

Kansas Administrative Regulations

Department of Corrections

Article 6.—Good Time Credits and Sentence Computation

44-6-115b. Awarding, withholding, and restoring good time credits for offenders on supervised release.

(a) Offenders on supervised release may be awarded good time credits at the following rates:

(1) Offenders on parole release for indeterminate sentences shall be eligible for good time credits at the rate of one day of good time for each day under supervision and as provided by K.A.R. 44-6-114d.

(2) For offenders convicted of crimes that were committed on or after July 1, 1993 but before April 20, 1995 and that fall into non-drug severity levels 1 through 4 or drug severity level 1 or 2, the period of postrelease supervision shall be 24 months plus the amount of good time awarded and retained on the imprisonment portion of a sentence for such a conviction. Good time credits shall not be available for the reduction of postrelease supervision.

(3) For offenders convicted of crimes committed on or after April 20, 1995, but before July 1, 2012, that fall into non-drug severity levels 1 through 4 or drug severity level 1 or 2 and crimes committed on or after July 1, 2012 that fall into drug severity levels 1 through 3, the period of postrelease supervision shall be 36 months plus the amount of good time awarded and retained on the imprisonment portion of a sentence for such a conviction. The 36-month portion of the postrelease supervision period may be reduced by up to 12 months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for every two days served from the date of release from prison, but not to exceed a total of 12 months. That portion of the period of postrelease supervision resulting from the addition of good time credits awarded and retained while in prison pursuant to K.S.A. 2011 Supp. 21-6821, and amendments thereto, shall not be reduced through application of good time credits while on postrelease supervision.

(4) For offenders who are convicted of crimes committed on or after July 1, 1993 that fall into non-drug severity level 5 or 6, drug severity level 3 crimes committed on or after July 1, 1993 but before July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012 and who are sentenced to serve a period of postrelease supervision, the period of postrelease supervision shall be 24 months plus the amount of good time awarded and retained on the imprisonment portion of the sentence for any such conviction. The 24-month portion of the postrelease supervision period may be reduced by 12 months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for each day served from the date of release from prison. That portion of the postrelease supervision period resulting from application of good time credits awarded and retained while in prison shall not be subject to reduction through the application of good time credits while on postrelease supervision.

(5) For offenders who are convicted of crimes committed on or after July 1, 1993 that fall into non-drug severity levels 7 through 10, drug severity level 4 crimes committed on or after July 1, 1993 but before July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012 and who are sentenced to serve a period of postrelease supervision, the period of postrelease supervision shall be 12 months plus the amount of good time awarded and retained on the imprisonment portion of the sentence for any such conviction. The 12-month portion of the period of postrelease supervision period may be reduced by six months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for each day served from the date of release from prison. That portion of the postrelease supervision period resulting from application of good time credits awarded and retained while in prison shall not be subject to reduction through the application of good time credits while on postrelease supervision.

(b) All subsequent awards during a single supervision release period shall be made at six-month intervals, unless, in the judgment of the offender's parole officer, good cause exists to shorten the interval.

(c) No good time credits shall be awarded during the time an offender is on absconder status or for a review period in which a violation resulting in revocation of postrelease supervision occurs.

(d) Factors that shall be considered in determining whether or not an offender on supervised release is awarded good time credits shall include the following:

- (1) Reporting to the parole officer as scheduled;
- (2) maintaining steady employment, participating in treatment, or both;
- (3) refraining from criminal activity;
- (4) following the conditions of release; and
- (5) maintaining behavior indicative of rehabilitation.

(e) Each of the following violations, if committed by the offender during the review period, shall result in the withholding of 100% of the good time credits available during the review period:

(1) Any felonious conduct established with probable cause by a district court, or any misdemeanor conviction, including driving under the influence (DUI) or driving while suspended (DWS);

(2) engagement in assaultive activities, violence, or threats of violence of any sort, or possession of a dangerous weapon, ammunition, or explosives as established by reliable information, including witness statements and police reports;

(3) engagement in contact with victims or contact with specific persons or categories of persons with whom contact is prohibited by special condition;

(4) failure to agree to be subject to a search by any parole officer, enforcement, apprehensions, and investigations officer, or other law enforcement officer as specified by the conditions of supervision;

(5) absconding from supervision.

(f) Each of the following violations shall result in the mandatory withholding of 50% of the good time credits available during the review period for each violation:

- (1) Violation of any specific prohibition assigned to sex offenders;
- (2) leaving the state of Kansas without permission;
- (3) violation of any special condition not specifically identified in this regulation; or
- (4) refusal to work or participate in programs during the review period.

(g) Each of the following violations shall result in the mandatory withholding of 25% of the good time credits available for the reward period for each violation:

- (1) Changing jobs without notifying the supervising office;

(2) leaving the assigned supervision district without permission, but remaining in the state;

(3) refusing to provide urinalysis or to otherwise submit to substance abuse testing;

(4) moving from the place of residence without notifying the supervising officer; or

(5) each documented instance of the use of drugs, alcohol, or inhalants, either through positive urinalysis, through admission, or based upon reliable information from law enforcement or special agents.

(h) Either of the following violations shall result in the mandatory withholding of 10% of the good time credits available for the reward period for each violation:

(1) Failure to pay supervision fees as directed after it has been established that the offender is able to but unwilling to pay; or

(2) failure to report unless excused by the parole officer.

(i) If multiple violations that result from the same set of circumstances occur, the most severe violation shall be utilized for consideration of the good time award.

(j) Violations resulting in the withholding of good time shall not serve as the basis for withholding of additional good time during subsequent award periods.

(k) Good time credits shall be withheld during the award period in which the criteria for withholding good time has been met. The award of good time for a review period for which good time has already been awarded may be adjusted upon the subsequent discovery of a violation committed during the review period in question or upon discovery of any error in computing good time credits.

(l) On and after February 1, 2013, offenders on postrelease supervision may be eligible for the restoration of good time withheld while on postrelease supervision due solely to nonpayment of supervision fees, in accordance with internal management policies and procedures established by the secretary of corrections. Good time credits withheld for any review period commencing before that date may be restored.

(Authorized by and implementing K.S.A. 2011 Supp. 22-3717, as amended by L. 2012, Ch. 150, §43; effective Sept. 6, 2002; amended Feb. 1, 2013.)