

# MARYLAND DIMINUTION CREDIT SYSTEM



DEPARTMENT OF LEGISLATIVE SERVICES 2011

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# **Maryland Diminution Credit System**

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**Department of Legislative Services  
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**Warren G. Deschenaux**  
Director

December 7, 2011

The Honorable Thomas V. Mike Miller, Jr., President of the Senate  
The Honorable Michael E. Busch, Speaker of the House of Delegates  
Members of the Maryland General Assembly

Ladies and Gentlemen:

This report, *Maryland Diminution Credit System*, was prepared by the Department of Legislative Services, Office of Policy Analysis, in response to continuing legislative and public interest in the area of diminution of confinement credits that reduce the length of incarceration for the State's correctional population. The report discusses the overall system of diminution credits in the State and nationwide.

The report was written by Guy G. Cherry and Claire E. Rossmark. Shirleen M. Pilgrim provided editorial direction.

I trust that this information will be of assistance to you.

Sincerely,

Warren G. Deschenaux  
Director

WGD/SMP/ckt



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# Maryland Diminution Credit System

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## Generally – Division of Correction

Generally, inmates sentenced to the custody of the Division of Correction (DOC) are entitled to earn diminution of confinement credits to reduce the lengths of their incarcerations. (§ 3-702 of the Correctional Services Article)

The following types of inmates may not earn diminution credits:

- an inmate who is serving a sentence for first or second degree rape or sexual offense against a victim under age 16;
- an inmate who is serving a repeat sentence for third degree sexual offense against a victim under age 16; (§ 3-702 (b) and (c) of the Correctional Services Article) and
- an inmate, imprisoned for a lifetime sexual offender supervision violation. (§ 11-724(c) of the Criminal Procedure Article)

In addition, as is discussed below under the topic of Mandatory Supervision Release, an inmate whose mandatory supervision release has been revoked may not be awarded any new diminution credits on the term of confinement for which the inmate was on mandatory supervision release.

A person serving a sentence of longer than 18 months is incarcerated in a DOC facility. A person serving a sentence of one year or less in a jurisdiction other than Baltimore City is sentenced to a local detention facility. For a person sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC.

Between 15,000 and 16,000 persons are admitted to and released from DOC facilities annually. During fiscal 2010, 3,711 persons were released as a result of expiration of sentence, while 4,495 persons were released as a mandatory supervision release resulting from diminution credits.

## Relation to Parole

Diminution credits and parole are two distinct concepts. Parole is a conditional release from confinement granted to an inmate by the Parole Commission. (§ 7-102(i) of the Correctional Services Article) Eligibility for parole is determined by criteria set forth in § 7-301 of the Correctional Services Article. Once an inmate becomes eligible for parole, a specified

procedure is followed, including the conducting of an investigation and the holding of a hearing, before the Parole Commission determines whether an inmate is suitable for parole. Parole is evidenced by a written order. Parole entitles the recipient:

- to leave the correctional facility in which the recipient was confined; and
- if the recipient satisfactorily complies with all the terms and conditions provided in the parole order, to serve the remainder of the recipient's term of confinement outside the confines of the correctional facility.

If a parolee violates a condition of his or her parole, the parole may be revoked and sanctions may be imposed including reincarceration. (§ 7-302 through § 7-403 of the Correctional Services Article)

An inmate serving a sentence that is by statute nonparolable may still earn diminution credits. Nothing in law prohibits the awarding of diminution credits on a nonparolable sentence.

## **Term of Confinement**

Diminution credits are deducted from an inmate's "term of confinement," which is defined as:

- (1) the length of the sentence, for a single sentence; or
- (2) the period from the first day of the sentence that begins first through the last day of the sentence that ends last, for:
  - (i) concurrent sentences;
  - (ii) partially concurrent sentences;
  - (iii) consecutive sentences; or
  - (iv) a combination of concurrent and consecutive sentences. (§ 3-701 of the Correctional Services Article)

"Maximum expiration date" is the last day of the sentence ending last. Diminution credits reduce the incarceration period, not the length of a sentence or term of confinement.

## **Types of Diminution Credits**

### **Good Conduct Credit**

Good conduct credit (sometimes referred to as "good time" credit) is advanced to an inmate at intake, subject to the inmate's future good behavior. These credits are calculated from

the first day of commitment to the custody of the Commissioner of Correction (commissioner) through the maximum expiration date of the inmate's term of confinement. Good conduct credit is awarded at the rate of five days per month if the inmate's term of confinement includes a sentence for a crime of violence (as defined in Criminal Law Article § 14-101<sup>1</sup>) or distribution of controlled dangerous substances. Good conduct credit is awarded at the rate of 10 days per month for all other inmates (except, of course, for those inmates who are statutorily prohibited from earning diminution credits). (§ 3-704 of the Correctional Services Article) (For sentences imposed before October 1, 1992, good conduct credits are awarded at a rate of 5 days per month regardless of offense.)

Good conduct credits are a behavioral incentive and a means of reducing prison overcrowding. *Stouffer v. Staton*, 152 Md.App. 586, 592 (2003). The awarding of diminution credits is automatic, not discretionary.

### **Work Tasks**

An inmate may be allowed a deduction of five days from the inmate's term of confinement for each month during which the inmate manifests satisfactory performance of assigned work tasks. They are awarded monthly for the previous month's participation. (§ 3-705 of the Correctional Services Article) (See also Special Project, below.)

### **Education**

An inmate may be allowed a deduction of five days from the inmate's term of confinement for each month during which the inmate manifests satisfactory progress in vocational courses or other educational and training courses. (§ 3-706 of the Correctional Services Article) (See also Special Project, below.)

### **Special Project**

An inmate may be allowed a deduction of up to 10 days from the inmate's term of confinement for each month during which the inmate manifests satisfactory progress in those special selected work projects or other special programs designated by the commissioner and approved by the Secretary of Public Safety and Correctional Services. (§ 3-707 of the Correctional Services Article) An inmate must be assigned by case management to receive credits for job or program participation.

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<sup>1</sup>Abduction, first degree arson, kidnapping, voluntary manslaughter, mayhem, maiming, murder, rape, robbery, robbery with a dangerous weapon, carjacking, armed carjacking, first degree sexual offense, second degree sexual offense, use of a handgun in the commission of a felony or other crime of violence, first degree child abuse, sexual abuse of a minor (under certain circumstances), attempts to commit the foregoing offenses, continuing course of conduct with a child, first degree assault, and assault with intent to murder, rape, rob, or commit a first or second degree sexual offense.

There are a number of qualifying special projects.

- prison industries assignments, including:
  - assignment to an industrial laundry operation;
  - any Maryland Correctional Enterprises assignment;
  - assignment to a prison industries program coordinated through the Federal Bureau of Prisons while in federal custody; or
  - assignment to a prison industries program for Maryland offenders serving their sentences in other states pursuant to the Interstate Corrections Compact;
- academic or vocational programs, including:
  - assignment as a student to an academic or vocational education program coordinated through the Correctional Education Office;
  - assignment as a student to an academic or vocational education program coordinated by the Federal Bureau of Prisons while in federal custody; or
  - assignment to a registered apprenticeship training program;
- work detail assignments, including:
  - assignment to a detail that performs work off the grounds of a DOC institution for a non-DOC agency;
  - assignment to a detail that provides on-the-job training as:
    - an institutional barber;
    - a commissary clerk;
    - a position in the maintenance department;
    - a work assignment in the institutional dietary department;
    - an aide, tutor, or clerk directly supporting an educational program or library service coordinated through the Correctional Education Office;
    - a detail that performs work in the institutional infirmary; or

- an observation aide;
- work release employment; and
- rehabilitation programs, including programs addressing substance abuse and criminal behavior, such as the following 17 specific institutional programs:
  - Assignment to the Regimented Offender Treatment Center (ROTC);
  - Assignment to Residential Substance Abuse Treatment (RSAT);
  - Thinking for a Change;
  - Anger Management as facilitated by Psychology;
  - Advanced Cognitive Modules at Eastern Correctional Institution;
  - Decision-Making Group Treatment Protocol;
  - Thinking, Deciding, Changing Group Treatment Protocol;
  - Communication Group Treatment Protocol;
  - Parenting Group Treatment Protocol;
  - Domestic Violence Group Treatment Protocol;
  - Relationship Group Treatment Protocol;
  - Re-Entry Group Treatment Protocol;
  - Addictions Treatment Protocol;
  - Addictions Treatment Protocol-Aftercare;
  - MCTC Therapeutic Community;
  - MCIW Therapeutic Community; and
  - Gaudenzia – Intensive Treatment Program.

Special project credits awarded by a local detention center, between the date an inmate is sentenced to the custody of the commissioner and the date the inmate is transferred to the Division, qualify as special project credits. (§ 3-707 of the Correctional Services Article) Division of Correction Information Bulletin (DCIB) # 15-07.

In addition, effective for offenses committed from July 1, 1989, to July 1, 2007, five special project credits per month may be awarded for housing (“double celling”) if offense and housing assignment criteria are met. COMAR 12.02.06.04.

Special project credits are available to inmates as additional to work or education credits, so that an inmate gets five credits for the work or education project to which he or she is assigned and an additional five credits for having that particular project designated as a “special project.” Special projects do not exist outside of the context of a work or education assignment.

### **Limit on Earning Diminution Credits**

An inmate may not be allowed a total deduction of more than 20 days per month. (§ 3-708 of the Correctional Services Article) (For terms imposed before October 1, 1992, the maximum deduction is 15 days per month.)

### **Revocation of Diminution Credits**

If an inmate violates DOC’s rules of discipline, DOC may revoke the inmate’s good conduct or special project credits as the result of an adjustment proceeding. DOC may not revoke educational or work task credits. (§ 3-709 of the Correctional Services Article)

Procedures relating to inmate discipline, including inmate compliance requirements, procedures for investigating and reporting inmate rule violations, informal disposition procedures, hearing procedures, and sanction guidelines are contained in COMAR 12.02.27. Identical emergency regulations were approved by the Administrative, Executive, and Legislative Review (AELR) Committee effective September 15, 2011, until the proposed regulations take effect, which is expected in late December 2011. (COMAR 12.02.27.02-.39) In compliance with suggestions made by the Office of the Attorney General and the AELR Committee, these emergency/proposed regulations update the provisions relating to inmate discipline and incorporate the Directives (“105”) Series historically issued by the commissioner. Previously, in directive #105-5, DOC had established five categories of rule violations to govern inmate behavior. In addition, in directive #105-8, DOC had established procedures for determining and imposing formal sanctions for rule violations by a hearing officer, including revocation of good conduct and special project credits.

Under specified circumstances, upon the recommendation of case management staff, a warden may restore diminution credit revoked during the current incarceration. COMAR 12.02.06.06.

## **Mandatory Supervision Release**

Once an inmate serving a term of confinement of over 18 months has earned a sufficient number of diminution credits (such that when the diminution credits are added to the amount of time the inmate has served, the inmate's sentence is fulfilled), the inmate is released on mandatory supervision release (MSR). While on MSR, the individual is supervised by the Division of Parole and Probation (DPP) and is subject to the same laws and conditions applicable to parolees. The individual remains on MSR until the maximum expiration date of the term of confinement. As is the case with parolees, if the individual violates a condition of MSR, the Maryland Parole Commission may revoke the release and require the individual to serve the balance of the sentence. (§ 7-501 et seq of the Correctional Services Article) After an inmate's mandatory supervision has been revoked, the inmate may not be awarded any new diminution credits on the term of confinement for which the inmate was on MSR. (§ 7-504(c) of the Correctional Services Article)

An inmate convicted of a violent crime<sup>2</sup> committed on or after October 1, 2009, is not eligible for MSR until after the inmate becomes eligible for parole under § 7-301(c) or (d) of the Correctional Services Article (generally, until after one-half of the sentence has been served). (§ 7-501(b) of the Correctional Services Article)

## **Unsupervised Release**

For a term of confinement of less than 18 months, credits are deducted from the maximum expiration date to establish a release date. The inmate is released from incarceration on the release date and is not subject to any further supervision.

## **Effect of Diminution Credits**

Currently the average sentence for all inmates serving a term in a DOC facility is 45.3 months, with an average actual stay in confinement of about 30.3 months. This represents an average percentage of time served of 67%. This is due to all early releases that occur due to diminution credits, death, parole (including medical parole), and court-ordered releases (including sentence review and new trials). The Department of Public Safety and Correctional Services estimates that an inmate serving a sentence for a crime of violence or drug distribution

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<sup>2</sup> As defined in CS § 7-101(m) = the offenses listed in CR § 14-101 plus burglary in the first, second, or third degree.

will serve, on average, approximately 75% of the inmate's sentence before being released on MSR, assuming the inmate is not granted parole. An inmate who receives 10 good conduct credits per month will serve, on average, 55% to 60% of his or her sentence before being released on MSR, assuming no parole.

## **Local Correctional Systems**

Comparable to inmates committed to DOC, an inmate in a local correctional facility (including Baltimore City Detention Center) may receive a deduction of five days per calendar month for the inmate's term of confinement for good conduct, industrial or administrative tasks, educational and training courses, work projects, and special programs, not to exceed a total of 15 days per month. (§§ 11-504 – 11-506 of the Correctional Services Article) If an inmate violates a disciplinary rule, diminution credits may be revoked by the managing official of the institution after the inmate is afforded due process of law. (§ 11-507 of the Correctional Services Article)

Additionally, an inmate is awarded five days credit for each month of presentence confinement as long as the inmate does not violate the disciplinary rules and works when the opportunity to work is available. (§ 11-503 of the Correctional Services Article)

As in the State system, a local inmate serving a sentence for first or second degree rape or sexual offense against a victim under the age of 16, or a second or subsequent conviction of third degree sexual offense against a victim under the age of 16 may not earn diminution credits. Again, imprisonment for a lifetime sexual offender supervision violation is not subject to diminution credits. (§ 11-502 of the Correctional Services Article)

Diminution credits awarded to an inmate of a local correctional facility who is later transferred to DOC shall be applied to the inmate's term of confinement. COMAR 12.02.06.03.

Per day, there are approximately 4,000 inmates serving post-conviction sentences in local correctional facilities and about 8,500 inmates in pretrial confinement.

A tabulation of diminution credit eligibility in Maryland can be found in **Exhibit 1**.

**Exhibit 1**  
**Diminution Credit Eligibility**  
**Maryland Law Effective October 1, 2011**

**Offenses**

**Diminution Credit Eligibility**

**State Facilities**

1 <sup>st</sup> or 2 <sup>nd</sup> degree rape or sex offense against victim under 16	None
Repeat offender – 3 <sup>rd</sup> degree sex offense against victim under 16	None
Violation of lifetime sexual offender supervision	None
Mandatory supervision release revocation	None on term for which MSR revoked
Crime of violence <sup>1</sup>	5 days/month good conduct, 20 days/month total <sup>2</sup>
Drug felony <sup>3</sup>	5 days/month good conduct, 20 days/month total <sup>4</sup>
Everything else	10 days/month good conduct, 20 days/month total <sup>5</sup>

**Local Facilities and Baltimore City Detention Center**

1 <sup>st</sup> or 2 <sup>nd</sup> degree rape or sex offense against victim under 16	None
Repeat offender – 3 <sup>rd</sup> degree sex offense against victim under 16	None
Violation of lifetime sexual offender supervision	None
All other inmates	5 days/month good conduct, 15 days/month total <sup>6</sup>

Note: per CS § 7-501, an inmate convicted of a violent crime<sup>7</sup> committed on or after October 1, 2009, is not eligible for conditional release until after the inmate becomes eligible for parole (basically, after having served one-half of the inmate's sentence).<sup>8</sup>

<sup>1</sup>As defined in CR 14-101: abduction, first degree arson, kidnapping, voluntary manslaughter, mayhem, maiming, murder, rape, robbery, robbery with a dangerous weapon, carjacking, armed carjacking, first degree sexual offense, second degree sexual offense, use of a handgun in the commission of a felony or other crime of violence, first degree child abuse, sexual abuse of a minor (under certain circumstances), attempts to commit the foregoing offenses, continuing course of conduct with a child, first degree assault, and assault with intent to murder, rape, rob, or commit a first or second degree sexual offense.

<sup>2</sup>Total may include credits for work tasks, education, and special projects in addition to good conduct.

<sup>3</sup>CR 5-602 (Manufacturing, distributing, possessing with intent to distribute, or dispensing CDS); 5-603 (Manufacturing CDS or manufacturing, distributing, or possessing equipment to produce CDS); 5-604 (creating, distributing, or possessing with intent to distribute counterfeit substance); 5-605 (keeping common nuisance); 5-612 (volume dealer); 5-613 (kingpin).

<sup>4</sup>Total may include credits for work tasks, education, and special projects in addition to good conduct.

<sup>5</sup>Total may include credits for work tasks, education, and special projects in addition to good conduct.

<sup>6</sup>Total may include credits for industrial, agricultural, or administrative tasks; educational and training courses; work projects; and special programs in addition to good conduct.

<sup>7</sup>“Violent crime” means a crime of violence as defined in CR § 14-101 or burglary in the first, second, or third degree.

<sup>8</sup>See CS § 7-301(c) and (d) for further details regarding eligibility for parole after conviction of a violent crime.

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## **The Process after Sentencing**

Promptly after an inmate is sentenced to the jurisdiction of DOC, DOC must assemble an adequate case record for the inmate that includes:

- a description of the inmate;
- a photograph of the inmate;
- the family history of the inmate;
- any previous record of the inmate;
- a summary of the facts of each case for which the inmate is serving a sentence; and
- the results of a physical, mental, and educational examination of the inmate.

Based on information assembled in the case record, DOC must classify an inmate and assign the inmate to any available treatment, training, or employment that DOC considers appropriate. In accordance with regulations adopted by DOC, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:

- an adequate record of the conduct, effort, and progress of the inmate during confinement; and
- a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted. (§ 3-601 of the Correctional Services Article)

The commissioner is required to maintain a system for administering the diminution of confinement for each inmate. A diminution of confinement record must:

- be established on the date that an inmate is received into the custody of the commissioner;
- contain entries reflecting all diminution credits awarded, revoked, or restored; and
- reflect a current and accurate record of diminution credit affecting an inmate's term of confinement.

The commissioner must ensure that staff responsible for maintaining the diminution of confinement record are notified within five days of:

- the date of an inmate's assignment to and subsequent removal from a work assignment, an education program, or a special project;
- revocation of an inmate's good conduct or special projects credit, or both; and
- the warden's approval to restore an inmate's revoked diminution credit. COMAR 12.02.06.07.

The commitment unit within DOC is responsible for calculating the inmate's term of confinement, determining the number and type of diminution credits that may be applied toward that term, and determining the date of the inmate's release. The release date will change as the inmate earns new credits or has credits revoked for violating the rules of discipline.

Since July 1989, various statutory changes and court decisions have increased the complexity of the calculation of inmates' diminution credits and MSR dates. In addition, legislative changes that restrict the earning or application of diminution credits may invoke the *ex post facto* doctrine to apply only to inmates whose crimes were committed after the changes took effect.

When a case record is received, the commitment unit performs an initial calculation of the term of confinement, deducting good conduct credit in advance. Thereafter, on the eighth day of each month, an electronic program identifies the work and program credits for each inmate and uses that information to recalculate a new release date.

Good conduct and housing are the only types of diminution credits that are based on offense criteria. Adding to or changing an inmate's sentence could affect eligibility. For example, if an inmate is serving a sentence for theft, and accordingly receiving 10 good conduct credits a month, and then gets a sentence for a crime of violence, that renders the person eligible for only five good conduct credits a month for the person's entire term of confinement. The good conduct credits must, therefore, be recalculated at five from the beginning.

For inmates serving a life sentence, diminution credits are tabulated manually. However, no release date is calculated.<sup>3</sup>

An inmate may challenge the calculations prepared by the commitment unit any time in the process. A challenge may be initiated either informally or by formal appeal under the inmate grievance procedures. The challenge is forwarded to the commitment unit for an initial determination, which may be appealed to the commissioner for a further investigation and

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<sup>3</sup>Diminution credits are relevant to an inmate serving a life sentence because such an inmate becomes eligible for parole consideration once the inmate has served 15 years or the equivalent of 15 years considering allowances for diminution credits (25 years if the inmate was sentenced to life imprisonment as the result of a death penalty proceeding).

response. The commissioner's decision may be appealed to the Inmate Grievance Office, which may be appealed to the Office of Administrative Hearings. Because these cases involve incarceration periods, all such questions may be additionally appealed to a circuit court as a *habeas corpus* matter. Inmates receive a printout showing their sentence calculation information once a year, but a case manager might share it more often.

A new computer system that will be used to calculate diminution credits has been under development and is expected to be brought online in January 2012. The new system, the Offender Case Management System, will replace all department databases.

## **Other States**

Most states have sentence credit policies applicable to inmates in state prisons. There are two types of credits – earned time and “good time.” Earned time is a credit against an inmate's sentence that the inmate earns for participation in or completion of productive activities. Good time credits are given to inmates for following prison rules and required participation in activities.

At least 38 states offer earned time credits. Education and work provide the most common opportunity for earned time. At least 32 states give good time credits. Six states (Connecticut, Hawaii, Michigan, Minnesota, Montana, and Utah) do not allow sentence credits.

The reasoning upon which some states do not allow the awarding of diminution credits varies by state. Michigan eliminated credits in 1978 as a result of a citizens' ballot initiative. Attempts in 2009 to re-establish a credit program by statute failed. In Connecticut, the state supreme court held [in *Velez v. Commissioner of Correction*, 250 Conn. 536 (1999)] that a 1993 enactment prohibits the granting of any good conduct or meritorious performance award for inmates serving time in prison for offenses committed on or after October 1, 1994. In 2011, Hawaii passed a resolution requesting the Department of Public Safety to re-establish an earned time program for those sentenced for non-violent drug offenses who successfully complete a residential drug abuse program. Though it passed, the resolution was opposed by the Department of Public Safety which expressed several concerns including that the resolution asked the department to re-establish an earned time program without specific statutory authority to do so.

According to the Vera Institute of Justice, the trend nationwide is toward increasing the availability of sentence credits. Between 2001 and 2010, at least five states expanded good time credits. Colorado and Nevada expanded good time for inmates, and Arizona, Nevada, Vermont, and Wyoming extended good time credits to probationers or parolees. Regarding earned time credits, at least three states created the opportunity for inmates to reduce their sentences through program attendance or completion, including Kansas, Pennsylvania, and Wisconsin. Additionally, Kansas allows parolees to shorten their terms of supervision through program completion. It is noted that while Wisconsin expanded credit eligibility in 2009, the state rolled

back the expansions in 2011 due, in part, to well publicized partisan political strife involving the executive and legislative branches. In Pennsylvania, although some limited credits related to completion of evidence-based program plans are allowed, eligibility is determined by the sentencing court. The state has never awarded good time credits and has never made a determination that such a program is necessary.

During the 2011 legislative session, Nebraska increased good time credits, and Kentucky, North Carolina, North Dakota, and Oklahoma expanded earned time. Nebraska's LB 191 requires that, after a year of incarceration, inmates' sentences will be reduced by three days per month for not committing certain disciplinary infractions behind bars. The law also extends good time to parolees, who now may benefit from reduced parole terms for good behavior. Oklahoma passed Senate Bill 137, which adds bachelor's and associate's degrees to the list of educational programs for which inmates receive credits; previously, inmates received credits only for completing their General Educational Development (GED) certification. Both Kentucky (HB 463) and North Carolina (HB 462) expanded earned credits to those who successfully complete drug treatment programs, educational programs, and vocational training programs. In North Dakota, SB 2141 now allows offenders to earn "performance-based sentence reduction[s]" of up to five days per month for participating in treatment and educational programs as well as good work performance.

States have begun to adopt policies granting earned time credits to probationers and parolees. Nevada and Arizona were early adopters of such an incentive (2007 and 2008, respectively), while Arkansas and Kentucky enacted similar policies in the 2011 legislative session. These are policies that reduce the term of supervision, often by a certain number of days per month of compliance. The purpose of these policies is to minimize the number of compliant offenders on a probation/parole officer's caseload so that the officer can focus his or her attention on higher-risk offenders (as dictated by evidence-based principles).

Program evaluations and analyses of diminution credit programs in three states – New York, Oregon, and Washington – indicate that good time and earned time programs produce a discernable cost benefit, as well as measureable reductions in recidivism rates. Summaries of these studies can be found in **Exhibits 2, 3, and 4**.

A tabulation of credits available to state prison inmates in all 50 states (as of January 2011) can be found in **Exhibit 5**.

## **Conclusion**

Maryland's diminution credit system has evolved over time to become a unique, though complicated scheme. Although Maryland does not currently provide for credits to reduce the length of probation, parole, or MSR, the State is in accord with most other states in allowing good conduct credits as well as earned time credits to reduce the length of an inmate's incarceration. The system is administered by the Commitment Unit within the Division of

Correction. The new Offender Case Management System will automate some of the calculations currently done by hand.

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**Exhibit 2**  
**State of New York Department of Correctional Services**  
**Merit Time Program Summary**  
**October 1997 - December 2006**  
**Excerpted from Executive Summary**

In 1997, the legislature authorized the creation of the Merit Time Program. It allows for inmates who are serving prison sentences for certain non-violent crimes to earn a possible one-sixth reduction of the minimum term if they have achieved significant programmatic objectives and have not committed any serious disciplinary infractions. The first Merit Time appearances occurred in October 1997. This report provides a statistical overview of the Merit Time Program for the period from October 1997 through December 2006.

This report examines inmates who were released to parole supervision prior to their Parole Eligibility date as a result of being approved as a Merit Time release by the New York State Board of Parole.

**Merit Time Program Expansion.** Eligibility for the Merit Time program is based upon the crimes for which an inmate is currently serving a sentence. An inmate cannot be serving a sentence for a legislatively designated violent felony offense, manslaughter in the second degree, vehicular manslaughter in the second degree, vehicular manslaughter in the first degree, criminally negligent homicide, incest, any offense defined in Article 130 of the Penal Law (sex offenses), or any offense defined in Article 263 of the Penal Law (use of a child in a sex performance). When the Merit Time program began in 1997, all Class A-1 felons were ineligible for the program. However, effective May 15, 2003, the Legislature expanded the eligibility criteria to include inmates committed for Class A-1 drug offenses. The first Class A-1 drug felons were released through the Merit Time program in September 2003. Through December 2006, 98 Class A-1 drug offenders were released early due to the Merit Time program.

**Cumulative Extra Time Released from DOCS' Custody and Estimated Cost Savings.** During the period October 1997 through December 2006, the Merit Program generated 24,052 early releases. Among the 24,052 releases, 98 were Class A-1 drug offenders. Prior to the Merit Program, the 23,954 non-Class A-1 drug offenders would typically have been held for an additional six months prior to their next Parole Board hearing. The savings generated by these additional releases can be estimated by a maintenance cost of \$29,000 per inmate per year for the estimated six months of additional incarceration. This is a savings of nearly \$359 million. The Class A-1 drug offenders released through the expansion of the Merit Time program left DOCS custody at an average of 42 months before their parole eligibility dates, for a savings of approximately \$10 million. Overall, it is estimated that the 24,052 additional releases resulted in a savings of \$369 million since the inception of the Merit Program.

The Research Division decided that beginning January 1, 2001, avoidance of capital expenditure should not be credited to programs until the department either makes plans for new construction or makes double bunks, placed into emergency status, operational once again. Capital costs avoided and accrued prior to January 1, 2001 will continue to be reported. Therefore, construction avoidance savings calculations are based on the 7,647 early releases between October 1997 and December 2000.

As a result of a suggestion from auditors in the Office of the State Controller, DOCS' cost avoidance estimates amortize the cost of building correctional facilities. For the cost avoidance estimates, we have used the \$75,975,000 cost of a medium security facility, fully double-bunked with a total capacity of 1,302 inmates, depreciable over thirty years, and a 6.35% interest rate. Using this model, the 7,647 early releases (between October 1997 and December 2000) reduced the need for capital construction by almost \$15 million.

Combining the estimated \$369 million in operational savings with the \$15 million in construction avoidance savings, the Merit Program has reduced the need for the DOCS expenditures by approximately \$384 million dollars since its inception in 1997.

**Return Rate of Merit Time and Comparison Cases.** The purpose of the Merit Time program is to release certain non-violent inmates to parole supervision earlier than they would normally be released, without increasing the risk to the community. A one-year follow-up of 1997 through 2005 releases is presented according to release status. Additionally, a two-year follow-up of 1997 through 2004 releases is presented. Finally, a three-year follow-up of 1997 through 2003 cases is provided.

Between October 1997 and December 2005, the 21,200 inmates released due to Merit Time approval had a return to custody rate that was the next to the lowest rate of all of the comparison groups. Specifically, inmates with a merit approval that were released prior to their Parole Eligibility (PE) date returned at a rate of 11 % within the first year. All other releases returned at a rate of 18% within the first year.

With respect to the two-year follow-up, the results were similar. Inmates with a merit approval that were released prior to their PE date returned at a rate of 23% within two years. All other releases returned at a rate of 31% within the two-year follow-up.

For the three-year follow-up, inmates with a merit approval that were released prior to their PE date returned at a rate of 31 % within three years. All other releases returned at a rate of 39% within the three-year follow-up.

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**Exhibit 3**  
**Oregon Secretary of State Audit Report**  
**Department of Corrections: Administration of Earned Time**  
**January 2010**  
**Summary Excerpts**

In 1989, the Oregon legislature enacted earned time in association with sentencing guidelines. Earned time is a program intended to reward prison inmates with earlier release if they maintain good conduct and participate in programs that serve rehabilitative purposes.

Earned time operates within the context of inmate sentencing requirements, which have changed over the decades. As a result, the Department manages a complicated sentencing structure that represents differing public safety policy decisions.

For crimes committed before November 1, 1989, courts sentenced inmates to a fixed period of incarceration, “matrix sentencing,” with the actual release date determined by the Board of Parole and Post-Prison Supervision. While these inmates are not eligible for earned time, they may be eligible for other programs that reduce their time in prison. For later crimes, sentences are based on the seriousness of the crime and the offender’s criminal history. Only some of these inmates are eligible for earned time because, as a result of subsequent statewide measures, certain serious crimes now have mandatory minimum sentences.

Earned time is applied to the specific crime or crimes, not the offender. As a result, all, a portion, or none of an offender’s time in prison may be eligible for earned time. Depending on the date the crime was committed or re-sentenced, offenders may earn up to 20% or 30% off their eligible sentences. Earned time also operates alongside other incarceration reduction programs, as well as several reward systems, to help manage inmate behavior and encourage program participation.

Offender conduct is generally reviewed at six-month intervals to assess whether or not earned time should be granted. Behavior and program compliance each determine half the possible earned time for that period. Behavior violations may trigger a review by a Hearings Officer who can retract time already earned.

During the 2010 Special Session, the Legislature directed the Secretary of State to conduct an audit of earned time to evaluate the actual and potential impacts of the program; assess the Department of Corrections’ compliance with statutes and its rules, policies and procedures; and to analyze best practices among similar programs in other jurisdictions.

We estimate that, for inmates released in fiscal year 2009, earned time saved at least \$25 million based on the average daily cost per inmate reported by the Department. Our analysis indicated that inmates who were convicted of more serious offenses were less likely to be eligible for earned time and also served longer sentences than inmates with less serious offenses. As a result, the population of released offenders had a larger share of offenders sentenced for lesser crimes and shorter periods who were more likely to be eligible for earned time.

Because of concerns about availability and comparability of data, as well as varying definitions of recidivism, we were not able to draw conclusions about the impact of earned time on the recidivism of inmates released in Oregon.

We also analyzed research on earned time and incarceration reduction programs at 30 states and the federal Bureau of Prisons. With a national doubling of jail and prison populations over the past 25 years, many states have implemented incarceration reduction programs to reduce public safety costs.

We found a large variety of programs among the jurisdictions, and studied five jurisdictions in detail. Variances in the sentencing structure, offense characteristics of the prison population, and methods for calculating recidivism prevent quantitative comparisons, or any distinction of best practices. In addition, quantitative research on the effects of other incarceration reduction programs has reached only tentative conclusions. For example, research seems to indicate that recidivism is no worse for inmates who receive an incarceration reduction. Similarly, studies have not established a strong relationship between incarceration reduction and the overall crime rate. Several states have conducted cost-benefit analyses, including Oregon and Washington, which concluded that incarceration reduction produced a net savings to the public.

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**Exhibit 4**  
**Washington State Institute for Public Policy**  
**Increased Earned Release from Prison:**  
**Impacts of a 2003 Law on Recidivism and Crime Costs, Revised**  
**Revised April 2009**

**Summary**

The Washington legislature has established laws that enable certain offenders under the jurisdiction of the Department of Corrections (DOC) to leave prison prior to the end of their sentence. DOC is authorized to grant “earned release time” if an offender demonstrates good behavior and participates in treatment programs in prison.

The 2003 Legislature increased earned release time for eligible non-violent property and drug offenders from a maximum of 33% of the total sentence to a maximum of 50%. Since the passage of the law, approximately 20% of all offenders who released from prison were eligible for this 50% earned release time. The 2003 law sunsets July 1, 2010.

The Legislature directed the Institute to evaluate the law. While the immediate effect of shorter stays in prison lowers costs, the relevant research question is whether the law affects crime rates.

We find that the law affects crime rates in two ways. First, the law shortens prison length of stay by 63 days, during which time we estimate an increase in property crimes. Second, over the three year follow up, the felony recidivism rate of the early release offenders is decreased by 3.5% compared with similar offenders who stayed in prison 63 days longer. We conducted a cost-benefit analysis to calculate a bottom line for these opposing effects.

On the benefit side, we estimate \$15,359 in benefits per offender from: (1) reduced three-year recidivism, (2) lowered prison costs from the reduced sentence, and (3) increased labor market earnings. On the cost side, we estimate \$8,179 in costs per offender due to the increase in crimes during the 63-day period of reduced incapacitation. Thus, the bottom line estimate is \$1.88 in benefits per dollar of cost. We also checked the uncertainty of this estimate; we find that benefits are likely to exceed costs 91% of the time.

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**Exhibit 5**  
**Good Time and Earned Time Policies for State Prison Inmates**  
 (As established by law)  
 November 2011

This chart highlights sentence credit policies listed in state statutes that are applicable to inmates in state prisons. Earned time is defined as a credit against an inmate's sentence or period of incarceration that he or she earns for participation in or completion of productive activities. Earned time is distinguished from, and can be offered in addition to, "good time" credits which are given to offenders for following prison rules and required participation in activities. Earned Time credits include: Education, Vocations, Treatment, Work, Disaster/Conservation, Meritorious, and Other.

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Alabama § 14-9-40 et seq.; § 14-9-3	20, 40 or 75 days per 30 days served for prisoner behavior, discipline, work practices and job responsibility							30 days per 12 months for blood donation; on top of other time earned	Time awarded based on inmate classification
Alaska § 33.20.010	1/3 off prison term for good conduct								
Arizona § 41-1604.06 to .07	1 day per 6 served for education, training, treatment programs and any assignments of confidence and trust								DOC to create and base credit on classification, including ineligible classes
Arkansas § 12-29-201 et seq.	30 days per month served for work practices, job responsibilities, and rehabilitative activities	90 days per completion of GED	90 days per completion of vocational certification	90 days per completion of drug or alcohol treatment					Earned time not to exceed 270 days, earned on top of good time. Board of Corrections to create inmate classifications

<b>States</b>	<b>Good Time</b>	<b>Education</b>	<b>Vocations</b>	<b>Treatment</b>	<b>Work</b>	<b>Disaster/ Conservation</b>	<b>Meritorious</b>	<b>Other</b>	<b>Notes</b>
California Penal Code § 2933 et seq. and § 2935	Six months per six months served or proportionally less time awarded for less time served, in line with regulations set by the secretary of corrections	See other	See other	See other		2 days per 1 day working at a conservation camp or for working as an inmate firefighter or after completion of training for those programs	Up to 12 months for heroic acts in life threatening situations or providing exceptional assistance in maintaining the safety and security of a prison	1 – 6 weeks per 12-month period for completion of rehabilitative programming as determined by DOC but may include academic programs, vocational programs, vocational training, and core programs such as anger management, social life skills, and substance abuse programs. Awarded on top of good time	Certain inmates are only eligible to earn 15% of good time
Colorado § 17-22.5- 405 et seq.	10 or 12 days per month served based on DOC standards of consistent progress with work, training, group living (personal hygiene, cooperation, double bunking, and social adjustment), counseling and self-help groups, progress towards goals identified in diagnostic program, has not harassed victim, any parole release rules,					1 day per 1 day of working at a disaster site, on top of good time		An additional maximum 30 days or maximum 60 days for certain inmates without penal code infractions within specified timeframes, has been program compliant, and has not been previously convicted of certain felonies; at the discretion of the parole board	

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Colorado (Continued)	and progress in literacy corrections program or correctional education program								
Connecticut									No Credit. Supreme Court ruled CGS § 18-100d, enacted in 1993, prohibits the granting of any time for inmates whose conviction is on or after October 1, 1994
Delaware 11 Del.C. § 4381	2 days per month for first year served and 3 days per month for subsequent years served for no violations and work toward rehabilitation	Up to 5 days per month for participation in education			Up to 5 days per month for participation in work			Up to 5 days per month for participation in rehabilitation or program approved by DOC	Good time not to exceed 36 days per year and total credit not to exceed 100 days per year; earned time programs determined by DOC in line with authorized list
Florida § 944.275 and § 944.801	10 days per month served for participating in training, working diligently, using time	6 days per 150 hours of participation in correctional education program; 60 days for	60 days for completion of vocational certificate				Up to 60 days for service in outstanding deed (saving a life or assisting with recapture of		Education / vocation is a onetime credit; <i>Inmate Education Guidelines</i> § 944.801

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Florida (Continued)	constructively, or other positive activities	completion of GED					escapee)		
Georgia § 42-5-101		1 day per 1 day of participation in academic education	1 day per 1 day of participation in vocational education						Instructs the parole board to consider credits when making a release decision
Hawaii N/A									No credit
Idaho § 20-101D							Up to 15 days per month for an extraordinary act of heroism at the risk of his own life or for outstanding service to the state of Idaho which results in the saving of lives, prevention of destruction of major property loss during a riot, or the prevention of an escape from a correctional facility		
Illinois 730 ILCS 5/3-6-3	1 day per 1 day or 4.5 days per month served for good conduct	Good time multiplied by 1.5 for participation in educational program; 60 days for		Good time multiplied by 1.5 for participation in full-time substance abuse	Good time multiplied by 1.5 for working in correctional industry		Up to 90 or 180 days for service as determined by DOC		

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Illinois (Continued)		completion of GED on top of other good and earned time		program	assignment				
Indiana § 35-50-6-3 et seq.	1 day per 1 day served, 1 day per 2 days served or 1 day per 6 days served	Time earned per completion of literacy skills program (6 months), GED (6 months), High School Diploma (1 year), associate's degree (1 year), or bachelors degree (2 years) on top of other good and earned time	Up to 6 months for completion of one or more career or technical education program on top of good time	Up to 6 months for completion of one or more substance abuse or basic life skills program on top of good time				Up to 6 months for completion of one or more reformative program on top of good time	Total credit not to exceed 4 years or 1/3 of sentence, whichever is lesser
Iowa § 903A.2	15/85 of a day for good conduct	12/10 of a day per 1 day of participation in an educational program		12/10 of a day per 1 day of participation in a treatment program	12/10 of a day per 1 day working in the institution, Iowa state industries or an employment program TBD by DOC		Up to 365 days for exemplary acts		Inmates are either eligible for 15/85 good time or 12/10 earned time dependant on type of sentence, not both
Kansas § 21-4722	15% or 20% of prison term	60 days for completion of a GED on top of good time	60 days for completion of a technical or vocational training program on top of good time	60 days for completion of a substance abuse program on top of good time				60 days for completion of any other program which has been shown to reduce offender's risk after release on top of good time	
Kentucky § 197.045 and § 197.047	10 days per month served based on conduct	90 days for completion of GED, high school diploma,	90 days for completion of two or four year applied	90 days for completion of a minimum six month drug			7 days per month for outstanding performance	1/5 day per 8 hours of participation in state or local	

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Kentucky (Continued)		two or four year college degree, or civics education program on top of good time	science or technical education diploma on top of good time	treatment program on top of good time			related to institutional operations and programs; additional 7 days per month during an emergency on top of good and earned time	government entities work projects or work related to maintenance and operation of a correctional facility	
Louisiana RS 15: § 571.3 and RS 15: § 833.1	30 days per 30 days or 3 days per 17 days in custody for good behavior and performance of work or self-improvement activities				35 days per 30 days working in lieu of incentive wages	30 days per 30 days working on disaster remediation		35 days per 30 days for performance in self-improvement activities in lieu of incentive wages	Inmates earn either good time or earned time, not both
Maine 17-A MRSA § 1253	Up to 4 days per month served based on conduct							Up to 3 days per month for complying with transition plan for work, education or rehab; additional 2 days per month for community-based work, education or rehab, on top of good time	
Maryland Correctional Services § 3-701 et seq.	5 or 10 days per month served	5 days per month of participation in educational or other training courses on top of good time	5 days per month of participation in vocational courses on top of good time		5 days per month for satisfactory performance in assigned tasks on top of good time			10 days per month of participation in special selected work projects or other special programs on top of good time	Total credits not to exceed 20 days per month

<b>States</b>	<b>Good Time</b>	<b>Education</b>	<b>Vocations</b>	<b>Treatment</b>	<b>Work</b>	<b>Disaster/ Conservation</b>	<b>Meritorious</b>	<b>Other</b>	<b>Notes</b>
Massachusetts 127:§ 129C and § 129D		2.5 days per month of participation in a GED educational course or other educational course	2.5 days per month of participation in a vocational program		2.5 days per month of working at a state hospital or state school; employed on work release or in prison industry			2.5 days per month for any other program deemed valuable to an inmate's rehabilitation. Additional 2.5 days while confined in a prison camp on top of other earned time	Total credits not to exceed 7.5 days per month
Michigan § 800.34									No credit. Disciplinary time: time added to prison term for misconduct to be considered by the parole board for release
Minnesota § 244.05									No credit. Time added to prison term for misconduct or non-participation in rehabilitative programming
Mississippi § 47-5-138, § 47-5-138.1, and § 47-5-142	4.5 days per 30 days served for compliance with good conduct and performance requirements	30 days per month of participation in educational or instructional programs on top of good time; additional time of up to 10 days for every 30			30 days per month for satisfactory participation in work projects on top of good time; additional time of up			30 days per month of participation in special incentive programs on top of good time; additional time of up to 10 days for every 30 days participation for	

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Mississippi (Continued)		days participation for completion			to 10 days for every 30 days participation for completion			participation	
Missouri § 558.041 and 14 CSR 10-5.010	1 – 2 months per year for acceptable behavior and appropriate program involvement								Statute Instructs Department to create a policy
Montana N/A									No credit
Nebraska § 83-1,107	Six months per year, credit may be forfeited or withheld for misconduct. 3 days per month for no class I or II violations nor more than 3 class III violations within preceding 12 months								
Nevada § 209.4465, § 209.448, and § 209.449	20 days per month served with no serious infractions and performing duties assigned	10 days per month for participation in study on top of good time. 60 days for GED, 90 days for high school diploma, 120 days for 1 <sup>st</sup> associates degree and up to 90 days for additional degrees on top of	60 days for completion of a vocational education and training program on top of all other time; additional maximum 60 days for meritorious or exceptional achievement	60 days for completion of alcohol or drug treatment program by a licensed counselor on top of all other time	10 days per month for “laboring” on top of good time	10 days per month for participating in a conservation camp on top of good time	Up to 90 days per year for exceptional meritorious service on top of all other time	10 days per month for participating in a restitution center, reentry program, work release or any other program outside prison	

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Nevada (Continued)		all other time	in completing the program						
New Hampshire § 651:2(II-e) and § 651- A:22								Up to 12.5 days per month served (150 days per year) for good conduct and participation in programs designed to reduce recidivism	150 days “disciplinary time” added for each year of term; days reduced for good conduct at the same rate
New Jersey § 30:4-92; § 30:4-92a and § 30:4-140	7 days per month up to 16 days per month served, time awarded increases with number of years served for orderly conduct	Commissioner may award time for achievements in education on top of other time	Commissioner may award time for achievements in workforce training on top of other time		3 days per month for the first year employed and 5 days per month for subsequent years working in honor camps, farms or details				
New Mexico § 33-2-34	Up to 4, 8 or 30 days per month served dependant on crime and quality of participation	3 months for a GED, 4 months for an associates degree, 5 months for a bachelor’s degree or graduate qualification completion, on top of good time	1 month for completion of a vocational program, on top of good time	1 month for completion of a substance abuse or mental health program on top of good time			For a heroic act of saving life or property or extraordinary conduct that demonstrates commitment to rehabilitation. Amount earned at discretion of DOC		Earned time awarded may not exceed 1 year in a 12- month period
New York Correction § 803 - § 805		Total of 1/7, 1/6, or 1/3 of the sentence for	Total of 1/7, 1/6, or 1/3 of the sentence	Total of 1/7, 1/6, or 1/3 of the minimum				6 months for participation in work and	6 month credit will be applied to the

<b>States</b>	<b>Good Time</b>	<b>Education</b>	<b>Vocations</b>	<b>Treatment</b>	<b>Work</b>	<b>Disaster/ Conservation</b>	<b>Meritorious</b>	<b>Other</b>	<b>Notes</b>
New York Correction (Continued)		completion of a GED	for vocational trade certificate following at least six month of vocational programming or at least 400 hours of community work crew service	sentence for alcohol and substance abuse treatment certificate				treatment and completion of “significant programmatic accomplishment” (defined in statute)	end of a prison term, on top of other credit earned
North Carolina § 148-13, § 15A- 1340.13(d), § 15A- 1340.18 and P&P Ch. B, sec. 0100		Up to 30 days for each educational degree achieved	5, 15 or 30 days credit for completion of apprentice program, dependant on program		2 – 6 days per month for working full-time. Additional one day credit per 8 hours overtime worked. DOC can also award time for working in inclement weather		Up to 30 days for each exemplary act	2 – 6 days per month for full- time participation in programs that assist in productive reentry. 20% the minimum sentence for participation in treatment, education and rehabilitative programs – eligibility determined by the court	Monthly credit cannot exceed 6 days per month. Completion and meritorious credit on top of other credit. Statute Instructs DOC to create a policy
North Dakota § 12-54.1							Lump sum or monthly rate equal to 2 days per month for outstanding performance or heroic acts, on top of other earned time	5 days per month based on participation in court ordered or staff recommended treatment and education programs and good work performance	

<b>States</b>	<b>Good Time</b>	<b>Education</b>	<b>Vocations</b>	<b>Treatment</b>	<b>Work</b>	<b>Disaster/ Conservation</b>	<b>Meritorious</b>	<b>Other</b>	<b>Notes</b>
Ohio § 2967.193		1 or 5 days per month of participation in an education program	1 or 5 days per month of participation in vocational training	1 or 5 days per month of participation in substance abuse treatment or sex offender treatment	1 or 5 days per month working in prison industries			1 or 5 days per month of participation in a constructive program TBD by DOC with specific standards for performance	May earn time for up to 2 programs and total credit cannot exceed 8% of total days of sentence
Oklahoma § 57-138 and § 57-138.1	22, 33, 44, 45, or 60 days per month for rehabilitation, obtaining job skills, and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance	10 – 30 days for educational accomplishments on top of good time; 90 days for completion of GED on top of good time	80 days for vocational certificate on top of good time	70 days for completion of a minimum 4 month alcohol/chemical abuse treatment program on top of good time			Up to 100 days for meritorious act within the public interest in enhancing public safety on top of all other time	10 – 30 days for programs not specified on top of good time	
Oregon § 421.121	Total of 20% or 30% of prison term on crime for appropriate institutional behavior	60 days for GED, high school diploma, post-secondary certificate or degree	60 days for journey level certification from a registered apprenticeship program						Varying effective dates: Ch. 660, Laws 2009 and Ch. 2, Laws 2010

<b>States</b>	<b>Good Time</b>	<b>Education</b>	<b>Vocations</b>	<b>Treatment</b>	<b>Work</b>	<b>Disaster/ Conservation</b>	<b>Meritorious</b>	<b>Other</b>	<b>Notes</b>
Pennsylvania 61 Pa CSA § 4501 - § 4512								1/4 or 1/6 the minimum sentence for participation in and completion of evidence-based program plan as determined by risk assessments	Eligibility determined by sentencing court
Rhode Island § 42-56-24	Up to 10 days per month for good behavior			5 days per month of participation; 30 days for completion	2 days per month working in prison industries on top of good time		3 days per month for performing heroic acts or for extraordinary and useful ideas and which have been implemented for the benefit of the state resulting in substantial savings and/or a higher degree of efficiency or performance; on top of good time but NOT in addition to rehabilitation or other earned time	5 days per month for programs that address inmate's personal needs related to criminal behavior and 30 days for completion of a program on top of good time	
South Carolina § 24-13-210 to 235	3 or 20 days per month served for a good conduct record	Up to 1 day for every 2 or 6 days per month for actively enrolled	Up to 1 day for every 2 or 6 days per month for						

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
South Carolina (Continued)		and participating in academic training; granted upon successful completion on top of good time	actively enrolled and participating in vocational or technical training; granted upon successful completion on top of good time						
South Dakota § 24-5-1	4 months for the first year served and 6 months per year for subsequent years								
Tennessee § 41-21-236	Up to 8 days per month served for good institutional behavior	Up to 8 days per month of participation on top of good time. 60 days for completion of GED, high school diploma, 2 or 4-year college degree or applied sciences program on top of all other credit	Up to 8 days per month of participation on top of good time; 60 days for completion of a vocational educational diploma		Up to 8 days per month working on top of good time				Inmates can earn up to 16 days per month and one educational completion credit
Texas Gov. Code § 498.002 - § 498.003		10 to 30 days per month of participation in an educational program; literacy program only if inmate is a tutor or pupil	10 to 30 days per month of participation in a vocational program	10 to 30 days per month of participation in a treatment program	10 to 30 days per month working in an industrial or other work program	10 to 30 days per month working in agricultural program			
Utah N/A									No credit
Vermont 28 VSA § 811 to § 813					30 days per month for working in a work camp				

States	Good Time	Education	Vocations	Treatment	Work	Disaster/ Conservation	Meritorious	Other	Notes
Virginia § 53.1-191, § 53.1-202 et seq.							Time awarded is agency discretion for assistance in preventing an escape; blood donation to another prisoner; extraordinary service; suffers bodily injury	4.5 days per 30 served for participation and cooperation in programs based on a risk assessment, related to successful reentry	
Washington § 9.94A.729	Up to 1/3 of total sentence for good behavior and performance							Up to 50% of sentence for good behavior and performance in reentry program plan*	Good time cannot exceed 1/3 of total sentence. *50% does not apply to inmates convicted after July 1, 2010
West Virginia § 28-5-27	1 day for 1 day served as determined by DOC rules						Time can be awarded at agency discretion, with approval of governor for exceptional work or service		
Wisconsin § 302.113(2) and § 302.11	1 day for 2 days served for abiding by regulations and performing required duties							Provisions related to risk reduction sentence were repealed	10 days – 40 days added to mandatory release date for violating rules or not performing required duties

<b>States</b>	<b>Good Time</b>	<b>Education</b>	<b>Vocations</b>	<b>Treatment</b>	<b>Work</b>	<b>Disaster/ Conservation</b>	<b>Meritorious</b>	<b>Other</b>	<b>Notes</b>
Wyoming § 7-13-420 and P&P #1.500	Up to 10 or 15 days per month based on inmate performance, conduct and behavior								Statute Instructs the governor, parole board and DOC to create policy

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**NCSL Criminal Justice Program**

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