

Kansas Administrative Regulations

Department of Corrections

Article 6.—Good Time Credits and Sentence Computation

44-6-135. Prison service credit.

(a) Prison service credit shall be computed and applied by department of corrections' personnel.

(b) To compute prison service credit for court releases, the effective date of the sentence shall be subtracted from the date of the final disposition of the court by release on probation, appeal bond, or vacating of the sentence. Presentence evaluation time spent at the Topeka correctional facility or any other facility designated by the secretary of corrections shall not be considered as prison service credit, but shall be considered jail credit. If prison service credit was included as jail credit by the court, the credit shall be shown as jail credit. After admission to custody of the secretary of corrections, all time spent incarcerated during release to the custody of a law enforcement agency shall be reflected as prison service credit, unless the time spent incarcerated during release to the custody of a law enforcement agency is included as jail credit by the court.

(c) To compute prison service credit for an aggregate sentence, the sentence begins date of the earlier, controlling minimum sentence date shall be subtracted from the release date and applied as follows:

(1) The actual time incarcerated in the custody of the secretary of corrections or release to custody of a law enforcement agency, not exceeding an amount equal to the previous minimum sentence less the maximum amount of good time credit that could have been earned under the law in effect at the time, shall be the prison service credit available.

(2) The prison service credit for a mandatory minimum sentence imposed before July 1, 1982 shall be restricted to a total credit equal to the actual time served before July 1, 1982, and the remaining minimum time to serve less all good time credits that could have been earned after July 1, 1982.

(3) The prison service credit for a life sentence shall not exceed 15 years or the aggregated 15 years. The remainder of the credit shall be credited as maximum sentence credit.

(4) Accelerated parole eligibility dates under K.S.A. 1988 Supp. 22-3725 shall be credited through May 19, 1988 if the accelerated date was before the effective parole eligibility date under that statute.

(5) Accelerated parole eligibility dates under K.S.A. 1989 Supp. 22-3725 shall be credited through August 1, 1989 if the accelerated parole eligibility date was before the effective date of that statute.

(6) Parole eligibilities computed on or after July 1, 1974 and before January 1, 1979, which were established at the discretion of the secretary of corrections upon attainment of the lowest minimum custody status, shall be credited with the actual time served from the sentence begins date of the earlier controlling minimum sentence. This credit shall not exceed the maximum amount of good time credits provided by K.A.R. 44-6-116 that could have been earned on the minimum sentence.

(7) For aggregated guidelines sentences, the actual time incarcerated in the custody of the secretary of corrections or release to custody of a law enforcement agency, not exceeding an amount equal to the previous prison term less the minimum amount of good time credit that could have been earned under the law in effect at the time, shall be the prison service credit available.

(d) Computations of prison service credit shall be subject to the provisions of K.A.R. 44-6-134, 44-6-136, 44-6-137, and 44-6-138.

(Authorized by K.S.A. 2011 Supp. 75-5210, K.S.A. 2011 Supp. 75-5251; implementing K.S.A. 2011 Supp. 21-6606, as amended by L. 2012, Ch. 16, §4, K.S.A. 2011 Supp. 22-3427, as amended by L. 2012, Ch. 28, §1, K.S.A. 2011 Supp. 22-3717, as amended by L. 2012, Ch. 150, §43, K.S.A. 2011 Supp. 75-5210, K.S.A. 2011 Supp. 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended April 6, 1992; amended Feb. 1, 2013.)