

Kansas Administrative Regulations

Department of Corrections

Article 6.—Good Time Credits and Sentence Computation

44-6-115a. Awarding and withholding good time credits for incarcerated offenders.

(a) With the exception of calculation of good time credits affecting the conditional release dates, which are controlled by K.A.R. 44-6-114d, this regulation shall govern the award and withholding of good time credits.

(b)(1) At the conclusion of the initial inmate classification, 100% of the good time credits available from the sentence begins date to the date of the initial good time award shall be awarded, unless there is written documentation of maladjustment before the date of the initial award.

(2) The initial award of good time credits shall be made on the same day of the month on which the sentence was established. If a full month has not elapsed between the computed sentence begins date and the conclusion of the initial classification, good time credits shall not be awarded until the first classification review following the initial classification.

(c) Following the initial award, good time credits may be awarded at each classification review from credits available since the previous classification review.

(d) The following factors shall be considered in determining whether or not an inmate is awarded good time credits:

- (1) The inmate's performance in a work assignment;
- (2) the inmate's performance in a program assignment;
- (3) the inmate's maintenance of an appropriate personal and group living environment;
- (4) the inmate's participation in release planning activities;
- (5) the inmate's disciplinary record; and

(6) any other factors related to the inmate's general adjustment, performance, behavior, attitude, and overall demonstration of individual responsibility and accountability.

(e)(1) If an inmate refuses to work constructively or participate in assigned programs, 100% of the good time credits available for program classification review periods shall be withheld until the inmate reenters and constructively participates in the assigned program at a time that permits the inmate to complete the program, unless the facility health authority determines that the inmate is physically or mentally incapable of working or participating in a particular program or detail. If an assigned program is terminated or no longer offered due to financial constraints, the inmate's program plan shall be modified accordingly, and the inmate shall again be eligible to earn good time credits. Misconduct resulting in a disciplinary conviction not directly related to the program assignment shall result in the withholding of good time credits for only one program review period, pursuant to subsection (g).

(2) If an inmate refuses to work on an assigned work detail or is removed from the work detail for a disciplinary conviction, the inmate shall have 100% of available good time credits withheld for only one program review period.

(f) If an inmate fails to cooperate in the development of an acceptable release plan, the good time credits available for award during the 120-day period immediately before the inmate's projected or scheduled release date shall not be awarded.

(g) Award of good time credits shall be withheld on the basis of an inmate's disciplinary record, including consideration of the degree of actual injury, damage, or disruption caused by the misconduct at issue. Further consideration shall be given to other sanctions or interventions available to address the inmate's misconduct.

(1) If a facility disciplinary hearing officer finds the inmate guilty of a class I disciplinary offense, the amount of good time withheld during the review period in which the violation occurred shall reflect the degree of injury, damage, or disruption caused by the misconduct at issue.

(2) If a facility disciplinary hearing officer finds the inmate guilty of a class II disciplinary offense, not more than 50% of the good time credits available for the classification review period in which the violation occurred shall be withheld. For

purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(3) If a facility disciplinary hearing officer finds the inmate guilty of a class III disciplinary offense, not more than 25% of the good time credits available for that classification review period in which the violation occurred shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(4) If a facility disciplinary hearing officer finds the inmate guilty of multiple disciplinary violations within a single disciplinary report, only the most serious violation shall be used in determining the percentage of good time credits to be withheld.

(5) If an inmate is removed from an assigned program due to a disciplinary conviction, 100% of the available good time credits shall be withheld until the inmate reenters the assigned program.

(h) The percentage of good time credits withheld during a classification review period shall be cumulative but shall not exceed 100% of that available for that classification review period. The good time award record for a period in which good time has already been awarded may be adjusted upon a subsequent conviction of a violation committed during the review period or upon discovery of an error in computing good time credits, pursuant to K.A.R. 44-6-128 through 44-6-132.

(i) On and after February 1, 2013, good time credits withheld for any reason may be restored to an inmate in accordance with internal management policies and procedures promulgated by the secretary of corrections. Good time credits withheld for any review period commencing before that date shall not be restored.

(j) Good time credits and program credits forfeited as a result of a penalty imposed by a facility disciplinary hearing officer shall not be restored to an inmate without the approval of the secretary or secretary's designee.

(Authorized by and implementing K.S.A. 2011 Supp. 21-6821, as amended by L. 2012, Ch. 150, §37, K.S.A. 2011 Supp. 75-5210, K.S.A. 2011 Supp. 75-5251; effective Sept. 6, 2002; amended, T-44-3-11-03, March 11, 2003; amended July 25, 2003; amended Aug. 8, 2008; amended Feb. 1, 2013.)

***** Authenticated Kansas Administrative Regulation *****