanor, upon revocation, the inmate shall serve a period of confinement, to be determined by the prisoner review board, which shall not exceed the remaining balance of the period of postrelease supervision.

If a released inmate for whom a warrant has been issued by the secretary of corrections for violation of the conditions of release is subsequently arrested in another state, and the released inmate has been authorized as a condition of such inmate's release to reside in or travel to the state in which the released inmate was arrested, and the released inmate has not absconded from supervision, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the warrant to the date of the released inmate's arrest.

The secretary may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release and may direct that all reasonable means to serve the warrant and detain such released inmate be employed including, but not limited to, notifying the federal bureau of investigation of such violation and issuance of warrant and requesting from the federal bureau of investigation any pertinent information it may possess concerning the whereabouts of the released inmate.

5. **DISCHARGE FROM PAROLE**

**§ 22-3722 Service on parole, conditional release and postrelease supervision; discharge; restoration of civil rights**

The period served on parole or conditional release shall be deemed service of the term of confinement, and, subject to the provisions contained in K.S.A. 75-5217, and amendments thereto, relating to an inmate who is a fugitive from or has fled from justice, the total time served may not exceed the maximum term or sentence. The period served on postrelease supervision shall vest in and be subject to the provisions contained in K.S.A. 75-5217, and amendments thereto, relating to an inmate who is a fugitive from or has fled from justice. The total time served shall not exceed the postrelease supervision period established at sentencing.

When an inmate on parole or conditional release has performed the obligations of the release that will satisfy the review board the board may make the final order to discharge and issue a certificate of discharge to the inmate.

6. **DOS/GOOD TIME**

**§ 44-6-101 Definitions**

See this statute for definitions of good time credits.

**§ 21-6821 Good time and program credits; calculation; forfeiture; rules and regulations of secretary—AMENDED by 2013 Kansas Laws Ch. 76 (H.B. 2170)**

The secretary of corrections is hereby authorized to adopt rules and regulations providing for a system of good time calculations. For purposes of determining release of an inmate, the following shall apply with regard to good time calculations:

- Good behavior by inmates is the expected norm and negative behavior will be punished; and



- the amount of good time which can be earned by an inmate and subtracted from any sentence is limited to:
- For a crime committed on or after July 1, 1993, an amount equal to 15% of the prison part of the sentence;
- for a nondrug severity level 7 through 10 crime committed on or after January 1, 2008, an amount equal to 20% of the prison part of the sentence; or
- for a drug severity level 3 or 4 crime committed on or after January 1, 2008, but prior to July 1, 2012, or a drug severity level 4 or 5 crime committed on or after July 1, 2012, an amount equal to 20% of the prison part of the sentence.
- The postrelease supervision term of a person sentenced to a term of imprisonment that includes a sentence for sexually violent crime, a sexually motivated crime in which the offender has been ordered to register, electronic solicitation prior to its appeal, or unlawful sexual relations, will have any time which is earned and subtracted from the prison of such sentence any other concurrent sentence pursuant to good time calculation added to such inmate's postrelease supervision term.

An inmate shall not be awarded good time credits pursuant to this section for any review period established by the secretary of corrections in which a court finds that the inmate has done any of the following while in the custody of the secretary of corrections:

- (1) Filed a false or malicious action or claim with the court;
- (2) brought an action or claim with the court solely or primarily for delay or harassment;
- (3) testified falsely or otherwise submitted false evidence or information to the court;
- (4) attempted to create or obtain a false affidavit, testimony or evidence; or
- (5) abused the discovery process in any judicial action or proceeding.

For purposes of determining release of an inmate who is serving only a sentence for a nondrug severity level 4 through 10 crime or a drug severity level 4 or 5 crime committed on or after July 1, 2012, the secretary of corrections is hereby authorized to adopt rules and regulations regarding program credit calculations

In addition to any good time credits earned and retained, the following shall apply with regard to program credit calculations:

- A system shall be developed whereby program credits may be earned by inmates for the successful completion of requirements for a general education diploma, a technical or vocational training program, a substance abuse treatment program or any other program designated by the secretary which has been shown to reduce offender's risk after release; and
- the amount of time which can be earned and retained by an inmate for the successful completion of programs and subtracted from any sentence is limited to not more than 60 days.

Any time which is earned and subtracted from the prison part of the sentence of any inmate pursuant to program credit calculation shall not be added to such inmate's postrelease supervision term, if applicable, except that the postrelease supervision term of a person sentenced for a sexually violent crime, a sexually motivated crime in which the offender has been ordered to register, electronic solicitation, or unlawful sexual relations will have any time which is earned and subtracted from the prison part of such sentence

and any other consecutive or concurrent sentence pursuant to program credit calculation added to the inmate's postrelease supervision term.

When separate sentences of imprisonment for different crimes are imposed on a defendant on the same date, a defendant shall only be eligible for program credits if such crimes are a drug severity level 4 or 5 committed on or after July 1, 2012.

Program credits shall not be earned by any offender successfully completing a sex offender treatment program.

**§ 44-6-101 Definitions**

Good time credits are a pool of credits that decreases part of the term of actual imprisonment for good work and behavior over a period of time. Good time credits will not eliminate the sentence or forgive the sentence. It merely allows for the inmate to be released before the full sentence is served.

If parole is revoked the good time credits earned will not be available to reduce the period of incarceration before a prisoner review board hearing for reparole.

**§ 44-6-114e Guidelines release date**

Except for off-grid crimes, crimes at non-drug severity levels 7 – 10 committed on or after January 8, 2008, and crimes at drug grid severity level 4 or 5 committed on or after July 1, 2012, may be reduced by no more than 20% through awarded and retained good time credits.

Except for off-grid crimes, crimes at non-drug grid severity levels 1 – 6 and drug grid severity levels 1 and 2 committed on or after January 1, 2008, and crimes at drug severity level 3 committed on or after July 1, 2012, may be reduced by no more than 15% through awarded and retained good time credits. Partial days will be rounded to the next whole number, but over the length of the sentence no more than 15% of the imprisonment portion of the sentence may be awarded as good time.

For sentences that are determinate and concurrent or consecutive with indeterminate sentences, good time may be awarded on the indeterminate sentence term as described in these regulations and applicable law.

The following chart establishes the good time credit rate for a 15% reduction of the prison portion of a determinate sentence

**TOTAL GOOD TIME AVAILABLE (15% RATE) OFFENSES  
COMMITTED ON OR AFTER APRIL 20, 1995 - § 44-6-101**

Length of Sentence [Months]	Possible Good Time Earned			Time To Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
5	0	0	23	0	4	7
6	0	0	27	0	5	3

7	0	1	2	0	5	28
8	0	1	6	0	6	24
9	0	1	11	0	7	19
10	0	1	15	0	8	15
11	0	1	20	0	9	10
12	0	1	24	0	10	6
13	0	1	29	0	11	1
14	0	2	3	0	11	27
15	0	2	8	0	12	22
16	0	2	12	0	13	18
17	0	2	17	0	14	13
18	0	2	21	0	15	9
19	0	2	26	0	16	4
20	0	3	0	0	17	0
21	0	3	5	0	17	25
22	0	3	9	0	18	21
23	0	3	14	0	19	16
24	0	3	18	0	20	12
25	0	3	23	0	21	7
26	0	3	27	0	22	3
27	0	4	2	0	22	28
28	0	4	6	0	23	24
29	0	4	11	0	24	19
30	0	4	15	0	25	15
31	0	4	20	0	26	10
32	0	4	24	0	27	6
33	0	4	29	0	28	1
34	0	5	3	0	28	27
35	0	5	8	0	29	22
36	0	5	12	0	30	18
37	0	5	17	0	31	13
38	0	5	21	0	32	9

39	0	5	26	0	33	4
40	0	6	0	0	34	0
41	0	6	5	0	34	25
42	0	6	9	0	35	21
43	0	6	14	0	36	16
44	0	6	18	0	37	12
45	0	6	23	0	38	7
46	0	6	27	0	39	3
47	0	7	2	0	39	28
48	0	7	6	0	40	24
49	0	7	11	0	41	19
50	0	7	15	0	42	15
51	0	7	20	0	43	10
52	0	7	24	0	44	6
53	0	7	29	0	45	1
54	0	8	3	0	45	27
55	0	8	8	0	46	22
56	0	8	12	0	47	18
57	0	8	17	0	48	13
58	0	8	21	0	49	9
59	0	8	26	0	50	4
60	0	9	0	0	51	0
61	0	9	5	0	51	25
62	0	9	9	0	52	21
63	0	9	14	0	53	16
64	0	9	18	0	54	12
65	0	9	23	0	55	7
66	0	9	27	0	56	3
67	0	10	2	0	56	28
68	0	10	6	0	57	24
69	0	10	11	0	58	19
70	0	10	15	0	59	15
71	0	10	20	0	60	10
72	0	10	24	0	61	6

73	0	10	29	0	62	1
74	0	11	3	0	62	27
75	0	11	8	0	63	22
76	0	11	12	0	64	18
77	0	11	17	0	65	13
78	0	11	21	0	66	9
79	0	11	26	0	67	4
80	1	0	0	0	68	0
81	1	0	5	0	68	25
82	1	0	9	0	69	21
83	1	0	14	0	70	16
84	1	0	18	0	71	12
85	1	0	23	0	72	7
86	1	0	27	0	73	3
87	1	1	2	0	73	28
88	1	1	6	0	74	24
89	1	1	11	0	75	19
90	1	1	15	0	76	15
91	1	1	20	0	77	10
92	1	1	24	0	78	6
93	1	1	29	0	79	1
94	1	2	3	0	79	27
95	1	2	8	0	80	22
96	1	2	12	0	81	18
97	1	2	17	0	82	13
98	1	2	21	0	83	9
99	1	2	26	0	84	4
100	1	3	0	0	85	0

**ALLOCATION OF GOOD TIME CREDITS AVAILABLE DURING THE  
SERVICE OF SENTENCE – 15% RATE OFFENSES COMMITTED ON OR  
AFTER APRIL 20, 1995 - § 44-6-101**

<b>MOTHS SERVED</b>	<b>YEARS</b>	<b>TIME EARNED MONTHS</b>	<b>DAYS</b>
1			5
2			11
3			16
4			21
5			26
6			02
7		1	07
8		1	12
9		1	18
10		1	23
11		1	28
12		2	03
13		2	09
14		2	14
15		2	19
16		2	25
17		3	00
18		3	05
19		3	10
20		3	16
21		3	21
22		3	26
23		4	02
24		4	07
25		4	12
26		4	18
27		4	23
28		4	25
29		5	03
30		5	09
31		5	14

32		5	19
33		5	25
34		6	00
35		6	05
36		6	10
37		6	16
38		6	21
39		6	26
40		7	02
41		7	07
42		7	12
43		7	17
44		7	23
45		7	28
46		8	03
47		8	09
48		8	14
49		8	19
50		8	25
51		9	00
52		9	05
53		9	10
54		9	16
55		9	21
56		9	26
57		10	02
58		10	07
59		10	12
60		10	17
61		10	23
62		10	28
63		11	03
64		11	09
65		11	14

66		11	19
67		11	24
68		12	00
69		12	05
70		12	10
71		12	16
72		12	21
73		12	26
74	1	01	01
75	1	01	07
76	1	01	12
77	1	01	17
78	1	01	23
79	1	01	28
80	1	02	03
81	1	02	08
82	1	02	14
83	1	02	19
84	1	02	24
85	1	03	00
86	1	03	05
87	1	03	10
88	1	03	16
89	1	03	21
90	1	03	26
91	1	04	01
92	1	04	06
93	1	04	12
94	1	04	17
95	1	04	23
96	1	04	28
97	1	05	03
98	1	05	08
99	1	05	14



100	1	05	19
-----	---	----	----

**EXCEPTIONS**

The two charts above shall be used to compute the total pool of good time credits available on composite sentences for crimes committed on or after January 1, 2008, except that good time credit shall be allocated over the period of time equal to the inmate's composite sentence term less a number that is the sum of the total pool of available good time credits and four months.

**KENTUCKY PAROLE STATUTES**



# **KENTUCKY**

**Ky. Rev. Stat. Ann.**

## **1. ELIGIBILITY OF PAROLE**

### **§ 439.331 Risk and needs assessment of criminal risk factors of parole-eligible inmates**

The department will:

- Administer validated risk and needs assessment to assess the criminal risk factors of all inmates who are eligible for parole, or a reassessment of a previously administered risk and needs assessment, before the case is considered by the board
- Provide results of the most recent risk assessment
- Incorporate information from an inmate's criminal risk and needs assessment into the development of his or her case plan.

### **§ 439.335 Scientific means of personality analysis to be used to establish level, intensity, terms, and conditions of supervision**

When considering the granting of parole, the terms of parole and the conditions of parole, the board will use the results from the inmate's validated risk and needs assessment and any other scientific means for personality analysis that may later be developed. The terms and intensity of supervision shall be based on an individual's level of risk to public safety, criminal risk factors, and the need for treatment and other interventions.

### **§ 439.340 Parole of prisoners confined in adult penal or correctional institutions – PROPOSED LEGISLATION**

The amended version of KRS 439.340 requires the Parole Board to consider a prisoner's risk and needs assessment and to require the granting of parole when the board determines that the prisoner is likely to comply with their conditions of release and is not likely to be a danger to the public. In considering releasing a prisoner on parole the board considers the prisoners:

- Results most recent risk and needs assessment
- Criminal record
- Conduct
- Employment
- Reports of physical and mental examinations that have been made

The board will hold a hearing to review this information and the prisoner will appear before the board for an interview .

The board may hold interviews and hearing for prisoners convicted of Class C felonies not included as a violent offender in KRS 439.3401 and Class D felonies. A parole will be ordered only for the best interest of society and not as an award of clemency, and it will not be considered a reduction of sentence or pardon. A prisoner will be placed on parole only when the prisoner has obtained:

- Proper employment, or
- Proper maintenance and care, AND

- When board believes prisoner is able and willing to be a proper law abiding citizen

The board may grant parole to anyone who is a fugitive in another state and the prisoner will be released and detained in the other state.

A nonviolent offender convicted of a class D felony with an aggregate sentence of 1 – 5 years who is confined to a state penal institution or county jail will have their case reviewed by the parole board after serving 15% or 2 months of the original sentence, whichever is longer.

The board will ensure that all sentenced felons who have longer than 90 days to serve in state penal institutions, halfway houses, and county jails are considered for parole not less than 60 days prior to their parole eligibility date.

Notice to the victim or the victim’s family will be given when the person is released. Persons receiving notice may submit comments, in person or in writing, to the board upon all issues related to the parole of the prisoner. The board will review and consider all comments prior to making its parole decision.

### **SEX OFFENDER**

No eligible sex offender with in the meaning of KRS 197.400 to 197.440 will be granted parole unless they have successfully completed the Sexual Offender Treatment Program. Any prisoner who is granted parole after the completion of the Sexual Offender Treatment Program will be required, as a condition of their parole, to participate in regular treatment in a mental health program approved or operated by the Department of Corrections.

### **§ 439.3401 Parole for violent offenders; applicability of section to victim of domestic violence or abuse; time of offense; prohibition against award of credit – Bryan Durman Act – Approved March 22, 2013**

This section applies only to those who committed offenses after July 15, 1998.

A violent offender is any person who has been convicted of or pled guilty to the commission of:

- Capital offense
- Class A felony
- Class B felony involving the death of the victim or serious physical injury to a victim
- An offense described in KRS 507.040 (manslaughter in the second degree when he wantonly causes the death of another person, which is a Class C felony) or KRS 507.050 (reckless homicide, which is a Class D felony) where the offense involves the killing of a peace officer or firefighter while the officer or firefighter was acting in the line of duty
- The commission or attempted commission of a felony sexual offense
- Use of a minor in a sexual performance
- Promoting a sexual performance by a minor
- Unlawful transaction with a minor in the first degree
- Human trafficking involving commercial sexual activity where the victim is a minor;
- Criminal abuse in the first degree

- Burglary in the first degree accompanied by the commission or attempted commission of an assault
- Burglary in the first degree accompanied by commission or attempted commission of kidnapping
- Robbery in the first degree.

A violent offender who has been convicted of a capital offense and who has received a life sentence and has not been sentenced to 25 years without parole or imprisonment for life without benefit of probation or parole, or a Class A felony and receives a life sentence, or to death and their sentence is commuted to a life sentence shall not be released on probation or parole until they are served at least 20 years. Violent offenders may have a greater minimum parole eligibility date than other offenders who receive longer sentences.

A violent offender who has been convicted of the following will not be released on probation or parole until he has served at least 85% of the sentence imposed:

- A prisoner who has been convicted of a capital offense or Class A felony with a sentence of a term of years or Class B felony
- A prisoner who has been convicted of KRS 507.040 (manslaughter in the second degree when he wantonly causes the death of another person, which is a Class C felony) where the victim was an identifiable as a peace officer or a firefighter and the victim was acting in the line of duty

A violent offender who has been convicted of the following will not be eligible for release on probation or parole until he has served at least 50% of the sentence imposed:

- KA prisoner who has been convicted of RS 507.040 (manslaughter in the second degree when he wantonly causes the death of another person, which is a Class C felony) or KRS 507.050 (reckless homicide, which is a Class D felony) where the offense involves the killing of a peach officer or firefighter while the officer or firefighter was acting in the line of duty.

In no event a violent offender will not be awarded credit on their sentence if the credit reduces the term of imprisonment to less than 85% of their sentence.

This section does not apply to someone who has committed domestic violence that has resulted in the death of the victim or serious physical injury to the victim. This section does not apply to degree rape or sodomy.

**§ 439.3403 Reconsideration of parole of inmate given deferment or serve-out longer than 60 months; exceptions; hearings**

The board will reconsider the parole of any prisoner as of June 8, 2011 who has given a deferment or serve-out longer then 60 months at the prisoner's most recent parole hearing.

No reconsideration will be required for any prisoner who has received deferment or serve-out longer than 60 moths if:

- The deferment or serve-out was approved by a majority vote or full board; or
- The prisoner stands convicted of a criminal violent offense or a sex crime, regardless of the date of conviction

The board will schedule parole hearings for prisoners eligible for parole hearings.

**§ 439.3405 Parole of prisoners with documented terminal medical conditions; hearings**

Notwithstanding the statutes eliminating parole or establishing a minimum time for parole eligibility for a certain class of offender, the board may review the case of a prisoner and release that prisoner on parole when the prisoner has documented terminal medical condition:

- likely to result in death within 1 year
- severe chronic lung disease
- end-stage heart disease
- severe neuro-muscular disease
- has severely limited mobility as result of stroke, disease, or trauma
- or is dependent on external life support system and would not pose a threat to society if paroled

**EXCEPTIONS**

**§ 439.3406 Mandatory reentry supervision for inmate got granted discretionary parole six months prior to expiration of sentence; exceptions; terms of supervision; no credit for time absconding; report – Amended by 2013 Kentucky Laws Ch. 69 (SB 78)**

The board will order mandatory reentry supervision 6 months prior to the projected completion date of the inmate's sentence for an inmate who has been granted discretionary parole. This does not apply to the following:

- Is not eligible for parole by statute;
- Has been convicted of a capital offense or a Class A felony;
- Has a maximum or close security classification as defined by administrative regulations promulgated by the department;
- Has been sentenced to two (2) years or less of incarceration;
- Is subject to the provisions of KRS 532.043; or
- Has six (6) months or less to be served after his or her sentencing by a court or recommitment to prison for a violation of probation, shock probation, parole, or conditional discharge

Mandatory reentry supervision is not a commutation of sentence or any other form of clemency. The board has discretion over the rules and conditions of the mandatory reentry supervision.

**§ 439.3407 Conditional parole of state inmates to be served in local facility; administrative regulations; work release**

A parolee placed on conditional parole will serve that term in a local correction facility or county jails to place those individuals close to their communities prior to release. The board will take in to account the following information when considering conditional release:

- The offense for which the individual was convicted and his or her rehabilitation efforts while incarcerated;
- The security classification while incarcerated in the state correctional institution;

- Conduct while incarcerated in the state correctional institution;
- Ability to find employment in the community; and
  - The availability of additional applicable education, treatment or intervention, and training for employment in the local correctional facility or county jail, if needed by the individual.

**§ 439.470 Powers and duties of commissioner**

The commissioner shall promulgate administrative regulations for the conduct of persons placed on probation or parole. The commissioner is responsible for the following:

- Be responsible for any reports of investigation and supervision as may be requested by the board or the courts;
- Divide the Commonwealth into districts and assign probation and parole officers to serve in the various districts and courts
- Direct the work of the officers and other employees assigned to him or her;
- Formulate methods of investigation, supervision, record keeping, and reports;
- Conduct training courses for the staff;
- Negotiate with public or private groups or institutions for further training of employees and authorize the expenditure of funds for that purpose when needed; and
- Develop policies on probation and parole work in the light of other welfare administration policies.

<b>Kentucky Parole Eligibility – Offenses § 439.340</b>		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Class C Felony	Eligible	Board will hold interviews and hearings for prisoners convicted of Class C felonies not included under violent offender in KRS 439.3401 and Class D felonies
Class D Felony with an aggregate sentence of 1 – 5 years who is confined to a state penal institution or county jail	Eligible	Can have their case reviewed by the parole board after serving 15% or 2 months of their sentence, whichever is longer
Sex Offender (under § 197.400 to § 197.440)	Eligible	Will be granted parole only if they have successfully completed the Sexual Offender Treatment Program, and as a condition of parole will be required to participate in mental health programs

2. **CONDITIONS OF PAROLE**

**§ 439.3408 Department to approve any acceptable housing for parolees**

The department will approve acceptable housing of the parolee.

**§ 439.342 Retention of prisoner on parole**

The board may retain the prisoner on parole for a period of at least 1 year.

**§ 439.348 Paroled prisoner under supervision of department; cessation**

Paroled prisoners will be under the supervision of the department subject to its direction for the duration of parole. Supervision may cease if there is a violation of parole.

Kentucky Conditions of Parole
Requirements/Conditions
<ul style="list-style-type: none"><li>• The department will approve acceptable housing of the parolee. (§ 439-3408)</li><li>• The board may retain the prisoner on parole for a period of at least 1 year. (§ 439.342)</li><li>• Paroled prisoners will be under the supervision of the department subject to its direction for the duration of parole. Supervision may cease if there is a violation of parole. (§ 439.348)</li></ul>

3. **REVOCATION OF PAROLE**

**§ 439.341 Preliminary revocation hearing of probation, parole, and post incarceration supervision violators**

Preliminary hearings for the revocation of parole are conducted by hearing officers.

**§ 439.44 Effect of parole on sentence; exceptions**

The period of time on parole will count as part of the prisoner's sentence EXCEPT when:

- Returned to prison as a parole violator for a new felony conviction;
- Returned to prison as a parole violator after charges have been filed or an indictment has been returned for a felony offense committed while on parole and the prisoner is subsequently convicted of that offense;
- Returned to prison as a parole violator and is subsequently convicted of a felony offense committed while on parole;
- Returned to prison as a parole violator for absconding from parole supervision, except that the time spent on parole prior to absconding shall count as part of the prisoner's sentence;
- Returned to prison as a parole violator and it is subsequently determined that he or she owes restitution pursuant to KRS 439.563 and has an arrearage on that restitution. Any credit withheld pursuant to this subsection shall be reinstated when the arrearage is paid in full;



- Classified as a violent offender pursuant to 439.3401; or
- A registered sex offender pursuant to KRS 17.500 to .580.

**§ 439.430 Parole officer may arrest parolee or person subject to post incarceration supervision, when; detention; report to commissioner; return of prisoner to prison; prisoner for whose return a warrant has been issued to be deemed a fugitive from justice; effect of violation on parole**

A parole office that believe the parolee has violated the terms of parole may, without a warrant, arrest the parolee. A prisoner for whose return a warrant has been issued by the board, shall be deemed a fugitive from justice or to have fled from justice. The Parole Board may at its discretion issue a warrant for any parolee or offender on post incarceration when in its judgment the condition of release has been violated.

**§ 439.440 Prisoner returned to prison for violation of release to be heard by board; time**

Any prisoner returned to prison for violation of his release shall be heard by the board within thirty (30) days on the propriety of his rerelease

**4. DISCHARGE FROM PAROLE**

**§ 439.354 Final discharge of paroled prisoner; conditions**

The board will issue a final discharge from parole to the prisoner. The final discharge will be given provided that the parolee has not absconded from parole supervision or that the board had not issued a warrant for parole violation.

**§ 439.356 Final discharge; effect**

After final discharge has been ordered by the board the parolee may not be held again for violation of parole.

**§ 439.358 Final discharge provisions; application**

The provisions of granting final discharges from parole, and the release from being again confined on the same sentence in the penitentiary following the granting of such discharge or following the restoration of the parolee's civil rights shall be followed in all cases for those who were confined or paroled before, on, or committed after June 14, 1962.

**5. DOS/GOOD TIME**

**§ 197.045 Credit on sentence for prior confinement, educational accomplishment, good behavior, or meritorious service; requirement of completion of sex offender treatment program for eligible sexual offenders; forfeiture of credit for certain dismissals of inmates' civil actions – AMENDED by 2013 Kentucky Laws Ch. 69 (SB 78)**

**GOOD TIME EARNED**

Any person convicted and sentenced to a state penal institution:

- Will receive credit on their sentence for:
  - Prior confinement as specified in KRS 532.120(3):

- Time spent in custody prior to the commencement of a sentence as a result of the charge that culminated in the sentence shall be credited by the Department of Corrections toward service of the maximum term of imprisonment in cases involving a felony sentence and by the sentencing court in all other cases. If the sentence is to an indeterminate term of imprisonment, the time spent in custody prior to the commencement of the sentence shall be considered for all purposes as time served in prison
  - Successfully receiving a:
    - GED
    - 2 or 4 year college degree
    - 2 or 4 year degree in applied sciences
    - completed technical education program or an online or correspondence education program
    - civics education program that requires passing a final exam
    - technical education program completed
  - Successfully completing a:
    - Drug treatment program, or
    - Other evidence-based program approved by the department
  - May receive a credit on sentence:
    - Good behavior not exceeding 10 days for each month served
    - Performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs not to exceed 7 days per month
    - Acts of exceptional service during times of emergency not to exceed 7 days per month

### **FORFEITURE OF GOOD TIME**

Except for a sentencing credit awarded for prior confinement, the department may forfeit any sentencing credit or deny the right to earn future sentencing credit if the prisoner commits any offense or violation of the rules of the institution while in confinement

### **GOOD TIME AND CONSECUTIVE SENTENCES**

When 2 or more consecutive sentences are to be served the sentences will be merged and served in the aggregate for the purposes of the sentencing credit computation or in computing dates of expiration of sentence.

### **GOOD TIME CREDIT – SEX OFFENDER**

Until successful completion of the sex offender program, an eligible sexual offender may earn sentencing credit, but the credit will not be credited to the eligible sex offender's sentence. When the sex offender successfully completes the sex offender treatment program the offender will be eligible for all sentencing credit earned but not otherwise forfeited under administrative regulations of the Department of Corrections. Any sex offender who has not successfully completed the sex offender program will not be eligible to earn any sentencing credit and will serve his entire sentence without sentencing credit, parole, or any other form of early release. This does not apply to any

sexual offender convicted before July 15, 1998 or any sexual offender with an intellectual disability.

**Kentucky Good Time Statute – § 197.045**

A person convicted and sentenced to a state penal institution will receive credit for their sentence for the following reasons:

- Prior confinement as specified in KRS 532.120(3):
  - Time spent in custody prior to the commencement of a sentence as a result of the charge that culminated in the sentence shall be credited by the Department of Corrections toward service of the maximum term of imprisonment in cases involving a felony sentence and by the sentencing court in all other cases. If the sentence is to an indeterminate term of imprisonment, the time spent in custody prior to the commencement of the sentence shall be considered for all purposes as time served in prison
- Successfully receiving a:
  - GED
  - 2 or 4 year college degree
  - 2 or 4 year degree in applied sciences
  - completed technical education program or an online or correspondence education program
  - civics education program that requires passing a final exam
  - technical education program completed
- Successfully completing a:
  - Drug treatment program, or
  - Other evidence-based program approved by the department

**GOOD TIME EARNED § 197.045**

<b>Act of Offender</b>	<b>Time Served</b>	<b>Good Time Days Earned</b>
Good behavior	1 month	Not to exceed 10 days/month
Performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs	1 month	Not to exceed 7 days/month
Acts of exceptional service during times of emergency	1 month	Not to exceed 7 days/month

6. **COMPLIANCE CREDITS**

**§439.345 Compliance credits for parolees; administrative regulations**

A supervised individual on parole will receive compliance credits to be applied toward their sentence if the parolee does ALL of the following:

- Fulfills the terms of their case plan
- Has no new arrests; and
- Makes scheduled monthly payments for restitution

# **LOUISIANA PAROLE STATUTES**

**LOUISIANA**  
**La. R.S.**

***1. ELIGIBILITY FOR PAROLE***

**15:574.4**

**(A)(1) Eligibility based upon number of felony offenses**

Prisoners are generally eligible for parole upon serving a minimum amount of their sentence, according to their number of convicted felony offenses. This minimum is further determined by whether their current conviction is a violent crime under *14:2(B)* or a sexual offense under 15:541. A prisoner convicted of a violent crime or sexual offense is eligible for parole upon serving 33⅓% for a first felony offense, or 50% for a second felony offense. A prisoner not convicted of a violent crime or sexual offense is eligible for parole after serving 25% for a first felony offense; 33⅓% for a second felony offense; and is not eligible for a third or subsequent felony offense.

**(A)(2)&(4) Eligibility based upon age in prison**

A prisoner who reaches the age of forty-five while in prison is eligible for parole if (1) they are sentenced to a term or terms for thirty or more years, and (2) they have served at least twenty years of the sentence in actual custody. A life sentence must be commuted to a term of fixed years to fall under this provision. Additionally, this provision does not apply to a conviction for armed robbery under *La. R.S. 14:64*.

A prisoner who reaches the age of sixty-five while in prison is eligible for parole if the following are met: (1) they have served ten years of the sentence in actual custody, (2) they have not committed disciplinary offenses within the past year, (3) they have completed mandatory prelease programming, (4) they have obtained a GED credential or completed other adult educational programs, (5) they have obtained a low-risk designation. This provision does not apply to convictions for violent crimes under *La. R.S. 14:2(B)* or sexual offenses under *La. R.S. 15:541*.

**(A)(3) Eligibility for a heroine related conviction**

Louisiana provides for special consideration for parole eligibility for a prisoner convicted of heroine-related offenses. The prisoner must serve fifteen years of their sentence in actual custody. The included offenses are production, manufacturing, distribution, or dispensing of heroine, or possession of heroine with intent to do the same.

**(B)(1) Eligibility for armed robbery; serial sexual offenders; life sentences; crimes in prison; and violent crimes**

Under this provision, the following are not eligible for parole:

- Offenders convicted of armed robbery under *La. R.S. 14:64*.
- Offenders sentenced as a serial sexual offender.
- A prisoner while there is a pending indictment or investigation for a suspected crime committed by the offender in prison.

An offender convicted of a violent crime must serve at least 85% of their sentence before being eligible for parole. Also, a life sentence must be commuted to a term of

fixed years before the offender is eligible. However, this requirement has exceptions under *La. R.S. 15:574.4(B)(2)&(D)*.

**(B)(2) Eligibility based on age at the time of sentencing**

An offender serving a life sentence and was not convicted of a violent crime or sexual offense is eligible dependent upon their age at the time of sentencing, and upon meeting certain requirements. This provision is an exception to the requirement that a life sentence be commuted to a term of fixed years before the offender is eligible.

Offenders are eligible by serving minimum years of their sentence according to their age at the time of sentencing, as follows:

- At least 18 and under 25 – 25 years
- At least 25 and under 35 – 20 years
- At least 35 and under 50 – 15 years
- At least 50 and above – 10 years

In addition, the following must be met: (1) the offender has not committed disciplinary offenses within the past year, (2) the offender has completed mandatory prelease programming, (3) the offender has obtained a GED credential or completed other adult educational programs, and (4) the offender has obtained a low-risk designation. This provision does not apply to convictions for violent crimes under *La. R.S. 14:2(B)* or sexual offenses under *La. R.S. 15:541*.

**(C) Eligibility of sex offenses**

Offenders in violation of sexual offenses under *La. R.S. 15:541* are considered for parole by available clinical information, including testing and recommendations by mental health professionals. The information is used to determine the likelihood that the offender will or will not repeat the offense, whether the offender will be a danger to society, and whether the offender has completed a sex offender program.

**(D) Eligibility of a life sentence of an offender under the age of 18 at the commission of the crime**

An offender who was under the age of eighteen who is serving a life sentence is eligible for parole if they have served at least thirty years of their sentence. This provision is an exception to the requirement that a life sentence be commuted to a term of fixed years before the offender is eligible. The provision does not apply to convictions for first degree murder or second degree murder. If the offense was aggravated rape, the offender will be designated a sex offender and must comply with applicable requirements. In addition, the following must be met: (1) the offender has not committed disciplinary offenses within the past year, (2) the offender has completed mandatory prelease programming, (3) the offender has obtained a GED credential or completed other adult educational programs, and (4) the offender has obtained a low-risk designation. This provision does not apply to convictions for violent crimes under *La. R.S. 14:2(B)* or sexual offenses under *La. R.S. 15:541*.

#### **574.4.1 Parole consideration and hearings**

An eligible offender considered for parole must appear before the parole committee. The committee will consider society's best interest and the reasonable probability that the prisoner will be a law-abiding citizen. The crime victim or their family, a victim's advocacy group, and the district attorney are allowed to appear before the committee. If the prisoner is granted parole, the committee will issue a certificate to the prisoner that enumerates the conditions of parole. The committee will explain these conditions and the prisoner must agree to them in writing. The release date of a prisoner granted parole must be no longer than six months after the most recent consideration of parole.

#### **§ 574.20 Medical parole program; eligibility; revocation**

The committee may consider an offender for medical parole upon referral by the Department of Public Safety and Corrections. Medical parole is in addition to other parole eligibility. Medical parole is not available for convictions of first degree murder or second degree murder. An eligible offender is any inmate who is determined to be within one of the following designations:

- Permanently incapacitated – any person who, by reason of existing physical or medical condition, is so permanently and irreversibly physically incapacitated that he does not constitute a danger to himself or to society; or
- Terminally ill – any person who, because of an existing medical condition, is irreversibly terminally ill, and who by reason of the condition does not constitute a danger to himself or to society.

The committee will determine release based on the offender's available medical information, and may request further medical information be produced or a medical exam be conducted. The term of medical parole is the remainder of the parolee's sentence. The committee may include additional conditions for medical parole.

If a parolee's condition improves to a point that he or she is no longer qualified under the parole designation, a revocation hearing is held. If the parolee is otherwise eligible for parole, the committee may consider such parole. The offender is given credit for the period of medical parole against his or her sentence.



<b>Louisiana Parole Eligibility; R.S. 15:574.4</b>			
<b>Eligibility Based on Number of Offenses</b>			
<b>Offenses Including Violent Crimes and Sex Offenses,</b>			
<b>Felony Conviction</b>		<b>Minimum Amount of Imposed Sentence Served</b>	
First felony offense		33 ⅓% - One-third	
Second felony offense		50% - One-half	
Third felony offense		Not eligible under this provision	
<b>Offenses Excluding Violent Crimes and Sex Offenses,</b>			
<b>Felony Conviction</b>		<b>Minimum Amount of Imposed Sentence Served</b>	
First felony offense		25% - One-quarter	
Second felony offense		33⅓% - One-third	
<b>Eligibility Based on Age</b>			
<b>Based on Age and Time Served</b>			
<b>Age</b>	<b>Length of Sentence</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
45 years of age	30 years or more	20 years	Conviction not armed robbery under 14:64
65 years of age*	No minimum	10 years	Conviction not a violent crime under 14:2(B) or sex offense under 15:541
<b>Life Sentence, Based on Age at Time of Sentencing, not convicted of violent crime under 14:2(B) or sex offense under 15:541.</b>			
<b>Age at Sentencing</b>		<b>Minimum Time Served</b>	
At least 18 and under 25 years of age*		25 years	
At least 25 and under 35 years of age*		20 years	

At least 35 and under 50 years of age*	15 years	
At least 50 years of age*	10 years	
<b>Eligibility Based on Type of Offense/Offender</b>		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Armed robbery and denied eligibility under 14:64	Not eligible	
Serial sex offender	Not eligible	
Crime while in prison, with pending indictment or information related to suspicion	Not eligible	
Heroin related (production, manufacturing, distribution, or dispensing, or possession with intent to do the same)	15 years	Life sentence
Violent crime	85% of sentence	Victim or victim's family must be notified if desired
Sex offense under 15:541	Subject to other provisions	Panel considers: - if offender has successfully completed sex offender program, - an expert's opinion of the likelihood the offense will be repeated, and danger to society

### **Eligibility in Life Sentences**

- The offender is eligible if under 18 years of age at the commission of the crime, and
  - has served 30 years of the life sentence, and
  - if the conviction was aggravated rape, the offender shall be designated a sex offender and shall, upon release comply with all sex offender registration and notification as required by law,
  - a three-member panel has considered a written evaluation of offender by an expert in adolescent brain development and behavior, and any other relevant evidence. \*
- A life sentence must be commuted to a fixed term of years for eligibility, except as provided under 15.574.4(B)(2) and (D).

### **\*Special Eligibility Requirements**

- The offender has not committed any disciplinary offenses in the year prior to parole eligibility.
- The offender has completed the mandatory minimum of 100 hours of release programming, if available at facility of incarceration.
- The offender has completed substance abuse treatment as applicable.
- The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
- The offender obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed as being incapable of obtaining a GED credential due to a learning disability. If incapable, the offender shall complete at least one of the following:
  - a literacy program
  - an adult basic education program
  - a job-related skills training program.

## ***2. CONDITIONS OF PAROLE***

### **574.4.2 Decisions of parole committee; nature, order, and conditions of parole; rules of conduct; infectious disease testing**

#### **(A)(1)-(2) General conditions**

An offender granted parole must not engage in criminal conduct as a condition of release. Additionally, the committee may impose conditions as appropriate to the circumstances. The prisoner may be required to do any the following: report to a parole officer in a timely manner; reside at a designated address; inform the committee of

changes of residence or if leaving the state; avoid known criminals; avoid bars and casinos; maintain employment; agree to searches; submit to drug and alcohol tests; not possess firearms or dangerous weapons; and report to and provide information as requested by the committee.

**(A)(3) Conditions of release of sex offenders**

A person convicted of a sexual offense under *La. R.S. 15:541* who is granted parole agrees to particular related conditions. Designated officers may search the offender's person and property at any time. A search warrant is not required when there is a reasonable suspicion that the offender has been engaged in criminal activity while on parole.

**(A)(4) Conditions of release when the victim is a child**

If the victim of the offense is a child and the offender is returning to the community or residence where the child resides, the child must receive psychological counseling prior to the offender's release. The counseling will include a focus on the impact of the offender's release on the child, including coping with the release and the impact it will have through the actions and comments of those around the child. The offender will pay for the counseling.

**(A)(5) Forfeiture of good time and additional credits**

If parole is revoked, the offender loses all good time and additional credits either earned or that could have been earned on the portion of the sentence since the date of release. The offender serves the remainder of the sentence as of the date of release.

**(C) Restitution to victim**

A prisoner who has caused either pecuniary damage or damage or loss of property to a victim may be required to make restitution. The committee will consider the offender's ability to pay, and payment will be made in monthly installments or by a lump sum. If the victim has received payment from the Crime Victims Reparations Fund, the offender will be required to direct payments to the fund. Restitution does not affect the victim's right to pursue civil remedies.

**(D) Payment of costs and fines**

A prisoner granted parole must pay all costs related to their conviction if liable for them, and all fines imposed by sentence. Their payments may be in lump sum or monthly payments, depending on the offender's ability to pay.

**(E) Educational conditions**

The committee requires the parolee to obtain educational credentials or pursue adult educational programs. If adult educational programs are unavailable, or pursuit of these programs would create an undue hardship, the committee can suspend this condition.

**(G) STD/AIDS/HIV testing**

An applicant for parole must submit to testing for sexually transmitted diseases, AIDS, and HIV, paid for by the applicant. If positive, the parolee must seek and follow appropriate medical counseling and advice as a condition of release.

**15:574.4.3 Parole requirements for certain sex offenders**

A parolee convicted of a sexual offense under *La. R.S. 15:541* must register as a sex offender. The victim will be given notice and a reasonable opportunity to attend and speak at the parole hearing, and will be notified of the offender's release and residence if released. If the victim is a minor, the parolee must submit to truth verification tests (polygraph and "voice stress examination") to assist in determining if the offender has violated any condition of parole. Tests will be administered upon an allegation of violation of a condition, or at the discretion of the parole officer who has reason to believe a condition has been violated.

***3. DISCHARGE FROM PAROLE***

**15:574.6 Parole term and automatic discharge**

The parole lasts until the end of the parolee's sentence term, and there is no diminution for good behavior. When the parole term is completed the parolee is automatically discharged if the committee has not issued a warrant for arrest, no detainer has been issued pending revocation proceedings, or there is no indictment or bill of information pending for any felony the parolee is suspected to have committed while on parole.

***4. REVOCATION OF PAROLE***

**§ 15:574.8 Summary arrest of parolees**

A parole officer may arrest a parolee if he or she has reasonable cause to believe the parolee has violated or is attempting to violate a condition of parole, and that an emergency exists. The parolee is detained, and the parole officer notifies the chief probation and parole officer of the arrest. The chief officer then determines whether the parolee is released or proceeds with the revocation process.

**§ 15:574.9 Revocation for violation of condition**

Unless waived by the parolee, the committee holds a hearing to determine whether to revoke parole when an offender violates a condition of parole. The parolee may consult with and be represented by either his or her own or appointed. The parolee may admit, deny, or explain the violation charged, and may present proof. The parolee may request the committee to postpone its decision until further information necessary for a final decision is received.

The committee may revoke parole if (1) the parolee has failed to comply with a condition of parole without a satisfactory cause; and (2) the violation involves the commission of another felony, or misconduct including a substantial risk that the parolee

will commit another felony, or misconduct indicating that the parolee is unwilling to comply with proper conditions.

For actions other than felonies, the revocation process must begin prior to the expiration of the parole period. If an arrest warrant or detainer is issued, the tolling of the parole period ceases. A parolee who has left the supervising jurisdiction without proof of permission to do so is deemed a fugitive from justice and is returned for revocation hearings, without need for probable cause or pre-revocation.

Revocation requires a majority vote of the panel, with at least three members. When parole is revoked, the offender is returned to the physical custody of the Department of Public Safety and Corrections to serve the remainder of the prison sentence. The offender receives credit for time served awaiting the revocation hearing. The offender may be considered for re-parole.

**§ 574.10 Conviction of a felony while on parole**

When a parolee is convicted of a felony while on parole, the parole is revoked. The parole officer informs the sentencing judge that the offender is a parole violator. The new sentence is served consecutively to the term of imprisonment for violation of parole, unless the court directs a concurrent term of imprisonment. An appeal of the new conviction or sentence by the defendant does not suspend the revocation provisions, unless the offender has been admitted to post-conviction bail on the new sentence. If an appeal of the new conviction or sentence is successful, the state is liable for any loss of income suffered by the offender due to revocation of parole.

## LOUISIANA Title 15: CRIMINAL PROCEDURE

**GT = Good Time**  
**COV = Crime of Violence**  
**DOS = Diminution of Sentence**

**Good Time Statute**

<b>Diminution of Sentence for Good Behavior</b>						
Statute	Description	Requirements	DOS Rate  *includes time spent in custody	Exceptions	Authority to determine when GT earned/DOS allowed	Amendments
§ 571.3	DOS for Good Behavior	Every prisoner in parish prison convicted of offense and sentenced to imprisonment without hard labor	<b>1.</b> 30 days for every 30 days in actual custody*	<b>1.</b> none	Sheriff of the parish or is not operated by sheriff, then by superintendent of correctional facility	Acts 2012, No. 181 § 1
			<b>2.</b> COV under 14:2(B): 3 days for every 17 days in actual custody*	<b>2.</b> 2 <sup>nd</sup> offense of COV under 14:2(B)		
			<b>3.</b> Life sentence: 1 1/2 for every 1 day in actual custody	<b>3.</b> if convicted on or after 1/1/92:  (i.) sex offense (R.S. 15:541)  (ii) crime of violence (14:2(B))  (iii) any offense that would constitute COV (14:2(B)) or sex offense (R.S. 15:541) regardless of date of conviction		

			<p><b>4. Certain crimes are not eligible</b></p>	<p><b>4. Not eligible for DOS for good behavior if guilty or plead guilty to:</b></p> <ul style="list-style-type: none"> <li>(i) Rape</li> <li>(ii) Aggravated Rape</li> <li>(iii) Forcible Rape</li> <li>(iv) Simple Rape</li> <li>(v) Sexual Battery</li> <li>(vi) deg. sexual battery</li> <li>(vii) Oral Sexual Battery</li> <li>(viii) intentional exposure to AIDS virus</li> <li>(ix) Incest</li> <li>(x) Aggravated Incest</li> <li>(xi) Felony carnal knowledge of juvenile</li> <li>(xii) Indecent behavior with juveniles</li> <li>(xiii) Pornography involving juvenile</li> <li>(xiv) Molestation of a juvenile or person with a physical or mental disability</li> <li>(xv) Computer-aided solicitation of a minor</li> <li>(xvi) Crime against nature</li> <li>(xvii) Aggravated crime against nature</li> <li>(xviii) sexual battery of the infirm</li> </ul>	
--	--	--	--	---	--



				<p><b>No DOS if convicted 1 or more times in LA or any other state, or fed. Govt if committed or attempted to commit:</b></p> <p>(i) Felony carnal knowledge of a juvenile</p> <p>(ii) Indecent behavior with juveniles</p> <p>(iii) Molestation of a juvenile or person w/ with physical or mental disability</p> <p>(iv) Incest</p> <p>(v) Aggravated incest</p> <p><b>No DOS if while in custody:</b></p> <p>(i) habitual offender (R.S. 15:529.1)</p> <p>[Exception to habitual offender: may earn GT if participate in certified treatment and rehab programs unless crime of violence or sex offense]</p> <p>(ii) trial court prohibits DOS for person convicted of R.S. 14:40.2</p> <p>(iii) offense crime of violence (14:2(B))</p>	
--	--	--	--	---	--

<b>Forfeiture of Diminution of Sentence</b>					
<b>Statute</b>	<b>Description</b>	<b>Forfeiture Offense</b>	<b>Time forfeited</b>	<b>Restoration of Previously Forfeited Time</b>	<b>Amendments</b>
§ 571.4	Forfeiture of DOS	<b>1.</b> simple or aggravated escape from correctional, work-release, or lawful custody of law, fails to report or to return form planned employment or other activity under the program	<b>1.</b> may forfeit all GT and credits toward reduction prior to escape	Inmate not found guilty of any disciplinary violation for consecutive 24 months; shall not exceed 540 days	Acts 2011, No. 186 § 3
		<b>2.</b> returned to custody bc of violation of term of parole	<b>2.</b> all GT earned or credits toward reduction of projected GT parole supervision date		
		<b>3.</b> inmate who commits battery on employee of DPSC	<b>3.</b> GT earned or credits toward reduction of projected GT prior to battery up to maximum of 180 days		
		<b>4.</b> all other cases	<b>4.</b> may include up to maximum of 180 days		

**Supervision upon release after DOS for Good Behavior; conditions of release; revocation**

<b>Statute</b>	<b>Description</b>	<b>Supervision upon release after DOS for Good Behavior</b>	<b>Conditions of Release</b>	<b>Revocation</b>	<b>Amendments</b>
§ 571.5	Supervision upon release after DOS for good behavior; conditions of release; revocation	<p>1. released as if released on parole</p> <p>2. supervised in same manner as if on parole</p> <p>3. supervision for remainder and extent as if released on parole</p> <p>4. supervised for remainder of original full term of sentence</p>	Before release on parole for DOS will receive certificate of parole that enumerates conditions of parole; inmate must sign agree in writing to enumerated conditions of parole	Violates condition invoked by parole committee the committee will proceed in same manner as revoking parole to determine if DOS should be revoked; if DOS revoked person shall be recommitted to dept. for remainder of full term, subject to credit for time served for GT while on parole	Acts 2011, No. 186 § 3

**Supervision upon release from Parish Prison after DOS for Good Behavior; conditions of release; revocation**

<b>Statute</b>	<b>Description</b>	<b>Supervision upon release after DOS for Good Behavior</b>	<b>Conditions of Release</b>	<b>Revocation</b>	<b>Amendments</b>
§ 571.7	Supervision upon release from Parish Prison after DOS for good behavior; conditions of release; revocation	<p>1. released as if released on parole</p> <p>2. supervised by sheriff, the keeper of the parish prison if not sheriff, or criminal sheriff of Orleans Parish (if in Orleans Parish)</p> <p>3. supervision for</p>	<p>Supervisor may require while on release or at time or release, or at any time of release that person must:</p> <p>(1) reside in community rehab center</p> <p>(2) restitution to victim or crime</p> <p>(3) community service</p> <p>(4) payment into victim compensation fund</p>	Supervisor shall establish rules and regulations of revocation; upon revocation of release prisoner shall be recommitted to prison and serve remaining full term of sentence	Acts 2011, 1st Ex.Sess., No.18, § 1

		remainder and extent as if released on parole  4. supervised for remainder of original full term of sentence	(5) obtaining gainful employment  (6) continuing education or vocational training  (7) participation in substance abuse treatment facility or other counseling program  (8) any other condition under R.S. 15:574.4(H) & (L)		
--	--	--	--	--	--

<b>Probation and Parole Processing Fees</b>				
<b>Statute</b>	<b>Description</b>	<b>Fees</b>	<b>Collection of Fees</b>	<b>Amendments</b>
§ 574.5	Parole fees	One-time fee of \$65 assessed for each case and each new file opened thereafter	Collected at offender's first meeting with any officer after June 30, 2009 over time period not over 12 months to the treasurers' office on monthly basis	Amended by Acts 2009, No. 299 § 2, eff. July 1, 2009

<b>Parole Term; automatic discharge</b>				
<b>Statute</b>	<b>Description</b>	<b>Parole Term</b>	<b>Requirements</b>	<b>Amendments</b>
§ 574.6	Parole term; automatic discharge	When released on parole, parole shall be for the remainder of the sentence without any DOS for good behavior	(1) no warrant has been issued for arrest of parolee  (2) no detainer has been issued by the parole officer for detention of the parolee pending revocation proceedings  (3) no indictment or bill of information is pending for any felony parolee is suspected of committing while on parole	Amended by Acts 1991, No. 117 § 1



				surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions		
--	--	--	--	--	--	--

**Parole Officers; Powers of Arrest; Summary Arrest and Detention of Parolees**

<b>Statute</b>	<b>Description</b>	<b>Parole Officers</b>	<b>Power of Arrest</b>	<b>Summary of Arrest</b>	<b>Detention of Parolees</b>	<b>Amendments</b>
§ 571.8	Parole Offices; Power of Arrest; Summary of Arrest; Revocation	<p><b>1.</b> released as if released on parole</p> <p><b>2.</b> supervised by sheriff, the keeper of the parish prison if not sheriff, or criminal sheriff of Orleans Parish (if in Orleans Parish)</p> <p><b>3.</b> supervision for remainder and extent as if released on parole</p> <p><b>4.</b> supervised for remainder of original full term of sentence</p>	<p>Supervisor may require while on release or at time or release, or at any time of release that person must:</p> <p><b>(1)</b> reside in community rehab center</p> <p><b>(2)</b> restitution to victim or crime</p> <p><b>(3)</b> community service</p> <p><b>(4)</b> payment into victim compensation fund</p> <p><b>(5)</b> obtaining gainful employment</p> <p><b>(6)</b> continuing education or vocational training</p> <p><b>(7)</b> participation in substance abuse treatment facility or other counseling program</p> <p><b>(8)</b> any other condition under R.S. 15:574.4(H) &amp; (L)</p>	<p>Supervisor shall establish rules and regulations of revocation; upon revocation of release prisoner shall be recommitted to prison and serve remaining full term of sentence</p>		Acts 2010, No. 924, § 2 eff. July 2, 2010

**MISSISSIPPI PAROLE STATUTES**

**MISSISSIPPI**  
**Miss. Code Ann.**

***1. ELIGIBILITY FOR PAROLE***

**§ 47-7-3 Parole eligibility**

Prisoners sentenced for a felony for less than thirty years are generally eligible for parole consideration upon serving at least twenty-five percent (25%) of the total.

Prisoners sentenced to thirty years or more are generally eligible upon serving at least ten years of the term or terms. The prisoner is required to have followed the rules of incarceration. This provision has the following exceptions:

- Prisoners sentenced as habitual offenders are not eligible;
- Prisoners convicted of sex crimes will not be released on parole unless they are under nineteen years of age;
- Prisoners convicted of armed robbery, attempted robbery, or carjacking are not eligible;
- Prisoners sentenced to life imprisonment are not eligible;
- Prisoners convicted of aggravated domestic violence must serve at least one year before being eligible;
- Prisoners convicted of drug offenses or driving under the influence must complete a drug and alcohol rehabilitation program either prior to release or after release a condition of parole;
- Meritorious earned time allowances may reduce the minimum one-year serving requirement. Prisoners sentenced to two years or less must serve at least nine months. Prisoners sentenced to more than two years but no more than five years must serve at least ten months. The minimum required service cannot otherwise be reduced by good time or other reduction credits.

Inmates may be eligible for educational development and job training programs. Prisoners refusing to participate may be ineligible for parole.

**§ 47-7-4 Certain medical release**

An offender who is not convicted of a sex crime and has served at least one year of the term or terms may be placed on conditional medical release. A bedridden nonviolent offender may be placed on conditional medical release regardless of time served. An offender on release who is no longer bedridden will return to actual custody. The offender must suffer a significant physical medical condition with no possibility of recovery. The state will not be responsible for the offender's medical expenses on conditional release.

**§ 47-7-17 Consideration of parole**

The board of parole will consider the circumstances of the offense, the offender's previous social history, previous criminal record, conduct, employment and attitude while incarcerated, and available reports of physical and mental examinations.

The board conducts interviews with eligibly offenders two months prior to the parole eligibility date. The victim or victim's family (in case of homicide) is provided notice of the hearing and if the offender is released. However, failure to provide notice



does not constitute grounds to overturn an otherwise lawful release. An offender who is rejected parole is provided with notice and written general reasons for the rejection.

## **2. *CONDITIONS OF RELEASE***

### **§ 47-7-35 Permissible conditions of post-release supervision**

Parole may be subject to the conditions that the offender:

- Does not commit any crime;
- Avoid injurious habits;
- Avoid persons and places of disreputable character;
- Report to the probation and parole officer as directed;
- Permit the probation and parole officer to visit at home or elsewhere;
- Pursue employment;
- Remain within a specified area;
- Pay applicable fines;
- Support any dependents;
- Subject to alcohol or drug tests;
- Register as a sex offender if applicable.

The courts may impose other unspecified conditions.

### **§ 47-7-34 Post-release supervision**

The court may impose a term of post-release supervision in addition to other punishments. The period of post-release supervision is limited to a maximum of five years. Additionally, the total period of incarceration and post-release supervision cannot exceed the maximum sentence of the offender's conviction. Violation of any post-release term or condition is grounds to terminate the period of supervision and return the offender to incarceration.

## **3. *REVOCAION OF PAROLE***

### **§ 47-7-27 Parole revocation**

The board of paroles may issue an arrest warrant for a parolee when there is a probable violation of parole. In addition, a field supervisor may arrest a parolee without a warrant when they have determined that the parolee has violated the terms or conditions of parole or earned-release supervision. The arresting officer must present a written report that shows way in which the parolee violated conditions to the Department of Corrections.

Parole will be immediately revoked when an offender commits a felony in any state while on parole. If a parolee is convicted of a felony for a crime committed before the parole period, parole may be revoked upon presenting a certified copy of the offender's commitment to the board of parole.

An offender taken into custody may appeal reasons why parole should not be revoked when a warrant has been issued. The board may terminate the parole or modify its terms and conditions. If parole is revoked, the offender will be incarcerated for the

remainder of the sentence with the period of parole credited to the sentence. The board may grant a second parole after revocation of the first.

**§ 47-7-29 Effect of felony while on parole**

An offender who is convicted of a felony while on parole or under earned time supervision will serve the newest sentence after the completion of the first sentence.

**4. GOOD TIME**

**§ 47-5-138 Earned time allowance; earned release supervision**

Inmates who meet the good conduct and performance requirements of the earned time allowance program may be released on their conditional earned time release date. An inmate may receive four and one-half (4½) days for every thirty days spent in custody for complying with good conducts and performance requirements of the earned time allowance program. The general limit for earned time is fifteen percent of the inmate's sentence. However, inmates under the age of twenty-one are not subject to this limitation.

Inmates may forfeit earned time allowance for serious violations of the rules of incarceration, and this earned time cannot be restored. Inmates will forfeit earned time for filing frivolous or malicious lawsuits or lawsuits that fail to state a claim. The inmate will forfeit: sixty (60) days for the first lawsuit; one-hundred twenty (120) days for the second lawsuit; and one-hundred eighty (180) days for the third lawsuit and beyond. This forfeited time cannot be restored.

Inmates released early for earned time are placed under earned-time supervision until the expiration of the sentence. The offenders are subject to conditions and terms of release under the earned-release supervision program. If the earned-time supervision is revoked, the inmate will serve the remainder of the sentence with the period of earned-time supervision credited to the sentence.

**§ 47-5-139 Earned time allowance; eligibility; forfeiture**

The following are not eligible for earned time allowance:

- Inmates sentenced to life imprisonment, except
- Inmates who are at least sixty-five years of age and were not convicted of capital murder, and have served at least fifteen years;
- Inmates convicted as habitual offenders;
- Inmates convicted of a sex crime.

An offender serving two or more sentences is allowed commutation based upon the total term of the sentences.

An inmate who escapes or aids and/or aid and abets an escape forfeits all earned time. The commissioner may restore any or all earned time if the inmate returns voluntarily, without any expense to the state and without committing any act of violence.

**§ 47-5-142 Operation of meritorious earned time incentives**

In addition and separate from earned time for good conduct, inmates may receive meritorious earned time for "worthwhile accomplishments." These accomplishments include (a) successful completion of educational or instructional programs; (b)

satisfactory participation in work projects; and (c) satisfactory participation in special incentive programs. The commissioner determines the amount of time earned for particular programs.

Offenders assigned to maximum security facilities for disciplinary purposes are not eligible for meritorious earned time. A prisoner who escapes and/or aids and abets an escape will revoke all meritorious earned time. The commissioner may revoke meritorious earned time by written order for just cause. Any revoked meritorious earned time cannot be restored.

**MISSOURI PAROLE STATUTES**

**MISSOURI**  
**Mo. Ann. Stat.**

***1. ELIGIBILITY FOR PAROLE***

**§ 558.011 Conditional release terms**

Sentences for felonies consist of imprisonment and a conditional release term. This provision applies to felonies that are not dangerous felonies as defined in *Mo. Ann. Stat. § 556.061*, and are not the offender's fourth or subsequent remand to the department of corrections. Conditional release terms are as follows:

- One-third for terms of nine years or less
- Three years for terms between nine and fifteen years
- Five years for terms more than fifteen years

The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of probation and parole when the offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. A hearing will take place where the offender will be present and may call witnesses in his or her behalf. The offender may also cross-examine witnesses appearing against the offender. If the violation occurs near the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the board and for the board to conduct a hearing. If a decision has not been reached at the end of the fifteen-day period, the offender will be released conditionally.

**§ 558.018 Parole requirements for “predatory sexual offenders”**

An offender designated a “predatory sexual offender” will be sentenced with eligibility for parole. However, a predatory sexual offender will not be given a final discharge from parole. Although Missouri defines a life sentence as a term of thirty years for the purposes of determining eligibility for parole, conditional release, or other early release, this does not apply to predatory sexual offenders.

**§ 217.690 Parole considerations; parole eligibility for first degree murder and consecutive sentences; educational requirements; minimum hearing procedures including victim attendance**

The board of probation and parole creates policy concerning offender parole eligibility consistent with its authority and minimum sentencing guidelines.

An offender with consecutive sentences is eligible based on calculating the total of the minimum period that must be served for parole eligibility for each sentence. This total, however, cannot exceed the minimum required for a life sentence. An offender sentenced for first degree murder denied release after a parole hearing cannot be eligible for another hearing until at least three years from the month of the denial.

An offender must obtain a high school diploma or equivalent, or make a good faith effort to do so. The director may waive this requirement if the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or equivalent.

The victim or the victim's representative may attend the hearing accompanied by one other person. The victim or representative may give testimony with or without the inmate present. The victim or representative has the option to write to the parole board rather than attending the hearing. Also, the victim or representative may meet in person with a board member at the board's office. In addition, the judge, prosecuting attorney, circuit attorney, and a representative of the law enforcement agency that investigated the crime may attend and provide information at the hearing. If the offender is between eighteen and twenty-one years of age, the board will evaluate information in the juvenile sex offender registry as applicable for the safety of the community.

**§ 558.019 Minimum sentences for prior felony imprisonment; minimum for dangerous felonies**

An offender who has served a prior prison sentence for a felony conviction is required to serve a minimum term of the current sentence, as follows:

- One previous felony sentence – minimum forty percent (40%) of the sentence, or attains seventy years of age and has served thirty percent (30%) of the sentence;
- Two previous felony sentences – minimum fifty percent (50%) of the sentence, or attains seventy years of age and has served forty percent (40%) of the sentence;
- Three or more felony sentences – minimum eighty percent (80%) of the sentence, or attains seventy years of age and has served at least forty percent (40%) of the sentence.

This does not apply to offenders convicted of dangerous felonies. An offender convicted of a dangerous felony must serve a minimum of eighty-five percent (85%) of the current sentence, or attain seventy years of age having served forty percent (40%) of the sentence.

**§ 217.725 Parole release to answer warrant**

The board may release an offender on parole to answer a warrant issued against the offender by a court or other authority.

***2. CONDITIONS OF PAROLE***

**§ 217.695 Parolee registration of information and identification; change of residence**

Offenders released on parole must register his intended address, employer, parent's address, and other information as required. Additionally, the offender must submit to photographs, fingerprints, or undergo other identification procedures (such as hair samples). The department will keep a copy of the set of identification and data, and submit one copy to the chief law enforcement official of the county of intended residence. An offender who changes county of residence must notify the board of probation and parole and register with the chief law enforcement officer of the new county of residence within seven days after changing residence. Failure to do so will result in revocation of parole except for good cause shown. All information will be recorded with the highway patrol criminal information system.

**§ 217.735 Lifetime supervision of certain sex offenders**

The board will supervise an offender for the rest of his or her natural life when the offender was convicted of first degree child molestation or sexual misconduct involving a child. This provision will also apply when the offender is a prior sex offender and has committed any of the following against a child less than fourteen years of age: sexual abuse; enticement of a child; sexual trafficking of a child; sexual trafficking of a child under age twelve; incest; child used in sexual performance; promoting sexual performance by a child.

This supervision applies to qualifying offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who has served their full sentence is considered supervision on parole. The board may adopt rules relating to supervision and electronic monitoring of offenders under lifetime supervision. The offender must be electronically monitored as a condition of lifetime supervision. Electronic monitoring is based on a global positioning system or other technology that identifies and records the offender's location at all times.

The board may terminate lifetime supervision of an offender who is at least sixty-five years of age in appropriate cases as determined by a risk assessment.

***3. REVOCATION OF PAROLE***

**§ 558.031 Parole violation, authority to revoke**

An offender who violates any conditions of parole or conditional release may be treated as a parole violator. The board of probation and parole may revoke the parole or conditional release. An offender who violates parole will serve the remainder of the prison term, with an additional prison term replacing the original sentenced term of conditional release. An offender who violates conditional release will serve the remainder of the conditional release term in prison, unless released on parole.

**§ 217.718 Temporary detention for parole violation**

Rather than revocation, an offender who is found to have violated a condition of parole by the parole officer may be submitted to detention in the county jail, or other facility. The offender may be submitted to detention for a maximum of forty-eight hours the first time detention is imposed. Subsequent periods may exceed forty-eight hours. The total time spent in detention may not exceed three hundred sixty hours in a calendar year. The officer will present a written report explaining the violation to the offender. The offender will be notified of the right to a hearing before the court or board prior to detention. The report will also be filed with the sentencing court or board within a reasonable time after detention. An offender held in detention in a first or second class county or a county with a population of five hundred thousand or more will be allowed to leave detention for reasonable hours for employment, to meet with prospective employers, to operate their own business, to attend educational institutions, or to obtain medical treatment under *V.A.M.S. § 221.170*.

The court or board may not revoke parole for the same offense once the offender has completed detention, unless new information is later discovered that indicates the

offender was involved in the commission of a crime. If parole is revoked, the time spent in detention will be credited toward the offender's total sentence.

**§ 217.720 Warrant for arrest of parolee in violation of condition; hearing to determine violation; revocation**

The board may issue a warrant for an offender who violates conditions of parole at any time. The offender may be returned to the facility where originally incarcerated or any other suitable facility designated by the board. A parole officer who has probably cause to believe that an offender has violated a condition of parole or conditional release, the officer may issue a warrant for the offender's arrest. The parole officer may arrest the offender or deputize an officer with arresting authority by giving the officer a copy of the warrant. The warrant will outline the circumstances of the alleged violations. The officer will also deliver the warrant to the official in charge of the facility where the offender is taken for detainment. The offender will remain in custody without bail.

An offender for whom a warrant has been issued who cannot be served is deemed a fugitive or to have fled from justice. The board will determine whether the time from the date the warrant was issued until the date of the offender's arrest, or continuance on parole will be counted as time served under the sentence. In all other cases, time served on parole will be counted as time served on the sentence.

The arrested offender has the right to a hearing before the board of parole. The board may release the offender, place the offender in a treatment center operated by the department of corrections, or bring the offender for a separate hearing to determine whether the alleged violation took place. If the board finds no violation, the offender is released. If a violation is found, the board may release the offender or revoke parole. If the offender is convicted and sentenced for a crime that will be served outside of the Missouri department of corrections, the board will determine the amount of time from arrest until completion of the sentence is counted as time served for the offender's initial offense from which they were released on parole.

The board may issue an arrest warrant for an offender from another jurisdiction for a violation of a condition, who is supervised by the board under the instate compact for the supervision of parolees and probationers under *V.A.M.S. § 217.810*. The warrant must be served personally on the offender, and the arresting officer will take the offender to any suitable detention center designated by the board. A parole officer may arrest or deputize another officer to arrest the offender under the same procedures for a parolee of a Missouri offense.

***4. DISCHARGE FROM PAROLE***

**§ 558.046 Reduction of term of parole, conditional release**

The sentencing court may reduce the term of parole or conditional release upon petition. The court must determine that the conviction did not involve an offense that involved violence or threat of violence, and did not involve alcohol or illegal drugs. The offender must complete a detoxification and rehabilitation program. This provision does not apply to: prior offenders, persistent offenders, dangerous offenders, or persistent offenders as defined by *Mo. Ann. Stat. § 558.016*; a persistent sexual offender as defined



by *Mo. Ann. Stat. § 558.018*, or; a prior offender, persistent offender, or class X offender as defined by *Mo. Ann. Stat. § 558.019*.

**§ 217.703 Compliance credits of parolee; reduction of parole term**

Compliance credits that reduce the parole term may be earned by an offender who is: (1) not subject to lifetime supervision or otherwise found ineligible; (2) on probation, parole, or conditional release for a drug offense under *V.A.M.S. Chapter 195* or a class C or D felony; (3) is supervised by the board, and; (4) in compliance with the imposed conditions of supervision. However, the class C and D felonies in this provision exclude aggravated stalking, sexual assault, deviate sexual assault, assault in the second degree, sexual misconduct involving a child, endangering the welfare of a child in the first degree, incest, invasion of privacy, and abuse of a child.

The sentencing court may, on its own motion or a motion of the prosecuting or circuit attorney, may find that the offender is ineligible to earn compliance credits because of the nature of the offense or the history and character of the offender. The court may decline earned compliance credits for the following offenses: involuntary manslaughter in the first degree; involuntary manslaughter in the second degree; assault in the second degree except under *V.A.M.S. § 565.060(1.)(2)*; domestic assault in the second degree; assault of a law enforcement officer in the second degree; statutory rape in the second degree; statutory sodomy in the second degree; endangering the welfare of a child in the first degree; or felony weapons offense under *V.A.M.S. Chapter 571*. Offenders who are “absconders” (leave place of residency without permission) do not earn credit until they are available for active supervision again.

Earned compliance credits reduce the parole term by thirty days for each full calendar month of compliance with the terms of supervision. Credits will begin to accrue after the first full calendar month of supervision. Credits do not accrue during any month a violation report has been submitted, or a motion to revoke or to suspend parole has been filed. If the board finds no violation occurred, credits will begin to accrue on the first day of the month following the month of the report or motion. Credits are rescinded when the board revokes parole, and will be suspended for a period of time determined by the court or board. Awarded or rescinded credits are not subject to appeal or motion for post-conviction relief.

The offender is notified of the remaining term is calculated at least twice a year, considering earned compliance credits. The offender must complete at least two years of the term, and is discharged once time served and earned compliance credits satisfy the total term. The court and board are notified within sixty days of the pending discharge.

***5. GOOD TIME/DIMUNITION OF SERVICE***

**§ 558.041 Good time credits**

With exception for certain repeat offenders and sexual offenders, offenders may receive good time credit while in prison. Credits are awarded to offenders who serve with good behavior and take part in available rehabilitation programs, and may be applied to the offender’s current sentence. The director of the department of corrections establishes the policy for awarding credits, and may rescind credits according to the policy. An

offender may lose any or all credits for any violation of institutional rules or state laws.

# **NEW MEXICO PAROLE STATUTES**

**§ 31-21-25 Powers and duties of the board in granting, denying, and revoking parole**

The parole board may grant, deny, or revoke parole. It may conduct or order investigations, examinations, interviews, hearings, and other proceedings necessary for the effectual discharge of its duties. Further, the board may summon witnesses, books, papers, reports, documents, or tangible things and administer oaths as necessary. The offender is provided with a written statement of the reason or reasons for denying or revoking parole.

The parole board develops a written policy specifying the criteria to be considered by the board in determining whether to grant, deny, or revoke parole or to discharge a parolee.

When the parole board conducts a hearing for an offender, the victim or victim's family member may be present and speak to the board in public or private.

***1. ELIGIBILITY FOR PAROLE***

**§ 31-21-10 General eligibility**

An offender serving a life sentence becomes eligible for parole after serving thirty years of the sentence. An offender may be sentenced to life imprisonment without possibility of parole. If parole is denied, the offender is entitled to a parole hearing at two-year intervals. The board of parole will interview the offender and consider the following: the circumstances of the offence; mitigating and aggravating circumstances; whether a deadly weapon was used in the crime; whether the offender is a habitual offender; available reports of physical and mental examinations. The board will determine if the offender is able and willing to fulfill the obligations of a law-abiding sentence, and will render its decision based on the best interests of society.

The period of parole of an offender with a life sentence must be at least five years, unless the board finds that it is in the best interest of society and the parolee to reduce the term.

An inmate convicted of a first, second, or third degree felony (excluding certain sex offenders provided in *N.M. Stat. Ann. § 31-21-10.1*) who has served their prison term must undergo a two-year period of parole following release. An inmate convicted of a fourth degree felony must undergo a one-year period of parole following release. The parolee remains under the guidance and supervision of the board.

Offenders on parole remain in the custody of the institution from which they were released, but subject to the order of the board. The board personally apprises the offender of the conditions of parole. The board provides a written statement of the conditions of parole that must be agreed to and signed by the offender. If the offender refuses to sign the statement, he or she will remain in the custody of the institution where currently serving their prison sentence.

The offender must pay applicable restitution to victims of his or her offense as a condition of parole.

The offender must pay actual costs of parole services as a condition of parole to the adult probation and parole division or the corrections department. Payments cannot

exceed one thousand eight hundred dollars (\$1,800) annually paid in monthly installments of at least twenty-five dollars (\$25) and not more than one hundred fifty dollars (\$150). The board may waive the required payments if it finds the offender is unable to pay the costs, unless the offender is subsequently able to make payments. The offender will also be required as a condition of parole to reimburse a law enforcement agency or local crime stopper program for the amount of any reward paid by the agency or program for information leading to the inmate's arrest, prosecution, or conviction.

These provisions do not apply to offenders who are geriatric, permanently incapacitated, and terminally ill who are eligible for the medical and geriatric parole program.

### **§ 31-21-11 Parole for treatment**

The board may parole otherwise eligible offenders as determined necessary to detainers to serve another sentence within the penitentiary, to the forensic treatment or alcohol treatment unit of the New Mexico behavioral health institute, or to any other specific hospital or residential treatment program.

### **§ 31-21-25.1 Medical and geriatric parole program**

An offender may be eligible for geriatric or medical parole based on consideration of the following criteria concerning the inmate's:

- age;
- severity of illness, disease, or infirmities;
- institutional behavior;
- level of risk for violence;
- criminal history; and
- alternatives maintaining geriatric or medical inmates in traditional settings.

Inmates who qualify for geriatric or medical release are eligible without serving the minimum term for release otherwise. Medical and geriatric release is considered in addition to other parole for which the offender is eligible.

The board develops a comprehensive discharge plan for medical and geriatric released offenders. The board must render a decision for release within thirty days of receipt of an application and supporting documentation from the corrections department. The board must prescribe the terms and conditions of medical or geriatric release, including medical supervision and intervals of periodic medical evaluations. The board makes its decision after considering the appropriate criteria and determining that release is not incompatible with the welfare of society. The board may request available medical documentation or determine that reasonable medical examinations be made.

An inmate cannot be released for medical or geriatric release if convicted for first degree murder.

If released, the parole term is for the remainder of the offender's sentence without diminution of the term for good behavior.

Under these provisions, an offender who (1) is under sentence to or confined in a prison or other correctional institution under the control of the corrections department, and (2) does not constitute a danger to himself or society is:

- a "geriatric inmate" is an offender who

- is sixty-five (65) years of age or older; and
- suffers from a chronic infirmity, illness, or disease related to aging.
- “permanently incapacitated inmate” means an offender who
  - by reason of an existing medical condition, is permanently and irreversibly physically incapacitated; and
- “terminally ill inmate” means an offender who
  - has an incurable condition caused by illness or disease that would within reasonable medical judgment, produce death within six months.

**§ 31-21-27 Early release for drug court program**

The corrections department establishes criteria regarding the eligibility of an offender for early release into a reentry drug court program. The criterion includes the requirements that the offender was incarcerated for the conviction of a nonviolent, drug-related offense; and is within eighteen months of release or eligibility for parole. The department may petition a district court that operates a reentry drug court program to accept limited jurisdiction of the offender for the purpose of supervision. The department retains other jurisdiction over the offender.

***2. CONDITIONS FOR PAROLE***

**§ 31-21-10.1 Sex offenders; parole considerations, terms and conditions**

Sex offenders must serve a requisite term of parole. The term of parole is at least five years and not exceeding twenty-five years for the offense of kidnapping with intent to inflict a sexual offense upon the victim, criminal sexual penetration in the third degree, criminal sexual contact of a minor in the fourth degree, or sexual exploitation of children in the second degree. The term of parole is at least five years and up to the natural life of the sex offender for the offense of aggravated criminal sexual penetration, criminal sexual penetration in the first or second degree, criminal sexual contact of a minor in the second or third degree or sexual exploitation of children by prostitution in the first or second degree.

The board conducts a hearing to determine the terms and conditions of supervised parole for a sexual offender. The board notifies the chief public defender of upcoming hearings, who makes representation available to the sex offender at the parole hearing. The parole board may consider any relevant information, including:

- the nature and circumstances of the offense for which the sex offender was incarcerated;
- the nature and circumstances of a prior sex offense committed by the sex offender;
- rehabilitation efforts engaged in by the sex offender, including participation in treatment programs while incarcerated or elsewhere
- the danger to the community posed by the sex offender; and
- a risk and needs assessment regarding the sex offender.

After the initial five years of supervised parole, and at two and one-half year intervals thereafter, the board reviews the duration of the sex offender’s supervised

parole. The attorney general bears the burden of proving by clear and convincing evidence that the sex offender should remain on parole.

The board may order a sex offender to abide by reasonable terms and conditions, including:

- being subject to intensive supervision;
- participating in an outpatient or inpatient sex offender treatment program;
- a parole agreement by the sex offender not to use alcohol or drugs;
- a parole agreement by the sex offender not to have contact with certain persons or classes of persons; and
- being subject to alcohol and drug testing, and polygraph examinations to determine if the sex offender is in compliance with the terms and conditions of the sex offender's parole.

Sex offenders are required to submit to electronic real-time monitoring for the duration of parole. The electronic monitoring will utilize global positioning systems or other technology that will enable the department of corrections and law enforcement to determine the real-time position of the sex offender to a high level of accuracy.

The board may revoke parole or modify the terms and conditions of parole if it finds any conditions or terms have been violated.

These provisions do not apply to geriatric, permanently incapacitated, and terminally ill inmates eligible for the medical and geriatric parole program.

### ***3. REVOCATION***

#### **§ 31-21-14 Return of parole violator**

The board or director of the department of corrections may issue an arrest warrant for the offender at any time for violation of any conditions of release, or issue a notice to appear to answer a charge of violation. The notice must be served personally upon the offender. The warrant authorizes the superintendent of the institution from which the prisoner was released to return the prisoner to actual custody of the institution or any other suitable detention facility designated by the board or director. The warrant authorizes the return of an offender who is out of the state.

The director may arrest a violating parolee without a warrant or may deputize any officer with power of arrest to do so by giving the officer a written statement setting forth the allegations that the offender has violated conditions of release. An offender arrested without a warrant will be returned to the institution of incarceration only if authorized by the director or the board. The offender will remain incarcerated in the institution pending a hearing on the alleged violation(s).

The board will promptly bring the offender before it for a parole revocation hearing. The board may adopt rules and regulations for the proceedings. If violation is established, the board may continue or revoke the parole or enter any other appropriate order as it sees fit. The board will determine whether the time from the date of violation to the date of arrest, or any part of it, will be counted as time served under the sentence.

An offender for whom a warrant has been issued who cannot be served is a fugitive from justice.

#### **4. GOOD TIME/DIMUNITION OF SERVICE**

##### **§ 33-2-34 Eligibility for earned meritorious deductions**

An offender must be active in programs recommended to the offender by the classification supervisor and approved by the warden or warden's designee. Meritorious deductions will not exceed:

- for a serious violent offense, up to a maximum of four days per month of time served;
- for a nonviolent offense, up to a maximum of thirty days per month of time served;
- for a prisoner confined following revocation of parole for the alleged commission of a new felony offense or for absconding from parole, up to a maximum of four days per month of time served during the parole term following revocation; and
- for a prisoner confined following a revocation of parole for any other reason:
  - up to a maximum of eight days per month of time served during the parole term following revocation, if the prisoner was convicted of a serious violent offense or failed to pass a drug test administered as a condition of parole; or
  - up to a maximum of thirty days per month of time served during the parole term following revocation, if the prisoner was convicted of a nonviolent offense.

An offender may earn meritorious deductions upon recommendation by the classification supervisor based upon the active participation in approved programs and the quality of the offender's participation in those programs. An offender may not earn meritorious deduction unless the warden or the warden's designee approves the recommendation of the classification supervisor.

If participation in approved programs is interrupted by a lockdown at the facility, the offender may continue to be awarded meritorious deductions at the same rate prior to lockdown. This does not apply if the warden or warden's designee determine the offender's conduct contributed to the initiation or continuance of the lockdown.

An offender is eligible for lump-sum meritorious deductions as follows:

- for successfully completing an approved vocational, substance abuse, or mental health program, one month; except when the offender has demonstrable physical, mental health, or development disability that prevents the prisoner from successfully earning a general education diploma, in which case, the prisoner is awarded three months.
- for earning a general education diploma, three months;
- for earning an associate's degree, four months;
- for earning a bachelor's degree, five months;
- for earning a graduate qualification, five months; and
- for engaging in a heroic act of saving life or property, engaging in extraordinary conduct for the benefit of the state or the public that is at great expense, risk, or effort on behalf of the prisoner, or engaging in extraordinary conduct far in excess of normal program assignments that demonstrates the prisoner's commitment to self-rehabilitation. The classification supervisor and the warden or warden's designee may recommend the number of days to be awarded in each case based



upon the particular merits, but any award is determined by the director of the adult institutions division of the corrections department or the director's designee. Lump-sum deductions for participation in programs may be awarded in addition to deductions for the above accomplishments.

An offender is not eligible to receive meritorious deductions if the prisoner:

- disobeys an order to perform labor;
- is in disciplinary segregation;
- is confined for committing a serious violent offense and is within the first sixty days of receipt by the corrections department; or
- is not an active participant in recommended and approved programs.

An offender serving a life sentence or with a sentence of death is not eligible for meritorious deductions.

A New Mexico prisoner in a federal or out-of-state facility is eligible for meritorious deductions on the basis of reports of the prisoner's conduct and participation in programs. All decisions regarding these meritorious deductions are subject to approval by the director of the adult institutions division of the corrections department or the director's designee. If a federal or out-of-state facility does not have programs available, the prisoner may be awarded meritorious deductions at the rate the prisoner could have earned meritorious deductions if the prisoner actively participated in programs.

A prisoner in correctional facilities in New Mexico is eligible to earn meritorious deductions in the same manner as a prisoner confined in a state-run facility. All decisions regarding deductions at such facilities are subject to approval by the director of the adult institutions division of the corrections department or the director's designee.

An offender released from confinement and serving a parole term may be awarded earned meritorious deductions up to thirty days per month upon recommendation of the supervising parole officer, with final approval of the adult parole board. The offender must be in compliance with all conditions of parole to be eligible for earned meritorious deductions. The adult parole board may remove earned meritorious deductions previously awarded if the offender later fails to comply with conditions of parole. This provision does not apply to sex offenders.

### **§ 33-2-36 Forfeiture of earned meritorious deductions**

Meritorious deductions earned by an offender may be forfeited up to ninety days for two or more misconduct violations. Deductions may be forfeited in an amount in excess of ninety days for a major conduct violation. Forfeitures of meritorious deductions of up to ninety days shall only proceed upon the recommendation of the classification supervisor and final approval by the warden or warden's designee. Forfeitures in an amount in excess of ninety days only proceed upon the recommendation of the classification supervisor and the warden or warden's designee and final approval of the director of the adult institutions division of the corrections department or director's designee. The secretary of corrections may review and revise any decision regarding the forfeiture of meritorious deductions.

These provisions also apply to an offender in a federal or out-of-state correctional facility, or a correctional facility in New Mexico operated by a private company.

**§ 33-2-37 Restoration of forfeited meritorious deductions**

Forfeited meritorious deductions may be restored in whole or in part to an offender who is exemplary in conduct and work performance for a period of not less than six months following the date of forfeiture. Meritorious deductions may be restored upon recommendation of the classification supervisor, approval by the warden or the warden's designee and final approval by the director of the adult institutions division of the corrections department or the director's designee.

These provisions also apply to an offender in a federal or out-of-state correctional facility, or a correctional facility in New Mexico operated by a private company.

**NORTH CAROLINA PAROLE STATUTES**

**NORTH CAROLINA**  
**N.C. Gen. Stat.**

**Note on North Carolina's Parole Eligibility and Structured Sentencing:**

On October 1, 1994, North Carolina eliminated discretionary parole, with few exceptions for particular offenses. The state moved to a structured sentencing system that requires a prisoner to serve the entirety of a mandatory minimum sentence. The term can be extended up to a maximum sentence for poor conduct or for refusing to take part in employment or required programs. The mandatory sentences are based upon the class of felony offense, considered with aggravating and mitigating factors. Therefore, parole eligibility for individual offenses depend upon the sentence given in a particular case.

In sentencing, the court determines the class of offense by the offense's pre-classification, and by adding class levels for enhancements. The court then considers the prior record level of the offender. Offenses carry points according to their class type. Points for prior felonies are considered in determining the range of sentencing for the present class of offense. The offender must serve 100% of the lowest point of the range, with the possibility of serving up to the maximum. Some levels of offenses result in life sentences without parole.

The Post-Release Supervision and Parole Commission evaluate offenders for release automatically, without application for parole.

The Structured Sentencing provisions are found in *N.C. Gen. Stat. § 1340.10-1340.24*. The sentencing ranges for each class of offense is found in *N.C. Gen. Stat. § 1340.17*

***1. ELIGIBILITY***

**§ 15A-1371 Parole eligibility; consideration; refusal; separate parole eligibility for impaired driving**

An offender must serve the lesser of either the minimum term of imprisonment if one is included in the sentence, or one-fifth ( $\frac{1}{5}$ ) of the maximum sentence allowable for the offense. Both may be reduced by credits under *N.C. Gen. Stat. § 15A-1355(c)* and *N.C. Gen. Stat. § 15-196.1-196.4*.

The Post-Release Supervision and Parole Commission must notify the following at least thirty days in advance of considering an offender serving a life sentence for parole:

- The prisoner;
- The district attorney where the offender was convicted;
- The head of the law enforcement agency that arrested the prisoner, and the sheriff of the county where the crime occurred;
- Any of the victim's immediate family members who have requested in writing to be notified; and

- Newspapers of general circulation and other media in the county where the offender was convicted or charged, as reasonable.

The commission must consider any information provided by these parties before consideration of parole. The commission must give notice of its decision to these parties within ten days.

The commission may refuse parole if it believes:

- There is a substantial risk that the offender will not conform to reasonable conditions of parole; or
- His release at that time would unduly depreciate the seriousness of the crime or promote disrespect for law; or
- His continued correctional treatment, medical care, or vocational or other training in the institution will substantially enhance his capacity to lead a law-abiding life if he is released at a later date; or
- There is a substantial risk that he would engage in further criminal conduct.

An offender granted parole may refuse parole and serve the remainder of the sentence.

The term of parole is the remaining portion of the sentence to imprisonment. The conditions of parole, unless specified by the commission, are authorized in *N.C. Gen. Stat. § 15A-1374(b)(4)-(10)*.

An offender convicted of impaired driving whose sentence does not include a minimum sentence, and other than one included in a special probation, is eligible for parole at any time. Regardless of the inclusion of a minimum sentence, an offender serving at least thirty days and less than eighteen months may be paroled after serving one-third of the maximum sentence.

An offender serving a sentence for impaired driving is eligible for community service parole at the discretion of the commission. The offender must community service as a condition of early parole in an amount and over a period of time determined by the commission. The amount cannot exceed thirty-two hours for each month of active service remaining in the minimum sentence. The commission may grant early parole under these provisions without the condition of community service if it determines it is inappropriate to a particular case. The parolee is supervised and failure to perform required community service results in revocation of early parole.

To be eligible for early parole for impaired driving, an offender: (1) must be serving a sentence exceeding six months; (2) must, in the opinion of the commission, be unlikely to engage in further criminal conduct; (3) must agree to complete service of the sentence as specified; and (4) must serve one-half of the minimum sentence. There is no right to early parole for impaired driving. If granted early parole, credit is given for good time and gain time pursuant to *N.C. Gen. Stat. § 148-13*.

#### **§ 148-60.1 Allowances for paroled prisoner**

An offender released on parole will receive suitable clothing and, if needed, money sufficient to purchase transportation to the place within the state where the

prisoner is to reside. The commission may, at its discretion, provide the parolee with at least forty-five dollars (\$45.00).

## ***2. CONDITIONS OF PAROLE***

### **§ 15A-1374 Conditions of parole**

The commission may impose conditions on parole. The commission must provide the parolee with notice of the conditions of the release.

The offender may not commit another crime during the period for which parole remains subject to revocation.

An offender convicted of impaired driving whom:

- (1) has completed any recommended treatment or training program; and
- (2) is not being released to a residential treatment program, will receive community service parole,  
receives community service parole, or must remain alcohol-free.

The commission may require that the parolee:

- Work at suitable employment, or pursue a course of study or vocational training for suitable employment;
- Undergo available medical or psychiatric treatment and remain in a designated institution if required;
- Attend or reside in a facility providing rehabilitation, instruction, recreation, or residence for parolees;
- Support his dependents and meet other family responsibilities;
- Refrain from possession a firearm or other dangers weapons or devices unless granted written permission by the commission or parole officer;
- Report to a parole officer at reasonable times and in a reasonable manner, as directed by the commission or parole officer;
- Permit the parole officer to visit at reasonable times at his or her home or elsewhere;
- Remain with the geographic limits designated by the commission unless granted written permission to leave by the commission or parole officer;
- Remain in one or more specified places for a specified period or periods each day and wear a device that permits the defendant's compliance with the condition to be monitored electronically;
- Remain alcohol free, and provide proof through evaluation by a continuous alcohol monitoring system;
- Answer all reasonable inquiries by the parole officer and obtain prior approval from the parole officer for any change in address or employment;
- Promptly notify the parole officer of any change in address or employment;
- Submit at reasonable times to warrantless searches of the parolee's person, vehicle, and premises while the parolee is present, for purposes reasonably related to the parole supervision;
- Submit to searches of the parolee's computer or other electronic mechanism containing electronic data if the parolee is convicted of a "sexually violent

offense” or certain offenses against children under *N.C. Gen. Stat. § 14-208.6(4)*;

- Make restitution or reparation to the victim;
- Comply with an order regarding any payment obligations the parolee has in connection with any judgment made by the court;
- Continue attending a basic skills program in pursuit of a GED or high school diploma;
- Satisfy other conditions reasonably related to the parolee’s rehabilitation.

Certain sex offenders described in *N.C. Gen. Stat. § 14-208.40(a)(1)* and *(2)* are required to submit to satellite-based monitoring, pursuant to *N.C. Gen. Stat. § 14-208.40-208.45*.

### **§ 15A-1375 Commencement of parole; multiple sentences**

Parole commences on the day an offender is released from prison. Parole runs concurrently with any prison, jail, probation, or other parole term the offender is subject to during the parole period.

## ***3. REVOCATION OF PAROLE***

### **§ 15A-1373 Incidents of parole - revocation**

Parole is conditional and subject to revocation. The commission may terminate parole and discharge the parolee at any time after the expiration of one year of successful parole if warranted by the ends of justice and parolee’s conduct. The commission may modify conditions of parole for good cause at any time.

If a parolee violates the conditions of parole, the commission may continue the parole, modify conditions, or revoke parole. The period the offender was released on parole applies toward his or her total sentence, except for the last six months of the parole period. The offender receives credit for time in custody as a result of the revocation hearings and process.

An offender whose parole has been revoked may be granted parole under the same provisions as initial parole. If the offender serves the final six months of the maximum imprisonment as a result of revocation he or she may not be required to serve further parole.

### **§ 15A-1340.19D Incidents of parole – life sentence**

The term of parole for an offender sentenced to life imprisonment cannot be less than five years. If the parolee with a life sentence violates parole and parole is revoked, the parolee will be re-imprisoned and will not be eligible for parole for five years from the return to imprisonment.

### **§ 15A-1376 Arrest for violation; parole revocation hearings**

A parolee is subject to arrest by a law enforcement officer or parole officer for violation of conditions of parole upon an order of temporary or conditional revocation of parole by the commission.

A preliminary revocation hearing is held within seven working days of arrest, reasonably close to the place of the alleged violation or arrest. If the hearing does not take place according to these provisions the parolee must be released after being held seven working days.

The parolee must receive notice of the preliminary hearing and its purpose. The notice must include a statement of the alleged violations. The parolee may appear at the hearing and speak, present relevant information, and personally question witnesses and adverse informants. However, the hearing officer may find good cause to not allow questioning.

If the hearing officer believes there is probable cause to believe the parolee has violated parole, he or she must summarize the reasons and evidence for this determination. Formal rules of evidence do not apply.

The commission must provide a revocation hearing within forty-five days of the parolee's re-confinement to decide whether to revoke parole. The hearing is not necessary if the parolee waived the right the preliminary hearing. The commission adopts rules governing revocation hearings. An arrest is not necessary to hold a revocation hearing.

#### ***4. GOOD TIME/DIMUNITION OF SERVICE***

##### **§§ 15A-1340.13(d) and 15A-1340.20(d) Earned credit for offenses authorized**

Sentences for a felony and misdemeanor convictions may be reduced by authorized earned credits. However, in no case can the term be reduced below the minimum sentence.

##### **§ 148-13 Rates and circumstances of earned credit - administrative duty to adopt**

The Secretary of Public Safety adopts rules to specify the rates and circumstances under which credit can be earned and forfeited. These rules are distributed and followed by local jail administrators.



# **OKLAHOMA PAROLE STATUTES**

**OKLAHOMA**  
**Okla. Stat. Ann.**

***1. ELIGIBILITY FOR PAROLE***

**57 § 332 Power of governor to grant parole**

The governor has the power to grant paroles for all offenses, except for impeachments, upon conditions, restrictions, and limitations as deemed proper by the governor. The governor's authority is subject to the regulations of parole by law and the state constitution.

**21 § 13.1**

The following convictions require the offender to serve at least eighty-five percent (85%) of any sentence of imprisonment before becoming eligible for parole:

- First degree murder;
- Second degree murder;
- Manslaughter in the first degree;
- Poisoning with intent to kill;
- Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow, or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm;
- Assault with intent to kill;
- Conjoint robbery;
- Robbery with a dangerous weapon;
- First degree robbery;
- First degree rape;
- First degree arson;
- Bombing;
- Any crime against a child;
- Forcible sodomy;
- Child pornography;
- Child prostitution;
- Lewd molestation of a child;
- Abuse of a vulnerable adult;
- Aggravated trafficking;
- Aggravated assault and battery upon any person defending another person from assault and battery.

An offender convicted of any of the above offenses is not eligible for earned credits or any other type of credits to reduce the length of sentence to less than eighty-five percent (85%) of the sentence imposed.

**57 § 332.7 Consideration for parole**

An offender not serving a life sentence and not convicted of a crime enumerated in *Okla. Stat. Ann. tit. 21, § 13.1* is eligible for parole after completing one-third ( $\frac{1}{3}$ ) of the sentence. The Pardon and Parole Board will not recommend any person convicted of three or more felonies with incarceration from separate and distinct transactions until the offender has served at least one-third ( $\frac{1}{3}$ ) or ten years of the sentence.

The Pardon and Parole Board conducts a two-stage parole consideration process. At the first hearing, the board determines whether the offender will be considered for parole based on a review of a completed report submitted by the staff of the Board. If the offender is considered, a second hearing will be held where any victim or victim's representative may contest parole of the offender. At the second hearing the board will vote on whether the offender should be recommended for parole to the governor.

When prison capacity exceeds ninety-five percent (95%), the board may recommend any offender who is incarcerated for a nonviolent offense not involving injury to a person and who is within six months of his or her statutory parole eligibility date.

The Pardon and Parole Board promulgates rules for implementation of parole. These rules include procedures for reconsideration of offenders denied parole.

The board is not required to consider an offender who has participated in a riot, taken hostages, or been placed on escape status while in custody. The board establishes policies and procedures concerning consideration of such offenders.

Felony sex offenders who are paroled are immediately placed on intensive supervision.

A nonviolent offender who is not a citizen of the United States for whom the Department of Justice has issued a final order of deportation is considered for parole to the custody of the United State Immigration and Naturalization Service for further deportation proceedings.

#### **57 § 332.7a Parole eligible offenders and dangerous substances**

The board considers the nature and relationship of the offender and offense to any controlled dangerous substance. The board is provided with any drug-related information on any eligible offender by the department of corrections prior to consideration.

#### **57 § 354 Study of prisoner for consideration and recommendation for parole**

The Pardon and Parole Board will, at appropriate times, consider an offender for parole, and make a recommendation for or against parole to the governor.

## ***2. CONDITIONS OF PAROLE***

#### **57 § 332.8 Conditions for parole, employment and residence assistance**

The board considers types of offenses committed by the offender, and from this considers suitable employment or residence. The board mandates participation in education programs, and may require the attainment of a general education diploma as a condition of release. The probation and parole officer must provide reasonable assistance to any offender to obtain suitable employment, residence, or enrollment in an education program. The offender must sign an agreement of parole conditions. An offender who fails to satisfactorily attend and make satisfactory progress in educational programs, parole may be revoked and the offender returned to confinement.

**57 § 332.20 Data collection/tracking in the first three years of parole release**

The Department of Corrections will track the success and recidivism of offenders released by the two-stage parole consideration process for the first three years following release. Annual and cumulative data will be collected with include:

- Offense type;
- Sentence length;
- Release information, including sentencing and parole information;
- Number of persons by offense type eligible for parole consideration in the two-stage process in the calendar year;
- Number of person by offense type actually recommended for parole in the calendar year;
- Number of persons by offense type granted parole by the governor in the calendar year;
- Rearrest data in the calendar year and cumulatively over the three-year period;
- Reincarceration data in the calendar year and cumulatively over the three-year period;
- Employment data for the calendar year and cumulatively over the three-year period;
- Other information deemed beneficial to analyzing the offender's success and recidivism of the category of offenders.

***3. REVOCATION OF PAROLE***

**57 § 350 Deduction from sentence of time spent on parole; revocation of parole**

Time spent on parole is deducted from the period of the offender's sentence. The paroling authority may revoke all or any portion of parole.

**57 § 349.3 Rights of parolee**

A parolee offender must receive written notice of an alleged violation of parole and its nature. The offender may advise with any persons whose assistance he reasonably desires prior to the hearing. The offender has the right to confront and examine any persons who have made allegations, unless the hearing officer determines it would present a substantial present or subsequent danger of harm to the person or persons. The offender may admit, deny, or explain the alleged violation and may present proof, including affidavits and other evidence, in support of his contentions. The proceedings will be kept on record.

***4. GOOD TIME***

**57 § 20 Credit for work performed in a local prison**

County, city, and town convicts may receive credit deductions toward their sentence for work done while in prison. One day of credit will be awarded for every five days of work performed by the inmate. After every fifth day of the inmate's

imprisonment, the custodians of the prison determine whether the inmate is entitled to the credit, make a record of the decision, and notify the prisoner of the decision.

**57 § 65 Credit for good behavior, donating blood**

An offender receives five days of credit for every four days spent in confinement for good behavior. Additionally, an offender will receive three days of credit for each pint of blood he donates during the first thirty days of confinement, and five days of credit for each pint of blood donated in any sixty-day period thereafter the American Red Cross or an approved hospital.

**SOUTH CAROLINA PAROLE STATUTES**

**SOUTH CAROLINA**  
**S.C. Code Ann.**

***1. ELIGIBILITY FOR PAROLE***

**§ 24-21-610 Eligibility for parole generally; violent crime; medical; evaluation of mental conditions**

An offender sentenced for up to thirty years imprisonment must serve at least one-third ( $\frac{1}{3}$ ) of the term before being eligible for parole. An offender sentenced to life imprisonment or any period greater than thirty years must serve at least ten years of the term before being eligible for parole.

For a conviction of a violent crime, an offender must serve the greater of either one-third ( $\frac{1}{3}$ ) of the term or the mandatory minimum portion of sentence.<sup>1</sup>

An offender sentenced for murder under *S.C. Code Ann. § 16-3-20* is not eligible for parole. An offender sentenced for armed robbery under *S.C. Code Ann. § 16-11-330* must serve at least seven years of the sentence before being eligible for parole. An offender sentenced for certain drug trafficking under *S.C. Code Ann. § 44-53-370* is not eligible for parole.

Credits for good behavior are not applied to reduce parole eligibility requirements. However, earned work credits reduce the minimum term served before eligibility for parole.

An offender may be paroled if the board of parole determines that the physical medical condition of the offender is serious and the offender will likely not live more than one year. The board may only grant medical parole to offenders within one year of the prescribed date of parole eligibility.

The board must evaluate the mental conditions of an offender who has been imprisoned for ten years or more, and determine the offender's ability to adjust to life in society. These evaluations are based upon reports of a qualified psychiatrist or psychologist.

**§ 24-13-100 No parole offenses**

Crimes classified as class A, B, and C felonies, and offenses exempt from classification are not eligible for parole.<sup>2</sup>

**§ 24-13-150 Early release for a "no parole offense"**

Notwithstanding any other restrictions, an offender convicted of a "no parole offense" pursuant to *S.C. Code Ann. § 24-13-100* is eligible for early release after serving eighty-five percent (85%) of the sentence. This minimum is calculated without including earned work credits, education credits, or good conduct credits. The requirement is

---

<sup>1</sup> Most violent crimes are not eligible for parole in South Carolina after January 1, 1996.

<sup>2</sup> Felonies are classified in *S.C. Code Ann. § 16-1-90*. Some crimes, such as murder, are not classified under the statute, and requirements for these offenses are specified in their respective statutes. Parole eligibility is affected by classification or, if not classified, statutory requirements of the particular crime.

applied to the full term of the sentence. However, early release remains unavailable for an offender convicted of murder or an offender otherwise prohibited from early release.

**§ 24-21-620 Effect of time served on minimum for eligibility**

Any time served in prison in excess of three months while awaiting trial or between trials is applied to the required service before the offender is eligible for parole.

**§ 24-21-635 Earned work credits**

Earned work credits may be applied to the required service before an offender is eligible for parole, pursuant to *S.C. Code Ann. § 24-13-230*.

**§ 24-21-620 Board review of parole**

The board reviews an offender's case for parole within ninety days prior to the offender serving one-fourth ( $\frac{1}{4}$ ) of the term. The board determines whether the offender should be released at this time. If the board denies release for a nonviolent crime, the offender's case is reviewed every twelve months after the determination.

**§24-21-640 Board general considerations; second or subsequent conviction for violent crimes**

The board must determine to its satisfaction: that the offender has shown a disposition to reform; that the offender will probably obey the law and lead a correct life; that the offender's conduct merits a lessening of imprisonment; that the interest of society will not be impaired; that suitable employment is secured for the offender.

The board implements written criteria required of the paroled offender. The offender may be required to submit written reports, confirmed by his or her current employer, to the board as necessary.

An offender cannot be paroled for a second or subsequent conviction for a violent crime.

**§ 24-21-700 Special parole of persons needing psychiatric care**

An offender who is otherwise eligible for parole but deemed unfit for release because of mental conditions may be released to the custody of the Veterans Administration. The Veterans Administration must approve the custody, and the board of parole determines the final release. If at a later date the offender is deemed fit to be released, he or she will not be released from the Veterans Administration's custody and will not be returned to a penal institution except for parole violations.

**§ 24-21-715 Parole for terminally ill, geriatric, or permanently disabled inmates**

The full parole board may release an offender who is terminally ill, geriatric, permanently incapacitated, or any combination of these conditions. The order to release such an offender must include findings of fact that substantiate a legal and medical conclusion of one or more of these conditions. The board must determine that the offender does not pose a threat to society or himself. The order must also contain the requirements and conditions of the offender's release. The offender must reside in an approved residence and follow all imposed conditions.



The department of corrections conducts annual reviews to determine if the offender is still eligible for release under these provisions. If the offender is no longer eligible, a probation agent must issue a warrant or citation charging a violation of parole and the parole board will proceed pursuant to *S.C. Code Ann. § 24-21-680*.

A “terminally ill” offender has an incurable condition caused by illness or disease that was unknown at sentencing, or has progressed since sentencing to render the offender terminally ill. The illness will likely produce death within two year and is debilitating to the point that the offender does not pose a public safety risk.

A “geriatric” offender is at least seventy years of age and suffers from chronic infirmity, illness, or disease related to aging. The aging conditions are progressed so that the offender is incapacitated and does not pose a public safety risk.

A “permanently incapacitated” offender has a medical condition that is not terminal but renders him or her permanently and irreversibly incapacitated and requires immediate and long-term residential care. The offender does not serve a public safety risk.

## **2. CONDITIONS OF PAROLE**

### **§ 24-21-645 General condition requirements for parole**

The offender must agree in writing to be subject to search or seizure, even without a search warrant or cause, of the offender’s person, vehicle, and possessions. A probation agent or any other law enforcement agent conducts the search or seizure. An offender who pleaded guilty or nolo contendere to a Class C misdemeanor serving a sentence of one year or less may not be subject to this provision.

The board implements written criteria required of the paroled offender. The offender may be required to submit written reports, confirmed by his or her current employer, to the board as necessary.

The board will review the case of an offender denied parole for the conviction of a violent crime every two years; nonviolent crimes are reviewed every one year. Violent offenders convicted of domestic violence sentenced under *S.C. Code Ann. § 16-25-90* are eligible for review every one-year.

### **§ 24-21-650 Subjugation to conditions, board’s jurisdiction**

A parolee is subject to the conditions and restrictions of parole for the duration of the original term of imprisonment. The offender must remain in the board’s jurisdiction and may be imprisoned on the order of the board at any time.

### **§ 24-21-670 Term of parole**

The parole term lasts for the duration of the original term of imprisonment and cannot be reduced by good conduct.

### ***3. REVOCATION OF PAROLE***

#### **§ 24-21-680 Violation of and revocation of parole**

The parole agent must issue an arrest warrant or citation for an offender who violates the conditions and restrictions of parole. The board makes the final determination of revocation of parole and the remainder of the sentence. An offender whose parole is revoked may be again eligible for parole at the discretion of the board.

### ***4. DISCHARGE FROM PAROLE***

#### **§ 24-21-690 Release**

An offender released after serving the term of sentence, less allowed deductions for good conduct, is treated as though he or she has served the entire term of the original sentence.

### ***5. GOOD TIME/DIMUNITION OF SERVICE***

#### **§ 24-13-210 Good behavior credit**

An offender not convicted of a “no parole offense” may receive credit against his or her sentence term for observing all rules of the incarcerating institution beginning on the first day of the sentence. The offender receives credit at a rate of twenty days for each month served. In the case of consecutive sentences, the aggregate of the sentences is basis for computing the good conduct credit.

An offender convicted of a “no parole offense” may receive credit for good conduct at a rate of three days per month served. The sentence cannot be reduced below the minimum term of imprisonment. An offender serving a life sentence or a mandatory minimum sentence of thirty years or more cannot earn good conduct credit.

An offender convicted of an offense against the State and sentenced to a local detention facility or to public works may receive good conduct credit at a rate of one day for every two days served.

Good conduct credits cannot be applied to prevent full participation in the prerelease or community supervision program.

Good conduct credits may be forfeited in part or in full when an offender violates any rule of the institution while imprisoned. Restoration of good conduct credits is at the discretion of the department of corrections or the official who has charge of an offender at a local detention facility.

#### **§ 24-13-220 Good conduct credits in cases of commuted or suspended sentences**

Good conduct credit is calculated against the actual term of sentence. If part of the sentence is commuted or suspended, good conduct credits deduct from the offender’s remaining sentence.

**§ 24-13-230 Reduction of sentence for productive duty assignment or participation in academic, technical, or vocational training program**

An offender not convicted of a “no parole offense” may receive reductions from his or sentence when assigned to a productive duty assignment, or who is regularly enrolled and actively participating in an academic, technical, or vocational training program. The rate of reduction is zero to one day for every two days the offender is employed or enrolled. The maximum annual credit is limited to one hundred eighty days.

An offender convicted of a “no parole offense” may receive reductions at a rate of six days for every month of employment or enrollment. The sentence cannot be reduced by the mandatory minimum term of imprisonment. The maximum annual credit is limited to seventy-two days. An offender serving a life sentence or a mandatory minimum sentence of thirty years or more cannot receive employment or educational reductions.

Employment and educational credits cannot be applied to prevent full participation in the prerelease or community supervision program.

The director of the department of corrections determines the amount of credit to be earned for each duty classification or enrollment. The determined amount must be published in a conspicuous place available to prisoners at each correctional institution. An offender may forfeit all or part of his or her earned employment or educational credits for violating any rules of the institution while imprisoned.

The offender must complete the academic, technical, or vocational training program to be eligible for the educational credits. These provisions do not apply to an offender convicted of a violent crime as defined in *S.C. Code Ann. § 16-1-60*.

The department of corrections cannot pay any tuition for college courses.

**TENNESSEE PAROLE STATUTES**

**TENNESSEE**  
**Tenn. Code. Ann.**

**1. ELIGIBILITY FOR PAROLE**

**§ 40-35-501 Parole eligibility calculations**

An offender is eligible for parole in accordance with the designated “Range” of the committed offense, or the designated type of offender. The minimum required time served for eligibility is as follows:

- Range I: Thirty percent (30%)
- Range II: Thirty-five percent (35%)
- Range III: Forty percent (45%)
- Especially mitigated offender:  
Either twenty percent (20%) or  
thirty percent (30%)
- Career offender: Sixty percent  
(60%)

Ranges are determined by the length of sentence given relative to the class of felony committed, in accordance with *Tenn. Code Ann. § 40-35-112*.

An especially mitigated offender is an offender convicted with no prior felony convictions, when the court finds mitigating factors but no enhancement factors in the offense.

An offender with a life sentence for first degree murder is eligible after serving sixty percent (60%) or sixty (60) years. However, an offender must serve at least twenty-five (25) full calendar years before being eligible. Sentence credits do not make the offender eligible prior to twenty-five (25) years. An offender with a life sentence for first degree murder without parole cannot be eligible for parole. Also, an offender given a life sentence without parole as a repeat violent offender cannot be eligible for parole.

The following offenses are not eligible for parole:

<ul style="list-style-type: none"><li>• Murder in the first degree;</li><li>• Murder in the second degree;</li><li>• Especially aggravated kidnapping;</li><li>• Aggravated kidnapping;</li><li>• Especially aggravated robbery;</li><li>• Aggravated rape;</li><li>• Rape;</li><li>• Aggravated sexual battery;</li><li>• Rape of a child;</li><li>• Aggravated arson;</li></ul>	<ul style="list-style-type: none"><li>• Aggravated child abuse;</li><li>• Aggravated rape of a child;</li><li>• Sexual exploitation of a minor involving more than one hundred (100) images;</li><li>• Aggravated sexual exploitation of a minor involving more than twenty-five (25) images;</li><li>• Especially aggravated sexual exploitation of a minor.</li></ul>
---	---

An offender convicted of the above offenses may receive credits to reduce his or her sentence, limiting to a maximum reduction of fifteen percent (15%) of the imposed sentence. However, child sexual predators, aggravated rapists, child rapists, and multiple rapists must serve their entire sentence without reduction or parole.

Convictions for possessing a firearm with intent to carry out a felony or using a firearm in commission of a felony must serve one hundred percent (100%) of the sentence. Reduction credits reduce the sentence by a maximum of fifteen percent (15%) of the sentence.

An offender convicted of aggravated robbery must serve eighty-five percent (85%) of the imposed sentence. Reduction credits reduce the sentence by a maximum of thirty percent (30%) of the sentence. The offender will not be release if he or she has at least one (1) prior conviction for aggravated robbery or especially aggravated robbery. Reduction credits reduce the sentence by a maximum of fifteen percent (15%) of the sentence.

An offender with a felony sentence or consecutive felony sentences of more than two (2) years will be eligible for parole consideration. This does not apply to an offender serving a life sentence. The sentence of an offender serving a felony conviction of two (2) years or less will be suspended upon reaching eligibility date. This does not apply to consecutive felony convictions that together total over two (2) years.

An offender is not released until ten (10) days after the department receives all sentencing documents and ten (10) days after the department has sent notice of release eligibility to the district attorney general and the appropriate sheriff, jail administrator, workhouse superintendent, or warden. Suspension of the sentence is to probation supervision under terms and conditions established by the department.

Eligibility dates are determined separately for each sentence. The eligibility date for consecutive sentences is calculated by adding the periods of ineligibility of each sentence, and applying that period from the time the sentence began.

Parole eligibility may be deferred by the commissioner for violations of any rules of the department or correctional institution while incarcerated or during another release program. The deferment may not be beyond the total time of the sentence. The commissioner must establish regulations that give notice of the length of discretionary increases that may be imposed for a violation of each of the rules of the department or institution.

Notwithstanding any other provision, the board of parole may grant a prisoner parole as specified in a sentence agreement entered into by the prisoner and the board. The board may impose any conditions and limitations deemed necessary.

#### **§ 40-28-115 Parole eligibility**

An offender sentenced to an indeterminate sentence is eligible after serving the minimum sentence posed by the court. The board will have discretion of release, but the offender must serve the minimum sentence and at least one (1) year. An offender sentenced to a determinate sentence is eligible after serving one half (½) of the sentence and at least one (1) year.

An offender offered bona fide employment may be released on probationary parole under the following conditions: (1) at any time not more than six months of parole eligibility if eligibility will occur more than eighteen (18) months and less than five (5) years after sentencing; or (2) at any time not more than one (1) year before the date of eligibility for parole if eligibility will occur more than five (5) years after sentencing.

An offender released on parole will at all times be under the jurisdiction of the board and the supervision of the department. The board may revoke the probationary parole for any reason.

Parole is granted only when the offender has successfully completed a test requiring the offender to master certain basic and other skills. This test must include a minimum requirement scoring at an eight-grade reading level. This does not apply to any offender deemed incapable of learning at the required levels because of intellectual disability or mental illness. The testing requirement does not apply to offenders in county jails or workhouses, offenders in the custody for less than one (1) year, and offenders who have high school diplomas or equivalent. Testing will not be required if the commissioner determines and certifies to the governor that testing will increase inmate population.

The department of corrections will not certify an offender for a parole hearing other than his or her initial hearing if the offender is classified as close custody or maximum security. For an offender designated as close custody, this will continue for a period of one (1) year after the classification ends. For an offender designated as maximum security, this will continue for a period of two (2) years after the classification ends.

#### **§ 40-28-116 Release**

An offender convicted of a sex crime must be evaluated by a psychiatrist or licensed psychologist who has determined the offender does not pose the likelihood of committing sexual assaults upon release. The evaluations are provided by psychiatrists or licensed psychologists designated as health service providers whose services are contracted for and funded by the board.

#### **§ 40-28-117 Grounds and terms of release**

The board must determine that release is not incompatible with the welfare of society, and that the offender will not violate the law. The parolee will remain under the legal custody of the department until the expiration of parole. The offender must adhere to terms and conditions set by the board, which may include paying restitution to the victim for damages caused by the offense.

A prisoner who has never been granted parole on the current sentence will be granted a mandatory parole by the board. This is subject to the following restrictions:

- An offender serving a sentence with a maximum term of two (2) years up to ten (10) years inclusive, as fixed by the court, will be paroled by the board ninety (90) days before the completion of the maximum term of sentence, less credit for good and honor time and incentive time;
- An offender serving a sentence with a maximum term of more than ten (10) years as fixed by the court will be paroled by the board six (6) months before the completion of the maximum term of sentence, less credit for good and honor time and incentive time;
- An offender who violates any term or condition of the parole is subject to the penalties and provisions of law otherwise provided for violation. The offender will not be granted another mandatory parole, though the board may grant parole at its discretion;

- Mandatory parole will not release an offender prior to the requirements of *Tenn Code Ann. §§ 40-28-115 & 40-28-119*.

An offender convicted of a sex offense must be evaluated and meet the requirement of *Tenn. Code Ann. § 40-28-116(a)*. An offender released on mandatory parole receives a money and clothing allowance.

## **2. CONDITIONS OF PAROLE**

### **§ 40-28-601 Supervision of parolee**

A probation and parole officer may, with the director's consent, suspend direct supervision of a parolee after a successful two-year period of supervision. The parolee continues parole and is subject to all rules and conditions. A parolee who violates the rules and conditions may be subject to reinstatement of direct supervision or revocation of parole.

## **3. REVOCATION**

### **§ 40-28-121 Parole violations - arrests; procedures**

An offender suspected of violating terms or conditions of parole may be arrested upon the issuance of an arrest warrant. The offender is returned to a prison, jail, or workhouse to await action by the board.

Unless waived in writing, a preliminary hearing is conducted to determine whether probable cause exists to believe that the offender has violated the conditions of parole in an important respect. Indictment by a grand jury, a finding of probable cause, or a waiver of the preliminary hearing, or a conviction in a federal or state court for any felony or misdemeanor committed after parole constitutes "probable cause." If a parole revocation hearing is held within fourteen (14) days of the service of the warrant, a preliminary hearing is not necessary.

The parolee must be given written notice of the allegations and the place, time, and purpose of the hearing at a reasonable time before the hearing. A hearing officer appointed by the chair of the board conducts the hearing.

### **§ 40-28-122 Parole violations – hearings; appointment of attorneys**

The board of parole will conduct a revocation hearing where the parolee has the opportunity to appear personally and explain the charges made. The board may require the prisoner to serve the remainder of the sentence in prison if it determines a violation occurred. The board may re-parole the offender if the violation is not a new felony offense, and the offender has successfully completed a diversion program established by the department of corrections.

A laboratory report regarding a parolee's drug test is admissible in a revocation hearing, even when the laboratory technician who performed the test is not available if the report is accompanied by an affidavit.

The board may appoint legal counsel for an indigent offender where necessary.



**§ 40-28-123 Felonies committed during parole**

An offender who is convicted of a new felony in the state while on parole must serve the remainder of the first sentence in part or in full before serving the sentence of the new felony conviction. An offender who is convicted of a new crime in another state or country that would be a felony in this state, the offender shall be returned to the state through terms of the interstate compact. The offender will serve the remainder of the maximum sentence in part or in full. The board may recommend the removal of good and honor time and incentive time accrued on the first sentence in part or in full.

An offender convicted of a felony committed while assigned to work release, educational release, restitution release, or other program, the offender will serve the remainder of the term without benefit of parole eligibility or further participation in these programs.

**§ 40-28-607 Report of parole violation; delinquency**

The probation and parole officer supervising the offender reports the facts of a suspected parole violation to the director of probation and parole. The director or director's designee may issue a warrant for the parolee. The governor may issue requisition if the offender has left the state.

When reasonable cause to believe the parolee has violated parole and a warrant has been issued, the director of probation and parole may declare the parolee to be in delinquency. The offender will stop earning credit for service of the sentence from the date of the warrant until delinquency has been lifted.

***4. DISCHARGE FROM PAROLE***

**§ 40-28-608 Relief from further reports; permission to leave state or county**

The director may relieve the offender from making further reports and may permit the offender to leave the state or county, if satisfied this is for the best interests of society.

**§ 40-28-609 Final discharge of parolee**

When the director is satisfied a parolee has kept the conditions of parole, the director will issue a certificate of final discharge to the parolee. The parolee must complete the maximum sentence imposed, less diminution for good and honor time and incentive time and sentence credits earned and retained. If a parolee is not eligible for final discharge because of a pending violation, parole will expire at the end of delinquency time. These provisions do not permit final discharge for a parolee with a life sentence.

# **TEXAS PAROLE STATUTES**

# **TEXAS**

## **1. ELIGIBILITY OF PAROLE**

### **§ .. Classification and Reclassification**

The department classifies each inmate as soon as practicable on the inmate's arrival. The department will reclassify the inmate as necessary. Each inmate must be classified according to the following:

- Conduct
- obedience,
- industry

The department may classify each inmate on the inmate's arrival at the institutional division or a transfer facility in a time-earning category that does not allow the inmate to earn more than 30 days' good conduct time for each 30 days actually served.

### **§ 499.025. Award of Administrative Good Conduct Time; Advancement of Parole Eligibility Date**

If the institution reaches 100 percent capacity and if the Board of Pardons and Paroles receives a directive from the board they shall immediately begin to review and consider for early release to intensive supervision parole each eligible inmate who would not at the time of review otherwise be eligible for parole. The board may impose additional criteria for determining which inmates are eligible for release under this subsection. A parole panel may not release an inmate under this subsection if the panel determines that the release of the inmate will increase the likelihood of harm to the public, according to objective parole criteria.

### **§ 499.027. Eligible Inmates**

An inmate is eligible to be considered for release to intensive supervision parole if the inmate is awaiting transfer to the institutional division following conviction of a felony or probation revocation and for whom paperwork and processing required for transfer have been completed or is classified as a state approved Trusty I, II, III, or IV, and:

- (5) is serving a sentence of 10 years or less;
- (6) does not have a history of or has not shown a pattern of violent or assaultive behavior in the institutional division or county jail or prior to confinement; and
- (7) will not increase the likelihood of harm to the public if released

## **EXCEPTIONS**

An inmate is not eligible under this subchapter to be considered for release to intensive supervision parole if the inmate:

- is awaiting transfer to the institutional division, or serving a sentence, for an offense for which the judgment contains an affirmative finding
- is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in one of the following sections of the Penal Code:
  - murder
  - capital murder

- manslaughter
- kidnapping
- aggravated kidnapping
- indecency with a child
- sexual assault
- aggravated assault
- aggravated sexual assault
- injury to a child, elderly individual, or disabled individual
- prohibited sexual conduct
- sale or purchase of a child
- arson
- robbery
- aggravated robbery
- burglary, if the offense is punished as a first-degree felony under that section
- aggravated promotion of prostitution
- compelling prostitution
- sale, distribution, or display of harmful material to minor
- sexual performance by a child
- deadly weapon in penal institution
- criminal attempt, if the offense attempted is listed in this subsection
- criminal conspiracy, if the offense that is the subject of the conspiracy is listed in this subsection
- criminal solicitation, if the offense solicited is listed in this subsection;
- continuous sexual abuse of young child or children
- trafficking of persons; or
- the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense under Chapter 481, Health and Safety Code, punishable by a minimum term of imprisonment or a maximum fine that is greater than the minimum term of imprisonment or the maximum fine for a first degree felony.

The department shall provide each county with necessary assistance to enable the county to identify inmates confined in the county jail who may be eligible under this subchapter to be considered for release

**§ 508.002. Clemency, Commutation Distinguished**

Neither parole nor mandatory supervision is a commutation of sentence or any other form of clemency.

**§ 508.045. Parole Panels – PROPOSED LEGISLATION**

Board members and parole commissioners shall act in panels composed of three in matters of:

- (1) release on parole;
- (2) release to mandatory supervision; and
- (3) revocation of parole or mandatory supervision.

**§ 508.046. Extraordinary Vote Required**

To release on parole an inmate who was convicted of an offense under Section 20A.03, 21.02, 21.11(a)(1), or 22.021, Penal Code, or who is required under Section 508.145(c) to serve 35 calendar years before becoming eligible for release on parole, all members of the board must vote on the release on parole of the inmate, and at least two-thirds of the members must vote in favor of the release on parole. A member of the board may not vote on the release unless the member first receives a copy of a written report from the department on the probability that the inmate would commit an offense after being released on parole.

**§ 508.117. Victim Notification – PROPOSED LEGISLATION**

Before the parolee is release on parole there must be a reasonable effort to notify:

- (1) the victim;
- (2) if the victim has a guardian, the guardian; or
- (3) if the victim is deceased, a close relative of the deceased victim.

The failure of the division to comply with notice requirements of this section is not a ground for revocation of parole.

**§ 508.141. Authority to Consider and Order Release on Parole**

A parole panel may consider for release and release on parole an inmate who:

- has been sentenced to a term of imprisonment in the institutional division;
- is confined in a penal or correctional institution, including a jail in this state, a federal correctional institution, or a jail or a correctional institution in another state; and
- is eligible for release on parole.

A parole is issued only on the order of a parole panel. Before releasing an inmate on parole, a parole panel may have the inmate appear before the panel and interview the inmate. The inmate may be released if the parole board determines the inmate's release will not increase the likelihood of harm to the public.

A parole panel may release an inmate on parole only when the inmate:

- has employment or arrangements have been made for the inmate's employment or for the inmate's maintenance and care, which may include the issuance of payment for the cost of temporary post-release housing; and
- the parole panel believes that the inmate is able and willing to fulfill the obligations of a law-abiding citizen.

A parole panel may order a parole only for the best interest of society and not as an award of clemency.

The board shall adopt a policy establishing the date on which the board may reconsider for release an inmate who has previously been denied release. The policy must require the board to reconsider for release.

**§ 508.142. Period of Parole**

The institutional division shall provide the board with sentence time credit information for each inmate who is eligible for release on parole.

Good conduct time credit is computed for an inmate as if the inmate were confined in the institutional division during the entire time the inmate was actually confined.

The period of parole is computed by subtracting from the term for which the inmate was sentenced the calendar time served on the sentence.

**§ 508.145. Eligibility for Release on Parole; Computation of Parole Eligibility Date – AMENDED by 2013 Tex. Sess. Law Serv. Ch. 126 (S.B. 727)**

The following inmates sentenced to the following are not eligible for parole:

- death
- life imprisonment without parole
- continuous sexual abuse of a young child or children
- Aggravated sexual assault

Eligible for parole with restrictions:

- serving a life sentence for a capital felony is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 40 calendar years.
- An inmate serving a sentence under repeat and habitual felony offender for their first, second, or third degree felony, is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 35 calendar years.

An inmate serving a sentence for an offense of murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, Health or Safety Code, sexual assault, Injury to a child, elderly individual, or disabled individual, if the offense is punishable as a felony of the first degree and the victim of the offense is a child; or sexual performance by a child, or for an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or for an offense of continuous trafficking of persons, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

Notwithstanding Subdivision (1), an inmate serving a sentence for an offense of a sentence to the term of imprisonment that exceed 10 years; or is sentenced to serve a term of confinement, is not eligible for release on parole if the inmate is serving a sentence for an offense for which punishment was enhanced under 12.42(c)(4), Penal Code.

Notwithstanding Subsection (d), for every 12 months that elapse between the date an arrest warrant is issued for the inmate following an indictment for the offense and the date the inmate is arrested for the offense, the earliest date on which an inmate is eligible for parole is delayed by three years from the date otherwise provided by Subsection (d), if the inmate is serving a sentence for an offense of murder under 19.02, sexual assault under .011, or aggravated sexual assault under .021, Penal Code.

An inmate serving a sentence for which the punishment is increased under 481.134, Health and Safety Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals five years or the term to which the inmate was sentenced, whichever is less.

Except as provided by medically recommended intensive supervision under 508.146, any other inmate is eligible for release on parole when the inmate's actual calendar time served plus good conduct time equals one-fourth of the sentence imposed or 15 years, whichever is less.

An inmate serving a sentence for an offense of murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, Health and Safety Code Violation for which punishment was increased, sexual assault, injury to a child, elderly individual, or disabled individual, if the offense is punishable as a felony of the first degree and the victim of the offense is a child, sexual performance of a child, or burglary if the offense and the actor committed the offense with the intent to commit a felony, as described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), [] (K), or (N) Article 42.12, Code of Criminal Procedure, or for an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or for an offense under Section 20A.03, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

**§ 508.146. Medically Recommended Intensive Supervision – PROPOSED LEGISLATION**

An inmate that is not sentence to death or life without parole may be released on medically recommended intensive supervision on a date designated by a parole panel. The inmate may be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician, if:

- the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as being:
  - (1) elderly
  - (2) physically disabled
  - (3) mentally ill
  - (4) terminally ill
  - (5) or mentally retarded
  - (5) having a condition requiring long-term care; or
  - (5) in a persistent vegetative state or being a person with an organic brain syndrome with significant to total mobility impairment

If the parole board determines that the inmate's condition and medical evaluation the inmate is not a threat to public safety the inmate may be released on parole.

**CONDITONS OF MEDICAL RELEASE:**

The releasee must remain under the care of a physician and in a medically suitable placement. At least once each calendar quarter, the Texas Correctional Office on Offenders with Medical or Mental Impairments shall report to the parole panel on the releasee's medical and placement status. On the basis of the report, the parole panel may modify conditions of release and impose any condition on the releasee that a panel could impose on a releasee released, including a condition that the releasee reside in a halfway house or community residential facility.

**§ 508.150. Consecutive Felony Sentences**

If an inmate is sentenced to consecutive felony sentences a parole panel shall designate during each sentence the date, if any, the inmate would have been eligible for release on parole if the inmate had been sentenced to serve a single sentence.

A parole panel may not:

- (1) consider consecutive sentences as a single sentence for purposes of parole; or
- (2) release on parole an inmate sentenced to serve consecutive felony sentences before the date the inmate becomes eligible for release on parole from the last sentence imposed on the inmate.
- (3) use calendar time served and good conduct time accrued by an inmate that are used by the panel in determining when a judgment and sentence cease to operate.

**§ 508.151. Presumptive Parole Date**

The presumptive parole date may not be a date that is earlier than the inmate's initial parole eligibility date computed.

A parole panel may rescind or postpone a previously established presumptive parole date on the basis of a report from an agent of the division responsible for supervision or an agent of the institutional division acting in the case.

If an inmate transferred to preparole status has satisfactorily served the inmate's sentence in the halfway house to which the inmate is assigned from the date of transfer to the presumptive parole date, without rescission or postponement of the date, the parole panel shall order the inmate's release on parole and issue an appropriate certificate of release. The releasee is subject to the provisions of this chapter governing release on parole.

**§ 508.153. Statements of Victim**

A parole panel considering for release on parole or mandatory supervision an inmate who is serving a sentence for an offense in which a person was a victim shall allow various people close to or related to the victim to provide a written statement to the panel about their views regarding the inmates offense, the inmate themselves, or the effect of the offense on the victim.

**§ 508.1531. Contact with Victim**

A parole panel considering the release of an inmate on parole or to mandatory supervision may consider whether the inmate violated a policy adopted by the department or a court order.

<b>Texas Parole Eligibility – § 499.027</b>		
<b>Not Eligible for Parole if the inmate is awaiting transfer to the institutional division, or serving a sentence for one of the following offenses:</b>		
<b>Type of Offense/Offender</b>	<b>Minimum Time Served</b>	<b>Other Requirements</b>
Murder	Not Eligible	NA



Capital Murder	Not Eligible	NA
Manslaughter	Not Eligible	NA
Kidnapping or Aggravated Kidnapping	Not Eligible	NA
Indecency with a child	Not Eligible	NA
Sexual assault	Not Eligible	NA
Aggravated assault	Not Eligible	NA
Aggravated sexual assault	Not Eligible	NA
Injury to a child, elderly individual, or disabled individual	Not Eligible	NA
Prohibited sexual conduct	Not Eligible	NA
Sale or purchase of a child	Not Eligible	NA
Arson	Not Eligible	NA
Robbery or aggravated robbery	Not Eligible	NA
Burglary, if the offense is punished as a degree felony under that section	Not Eligible	NA
Aggravated promotion of prostitution	Not Eligible	NA
Compelling prostitution	Not Eligible	NA
Sale, distribution, or display of harmful material to minor	Not Eligible	NA
Sexual performance by a child	Not Eligible	NA
Deadly weapon in penal institution	Not Eligible	NA
Criminal attempt, if the attempt is listed in this subsection	Not Eligible	NA
Criminal conspiracy	Not Eligible	NA
Criminal solicitation	Not Eligible	NA
Continuous sexual abuse of young child or children	Not Eligible	NA

Trafficking of persons	Not Eligible	NA
if inmate is awaiting transfer to the institutional division	Not Eligible	NA

2. **CONDITIONS OF PAROLE**

**§ 508.154. Contract on Release**

An inmate to be released on parole shall be furnished a contract stating in clear and intelligible language the conditions and rules of parole. Acceptance, signing, and execution of the contract by the inmate to be paroled is a precondition to release on parole.

An inmate released to mandatory supervision shall be furnished a written statement stating in clear and intelligible language the conditions and rules of mandatory supervision.

A releasee while on parole or mandatory supervision must be amenable to the conditions of supervision ordered by a parole panel.

**§ 508.156. Determinate Sentence Parole**

The parole panel shall review the person's records and may interview the person or any other person the panel considers necessary to determine the conditions of parole. The panel may impose any reasonable condition of parole on the person that the panel may impose on an adult inmate under this chapter.

The panel shall furnish the person with a written statement clearly describing the conditions and rules of parole. The person must accept and sign the statement as a precondition to release on parole. While on parole, the person remains in the legal custody of the state and shall comply with the conditions of parole ordered by a panel under this section.

If a parole panel revokes the person's parole, the panel may require the person to serve the remaining portion of the person's sentence in the institutional division. The remaining portion of the person's sentence is computed without credit for the time from the date of the person's release to the date of revocation. The panel may not recommit the person to the Texas Youth Commission.

**§ 508.157. Temporary Housing on Release**

If the department does not operate or contract for the operation of a residential correctional facility in the county of legal residence of an inmate or releasee, the department may issue, for an inmate described by Subsection (a) or for a releasee, payment for the cost of temporary post-release housing that:

- (1) meets any conditions or requirements imposed by a parole panel;
- (2) is located in the county of legal residence of the inmate or releasee; and
- (3) except as provided by Subsection (e-1), is in a structure that existed on June 1, 2009, as a multifamily residence or as a motel.

**§ 508.184. Controlled Substance Testing**

As a condition of parole, the parole board may require the releasee submit to testing for controlled substances on evidence that:

- (1) a controlled substance is present in the releasee's body;
- (2) the releasee has used a controlled substance; or
- (3) the use of a controlled substance is related to the offense for which the releasee was convicted.

**§ 508.185. Substance Abuse Treatment**

A parole panel shall require as a condition of release on parole or release to mandatory supervision that an inmate who immediately before release is a participant in a program and participate as a releasee in a drug or alcohol abuse continuum of care treatment program.

**§ 508.186. Sex Offender Registration**

A parole panel shall require as a condition of parole or mandatory supervision that a releasee required to register as a sex offender:

- (1) register under that chapter; and
- (2) submit a blood sample or other specimen to the Department of Public Safety under Subchapter G, Chapter 411, for the purpose of creating a DNA record of the releasee, unless the

**§ 508.1861. Prohibitions on Internet Access for Certain Sex Offenders**

This section applies only to a person who, on release, will be required to register as a sex offender and who used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register or is assigned a numeric risk level of three based on an assessment conducted.

If the parole panel releases on parole or to mandatory supervision a person described the parole panel as a condition of parole or mandatory supervision shall prohibit the releasee from using the Internet to:

- (1) access material that is obscene
- (2) access a commercial social networking site
- (3) communicate with any individual concerning sexual relations with an individual who is younger than 17 years of age; or
- (4) communicate with another individual the releasee knows is younger than 17 years of age.

The parole panel may modify at any time the condition described by Subsection (b)(4) if:

- (1) the condition interferes with the releasee's ability to attend school or become or remain employed and consequently constitutes an undue hardship for the releasee; or
- (2) the releasee is the parent or guardian of an individual who is younger than 17 years of age and the releasee is not otherwise prohibited from communicating with that individual.

**§ 508.187. Child Safety Zone**

A parole panel shall establish a child safety zone applicable to a releasee if the panel determines that a child was the victim of the offense, by requiring as a condition of parole or mandatory supervision that the releasee:

(1) not:

- supervise or participate in any program that includes as participants or recipients persons who are 17 years of age or younger and that regularly provides athletic, civic, or cultural activities; or
- go in, on, or within a distance specified by the panel of premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility; and

(2) attend for a period of time determined necessary by the panel psychological counseling sessions for sex offenders with an individual or organization that provides sex offender treatment or counseling as specified by the parole officer supervising the releasee after release.

**§ 508.188. Community Service for Certain Releasees**

A parole panel shall require as a condition of parole or mandatory supervision that a releasee for whom the court has made an affirmative perform not less than 300 hours of community service at a project designated by the parole panel that primarily serves the person or group that was the target of the releasee.

**§ 508.189. Parole Fee for Certain Releasees**

A parole panel shall require as a condition of parole or mandatory supervision that a releasee convicted of an offense pay to the division a parole supervision fee of \$5 each month during the period of parole supervision.

**§ 508.190. Avoiding Victim of Stalking Offense**

A parole panel shall require as a condition of parole or mandatory supervision that a releasee serving a sentence for an offense not:

- (1) communicate directly or indirectly with the victim;
- (2) go to or near the residence, place of employment, or business of the victim; or
- (3) go to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

If a parole panel requires the prohibition contained in Subsection (a)(2) or (3) as a condition of parole or mandatory supervision, the parole panel shall specifically describe the prohibited locations and the minimum distances, if any, that the releasee must maintain from the locations.

**§ 508.192. Reentry Into the United States Prohibited**

A parole panel shall require as a condition of parole or mandatory supervision that an illegal criminal alien released to the custody of United States Immigration and Customs Enforcement:

- (1) regardless of whether a final order of deportation is issued with reference to the illegal criminal alien, leave the United States as soon as possible after release; and
- (2) not unlawfully return to or unlawfully reenter the United States in violation of the Immigration Reform and Control Act of 1986

**§ 508.221. Conditions Permitted Generally**

A parole panel may impose as a condition of parole or mandatory supervision any condition that a court may impose on a defendant placed on community supervision, including the condition that a releasee submit to testing for controlled substances or submit to electronic monitoring if the parole panel determines that without testing for controlled substances or participation in an electronic monitoring program the inmate would not be released on parole.

**§ 508.222. Payment of Certain Damages**

A parole panel may require as a condition of parole or mandatory supervision that a releasee make payments in satisfaction of damages for which the releasee is liable.

**§ 508.223. Psychological Counseling**

A parole panel may require as a condition of parole or mandatory supervision that a releasee serving a sentence for an offense, attend psychological counseling sessions of a type and for a duration as specified by the parole panel, if the parole panel determines in consultation with a local mental health services provider that appropriate mental health services are available through the Texas Department of Mental Health and Mental Retardation or through another mental health services provider.

**§ 508.224. Substance Abuse Counseling**

A parole panel may require as a condition of parole or mandatory supervision that the releasee attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Texas Commission on Alcohol and Drug Abuse if:

- (1) the releasee was sentenced for an offense involving a controlled substance; or
- (2) the panel determines that the releasee's substance abuse was related to the commission of the offense.

**§ 508.225. Child Safety Zone**

If the nature of the offense for which an inmate is serving a sentence warrants the establishment of a child safety zone, a parole panel may establish a child safety zone applicable to an inmate serving a sentence for an offense listed, or for which the judgment contains an affirmative finding by requiring as a condition of parole or release to mandatory supervision that the inmate not:

- (1) supervise or participate in any program that includes as participants or recipients persons who are 17 years of age or younger and that regularly provides athletic, civic, or cultural activities; or
- (2) go in or on, or within a distance specified by the panel of, a premises where children commonly gather, including a school, day-care facility, playground,

public or private youth center, public swimming pool, or video arcade facility.

At any time after the imposition of a condition under Subsection (a), the inmate may request the parole panel to modify the child safety zone applicable to the inmate because the zone as created by the panel:

- (1) interferes with the ability of the inmate to attend school or hold a job and consequently constitutes an undue hardship for the inmate; or
- (2) is broader than is necessary to protect the public, given the nature and circumstances of the offense.

**§ 508.226. Orchiectomy as Condition Prohibited**

A parole panel may not require an inmate to undergo an orchiectomy as a condition of release on parole or to mandatory supervision.

**§ 508.227. Electronic Monitoring of Certain Members of Criminal Street Gang**

This section applies only to a releasee who is identified as a member of a criminal street gang in an intelligence database established, has three or more times been convicted of, or received a grant of deferred adjudication community supervision or another functionally equivalent form of community supervision or probation for, a felony offense under the laws of this state, another state, or the United States.

A parole panel may require as a condition of release on parole or to mandatory supervision that a releasee submit to tracking under an electronic monitoring service or other appropriate technological service designed to track a person's location.

Texas Conditions of Parole
Requirements/Conditions
<ul style="list-style-type: none"><li>• Parole Panel will review records and may interview the potential parolee (§ 508.156)</li><li>• Parole Panel may impose the cost for any post-release housing (§ 508.157)</li><li>• Parole Panel may require parolee to submit to testing for controlled substances (§ 508.184)</li><li>• Parole Panel may require mandatory supervision of inmate in a program and participate in a drug or alcohol abuse continuum of care treatment program § 508.185)</li><li>• Parole Panel may require parolee to register as a sex offender (§ 508.186)</li><li>• Parolee may be prohibited from internet access if certain type of sex offender (§ 508.1861)</li><li>• Parole Panel may establish a child safety zone (§ 508.187)</li><li>• Parolee may be required to engage in community service (§ 508.188)</li><li>• Parolee may be required to pay a fee for supervision (§ 508.189)</li><li>• If parolee convicted of being a stalker, may have conditions of supervision (§ 508.190)</li><li>• Parolee may not be admitted to U.S. if an illegal alien (§ 508.192)</li><li>• Parolee may be required to pay certain damages (§ 508.222)</li><li>• Parolee may be required to attend psychological counseling (§ 508.223)</li><li>• Parole panel may require inmate to undergo orchiectomy (§ 508.226)</li><li>• Parolee, if identified as a member of a gang, may be required supervision (§ 508.227)</li></ul>

### **3. REVOCATION OF PAROLE**

#### **§ 498.0042. Forfeiture for Contacting Victims**

The department will prohibit the inmate contacting by letter, telephone, or any other means, either directly or indirectly, a victim of the offense for which the inmate is serving a sentence or a member of the victim's family, if:

- the victim was younger than 17 years of age at the time of the commission of the offense; and
- the department has not, before the inmate makes contact:

If, during the actual term of imprisonment of an inmate in the institutional division or a transfer facility, the inmate violates a policy the department shall forfeit all or any part of the inmate's accrued good conduct time. The department may not restore good conduct time forfeited under this subsection.

### **4. DISCHARGE FROM PAROLE**

#### **§ 499.026. Release Procedure**

The panel shall impose conditions and limitations as appropriate on the parolee and to the extent practicable shall maximize placements in residential treatment centers. The parole panel shall otherwise place a parolee released under this subchapter under intensive supervision parole, whether or not the parolee is of a type who would ordinarily be required to submit to intensive supervision parole.

The authority of the board to take the actions listed in Section 499.025(b) continues until the attorney general, or if appropriate, the Commission on Jail Standards, certifies in writing to the board that the overcrowding crisis that produced the emergency certification under Section 499.025(b) has been resolved. If the board receives this certification from the attorney general or the Commission on Jail Standards under this subsection, the board shall immediately notify the pardons and paroles division that the emergency overcrowding situation no longer exists.

An inmate released to parole under this subchapter is subject to terms and conditions imposed on parolees released under Chapter 508.

Not later than the 10th day before the date on which a parole panel proposes to release an inmate under this subchapter, the department shall give notice of the proposed release to the sheriff, the attorney representing the state, and the district judge of the county in which the defendant was convicted. If there was a change of venue in the case, the department shall also notify the sheriff, the attorney representing the state, and the district judge of the county in which the prosecution was originated. Any notice required by this subsection must be provided by e-mail or other electronic communication.

#### **§ 508.0441. Release and Revocation Duties**

Board members and parole commissioners shall determine:

- (4) which inmates are to be released on parole or mandatory supervision;
- (5) conditions of parole or mandatory supervision, including special conditions;
- (6) the modification and withdrawal of conditions of parole or mandatory supervision;
- (7) which releasees may be released from supervision and reporting; and

- (8) the continuation, modification, and revocation of parole or mandatory supervision.

The decides:

- (1) a parole decision; or
- (2) a decision to revoke parole or mandatory supervision.

The board may adopt reasonable rules as proper or necessary relating to:

- (1) the eligibility of an inmate for release on parole or release to mandatory supervision;
- (2) the conduct of a parole or mandatory supervision hearing; or
- (3) conditions to be imposed on a releasee.

**§ 508.115. Notification of Release of Inmate – PROPOSED LEGISLATION**

The division shall notify the sheriffs, each chief of police, the prosecuting attorneys, and the district judges in the county in which the inmate was convicted and the county to which the inmate is released that a parole panel is considering release on parole or the governor is considering clemency.

Not later than the 10th day after the date a parole panel orders the transfer of an inmate to a halfway house under this chapter, the division shall give notice in accordance with Subsection (d) to:

- (1) the sheriff of the county in which the inmate was convicted;
- (2) the sheriff of the county in which the halfway house is located and each chief of police in the county; and
- (3) the attorney who represents the state in the prosecution of felonies in the county in which the halfway house is located.

The notice must state:

- (1) the inmate's name;
- (2) the county in which the inmate was convicted; and
- (3) the offense for which the inmate was convicted.

The notice must be provided by e-mail or other electronic communication.

**§ 508.155. Completion of Parole Period**

To complete a parole period, a releasee must serve the entire period of parole. The division may allow a releasee to serve the remainder of the releasee's sentence without supervision and without being required to report if a parole supervisor at the regional level has approved the releasee's early release from supervision. The division may require a person released from supervision to resubmit to supervision and resume reporting at any time and for any reason.

5. **DOS/GOOD TIME**

**§ 498.003. Accrual of Good Conduct Time**

Good conduct applies only to those eligible for parole or mandatory supervision as provided by Section 508.145 or 508.147 (see below for statutes) and does not otherwise affect an inmate's term. Good conduct time is a privilege and not a right. Regardless of the classification of an inmate, the department may grant good conduct time to the inmate only if the department finds that the inmate is actively engaged in the following:



- (1) an agricultural, vocational, or educational endeavor
- (2) in an industrial program or other work program
- (3) or in a treatment program

UNLESS the department finds that the inmate is not capable of participating in such a program or endeavor.

An inmate accrues good conduct time according to the inmate's classification in amounts as follows:

- (1) 20 days for each 30 days actually served while the inmate is classified as a trusty, except that the department may award the inmate not more than 10 extra days for each 30 days actually served;
- (2) 20 days for each 30 days actually served while the inmate is classified as a Class I inmate; and
- (3) 10 days for each 30 days actually served while the inmate is classified as a Class III inmate.

### **EXCEPTIONS**

An inmate may not accrue good time when:

- (1) the inmate is classified as a Class III inmate
- (2) the inmate is under mandatory supervision

### **RATE OF ACCRUEL FOR GOOD CONDUCT**

The inmate may accrue good conduct time that does not exceed 15 days for each 30 days actually served, for diligent participation in an industrial program or other work program or for participation in an agricultural, educational, or vocational program provided to inmates by the department.

If a person is confined in a county jail, the department shall award good conduct time to the person up to an amount equal to the amount earned by an inmate in the entry level time earning class. The department shall award good conduct time to a defendant for diligent participation in a voluntary work program operated by a sheriff under 43.101, Code of Criminal Procedure, in the same manner as if the inmate had diligently participated in an industrial program or other work program provided to inmates by the department. The sheriff of each county shall have attached a certification of the number of days each inmate diligently participated in the volunteer work program operated by the sheriff under 43.101, Code of Criminal Procedure.

### **§ 498.005. Annual Review of Classification; Retroactive Award of Good Time**

At least annually, the board shall review the institutional division's policies relating to the manner in which inmates are classified and reclassified, and the manner in which additional good conduct time is awarded retroactively to inmates who have been reclassified.

### **§ 498.004. Forfeiture and Restoration of Good Conduct Time**

#### **FORFEITURE OF GOOD CONDUCT TIME**

If the inmate commits an offense or violated a rule of the department the department may forfeit all or any part of the inmate's accrued good conduct time or place all or any part of the inmate's accrued good conduct time in suspension. The department

may not restore good conduct time forfeited under this subsection but may reinstate good conduct time suspended under this subsection.

On the revocation of parole or mandatory supervision of an inmate, the inmate forfeits all good conduct time previously accrued. On return to the institutional division the inmate may accrue new good conduct time for subsequent time served in the division. The department may not restore good conduct time forfeited on a revocation.

## **REVOCAATION**

On the revocation of parole or mandatory supervision of an inmate, the inmate forfeits all good conduct time previously accrued. On return to the institutional division the inmate may accrue new good conduct time for subsequent time served in the division. The department may restore good conduct time forfeited on a revocation that does not involve a new criminal conviction after the inmate has served at least three months of good behavior in the institutional division, subject to policies established by the division.

In considering the suspension of good conduct time the department will consider: the severity of an inmate's offense or violation in determining whether to suspend all or part of the inmate's good conduct time instead of forfeiting the inmate's good conduct time.

During any period of suspension, good conduct time placed in suspension may not be used:

- for purposes of granting privileges to an inmate; or
- to compute an inmate's eligibility for parole under Section 508.145 or to determine an inmate's date of release to mandatory supervision under 508.147;

At the end of the period of suspension the department may forfeit or reinstate the good conduct time placed in suspension based on the inmate's conduct during the period of the suspension; and the department must consider whether any impact to public safety is likely to result from the inmate's release on parole or to mandatory supervision if the good conduct time is reinstated.

### **§ 498.0045. Forfeiture of Good Conduct Time: Frivolous Lawsuits**

In this section, "final order" means a certified copy of a final order of a state or federal court that dismisses as frivolous or malicious a lawsuit, including a proceeding arising from an application for writ of habeas corpus, brought by an inmate while the inmate was in the custody of the department or confined in county jail awaiting transfer to the department following conviction of a felony or revocation of community supervision, parole, or mandatory supervision.

On receipt of a final order, the department shall forfeit:

- (8) 60 days of an inmate's accrued good conduct time, if the department has previously received one final order;
- (9) 120 days of an inmate's accrued good conduct time, if the department has previously received two final orders; or
- (10) 180 days of an inmate's accrued good conduct time, if the department has previously received three or more final orders.

The department may not restore good conduct time forfeited under this section.

**Texas Accrual of Good Time – § 498.003**

Good conduct time is a privilege and not a right. Regardless of the classification of an inmate, the department may grant good conduct time to the inmate only if the department finds that the inmate is actively engaged in an agricultural, vocational, or educational endeavor, in an industrial program or other work program, or in a treatment program, unless the department finds that the inmate is not capable of participating in such a program or endeavor.

**GOOD TIME EARNED § 498.003**

<b>Class of Offender/type of offender</b>	<b>Time Served</b>	<b>Good Time Days Earned</b>
Classified as trusty	30 days	No more than 20 extra days for each 30 days served, except that the department may award the inmate not more than 10 extra days for each 30 days served
Class I	30 days	20 days
Class II	30 days	10 days
Class III	NA	Not eligible
Participates in industrial program or other work program or participation in agriculture, educational, or vocational program	30 days	Does not exceed 15 days
If confined in county jail	-	Good time conduct will be awarded up to the amount equal to the amount earned by an inmate in the entry level time earning class