

PRISON TERM MODIFICATION
Division 097
Notice of Intent to Amend
Temporary Adoption

291-097-0005

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120, 421.121, 421.122, 423.020, 423.030 and 423.075.

(2) The purpose of this rule is to establish procedures for calculating, applying, retracting, and restoring earned time, statutory good time and extra good time credits, and for recommending modifications of parole release dates to the Board of Parole and Post-Prison Supervision, for inmates sentenced for crimes committed on or after November 1, 1989 (sentencing guidelines), and for inmates sentenced for crimes committed prior to November 1, 1989 (matrix sentences). ~~The changes to the prison term modification rules OAR 291-097-0005 through 291-097-0130 are effective August 4, 2008.~~

(3) Policy:

(a) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed on or after November 1, 1989 (sentencing guidelines), may be considered for a reduction in their term of incarceration pursuant to ORS 421.121, as set forth in these rules.

(A) Inmates sentenced under sentencing guidelines may be eligible to earn sentence reduction credits (earned time credits) up to a maximum of 20 percent of each sentencing guidelines sentence. **Inmates sentenced under sentencing guidelines on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced under the sentencing guidelines prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, may be eligible to earn sentence**

reduction credits (earned time credits) up to a maximum of 30 percent of each sentencing guidelines sentence.

~~(B) The earned time credits received by the inmate are dependent on compliance with his/her Oregon Corrections Plan and institution conduct.~~

(B) (C) Earned time credits are designed to provide a minimum amount of time credits necessary to serve as adequate incentive for appropriate institutional behavior and program participation.

(b) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible for prison term reduction credits (statutory good time and extra good time credits) pursuant to ORS 421.120, as set forth in these rules.

(c) It is the policy of the Department of Corrections that inmates sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible to receive a recommendation from the Department to the Board of Parole and Post-Prison Supervision that the inmate receive prison term reduction credits for an earlier date, as set forth in these rules.

(d) It is the policy of the Department of Corrections to develop Oregon Corrections plans on all inmates assigned to a Department of Corrections facility.

(e) It is the policy of the Department of Corrections to not calculate earned time for boarders from another state or those inmates serving pre-sentencing guidelines sentences or sentences of death, life without the possibility of parole or life with the possibility of parole.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122,

291-097-0010

Definitions

(1) Earned Time Credits: Sentence reduction credits (days), up to ~~30~~ 20 percent of the sentence imposed, that can be earned by an inmate sentenced under sentencing guidelines, pursuant to ORS 421.121, and these rules. The inmate earns the reductions by compliance with his/her Oregon Corrections Plan and institution conduct.

(2) Earned Time Release Date: The release date that has been achieved by an inmate, calculated by subtracting the earned time credits accrued from the maximum date.

(3) Extra Good Time Credits: Sentence reduction credits (days) that can be earned by an inmate sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines), for satisfactory work assignment or participation in an educational program, pursuant to ORS 421.120(1)(c), (d) and (e) and 421.122, and these rules. Days earned reduce the statutory good time date. Methods of computation are delineated in OAR 291-097-0070.

(4) Final Review Period: An increment of at least four months prior to an inmate's projected release date.

(5) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of programs.

(6) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, or an Assistant Director and has responsibility for the delivery of program services or coordination of program operations.

(7) Judgment: Document issued by the court that commits an inmate to the legal and physical custody of the Department of Corrections, and reflects the inmate's term of incarceration, term of post-prison supervision, and court-ordered supervision conditions, if any.

(8) Inmate: Any person under the supervision of the Department of Corrections

who is not on parole, post-prison supervision or probation status.

(9) Offender: Any person under the supervision of the Department of Corrections, local supervisory authority or community corrections who is on probation, parole or post-prison supervision status.

(10) Offender Information & Sentence Computation Unit (OISC): The functional unit charged to administrate applicable statutes pertaining to sentencing; develop, implement and revise applicable processes for inmate and offender sentence computation; respond to public information requests with regard to inmates and offenders; certify an inmate's release date; and provide supportive services to Department facilities with regard to inmate sentencing.

(11) Oregon Corrections Plan (OCP): An automated case management tool incorporated into the Corrections Information System that serves as the primary tool for tracking an inmate's progress in working to mitigate the identified risk factors.

(12) Parole Release Date: The date on which an inmate is ordered to be released from an indeterminate prison sentence(s) to parole by the Board of Parole and Post-Prison Supervision. Parole release may be to the community, detainer or to another Department of Corrections sentence.

(13) Pre-Sentence: That period of time a defendant spends in physical custody or incarceration from the point of arrest to the date of delivery to the Department to serve that sentence.

(14) Prison Term:

(a) Sentencing Guidelines Sentences: The length of incarceration time within a Department of Corrections facility as established by the court in the judgment **for each crime of conviction.**

(b) Pre-Sentencing Guidelines Sentences: The length of required incarceration time within a Department of Corrections facility as established by the order of the Board of Parole and Post-Prison Supervision setting of a parole release date.

(15) Prison Term Analyst: The staff person from OISC responsible for calculating inmates' sentences, applying sentence

reduction credits and establishing release dates pursuant to applicable rules and statutes.

(16) Projected Release Date: The date upon which an inmate is anticipated to complete service of the prison term.

(17) Restoration of Earned Time, Statutory Good Time, Extra Good Time Credits: Where previously retracted earned time, statutory good time, extra good time and previously forfeited statutory good time and extra good time for parole violators are granted and applied back to the inmate's sentence.

(18) Retraction: Where previously granted earned time, statutory good time or extra good time credits are forfeited by an inmate as a result of a significant negative action on the part of the inmate, in accordance with the rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105), or forfeiture of program earned time credits granted following the effective date of this rule for inmates identified for residential alcohol and drug treatment (SCF 25) who fail to satisfactorily complete the prescribed program during their term of incarceration.

(19) Review Period: A six-month increment, beginning with an inmate's admission date, used to determine an inmate's compliance with institution behavior and his/her OCP.

(20) Short-Term Transitional /Non-Prison Leave: A leave for a period not to exceed 90 days preceding an established release date that allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. Short-term transitional leave/non-prison leave is granted in accordance with ORS 421.510 and the Department's rule on **Short-Term Transitional Leave, Emergency Leaves, and Supervised Trips** (OAR 291-063).

(21) Special Case Factor 25: An inmate identified as both highly criminal and highly involved with drugs or alcohol through intake screening or subsequent assessment who is required to participate and complete a residential alcohol and drug program if

available prior to the inmate's release.

(22) Statutory Good Time Credits: Prison term reduction credits (days) applicable to sentences for crimes committed prior to November 1, 1989 (matrix sentences) consisting of a reduction of one day for every two days served, pursuant to ORS 421.120(1)(a) and (b), and these rules. The application of statutory good time days establishes the initial statutory good time date and is re-calculated upon parole revocation based on the length of the remaining sentence.

(23) Supplemental Judgment: The form of judgment prepared by and transmitted to a sentencing court pursuant to Oregon Laws 2009, Chapter 660, §18 (House Bill 3508) which authorizes the Department to consider the inmate for a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent of the total term of incarceration in a DOC facility.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Term Reductions for Inmates Serving Sentences for Crimes Committed on or After November 1, 1989 (Sentencing Guidelines)

**291-097-0015
Earned Time Credits**

~~(1) Pursuant to ORS 421.121, inmates sentenced under sentencing guidelines except inmates subject to the provisions of ORS 137.635, inmates serving presumptive sentences or required incarceration terms under ORS 161.737, inmates serving statutory minimum sentences under ORS 137.700 or ORS 137.707, inmates serving a presumptive sentence under ORS 137.719, inmates subject to ORS 137.750 whose judgments do not state that they may be considered for sentence reductions, inmates serving time as a sanction for violation of conditions of post-prison supervision, and any~~

~~other Oregon statutes restricting earned time credits, may earn sentence reduction credits up to 20 percent of the total sentencing guidelines prison term imposed for acceptable participation in OCP requirements and for maintaining appropriate institution conduct, **except inmates:**~~

~~**(a) Serving a sentence subject to ORS 137.635;**~~

~~**(b) Serving presumptive sentences or required incarceration terms under ORS 161.737;**~~

~~**(c) Serving statutory minimum sentences under ORS 137.700 or ORS 137.707;**~~

~~**(d) Serving a presumptive sentence under ORS 137.719;**~~

~~**(e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;**~~

~~**(f) Serving time as a sanction for violation of conditions of post-prison supervision; or**~~

~~**(g) Subject to any other Oregon statutes restricting earned time credits.**~~

~~**(2) Pursuant to ORS 421.121, inmates sentenced under sentencing guidelines on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced under the sentencing guidelines prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, may earn sentence reduction credits up to 30 percent of the total sentencing guidelines prison term imposed for acceptable participation in OCP requirements and for maintaining appropriate institution conduct, except inmates:**~~

~~**(a) Serving a sentence subject to ORS 137.635;**~~

~~**(b) Serving presumptive sentences or required incarceration terms under ORS 161.737;**~~

~~**(c) Serving statutory minimum sentences under ORS 137.700 or ORS 137.707;**~~

~~**(d) Serving a presumptive sentence under ORS 137.719;**~~

~~**(e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;**~~

~~**(f) Serving time as a sanction for violation of conditions of post-prison supervision;**~~

~~**(g) Subject to any other Oregon statutes restricting earned time credits;**~~

~~**(h) Released onto short-term transitional leave on or prior to August 30, 2009, the operative date of Oregon Laws 2009, Chapter 660, §18 (House Bill 3508);**~~

~~**(i) Released onto conditional release (Second Look) on or prior to August 30, 2009, the operative date of Oregon Laws 2009, Chapter 660, §18 (House Bill 3508);**~~

~~**(j) Released onto short-term transitional leave/non-prison leave on or prior to August 30, 2009, the operative date of Oregon Laws 2009, Chapter 660, §18 (House Bill 3508) as part of an Alternative Incarceration Program as provided by the Department's rule on Alternative Incarceration Programs (OAR 291-062);**~~

~~**(k) Whose prison term reached its earned time release date prior to or on August 31, 2009;**~~

~~**(l) Whose prison term reached its earned time release date prior to the date the sentencing court enters a supplemental judgment; or**~~

~~**(m) Serving a sentence for the following crimes:**~~

~~**(A) Rape in the Third Degree under ORS 163.355;**~~

~~**(B) Sodomy in the Third Degree under ORS 163.385;**~~

~~**(C) Sexual Abuse in the Second Degree under ORS 163.425;**~~

~~**(D) Criminally Negligent Homicide under ORS 163.145;**~~

~~**(E) Assault in the Third Degree under ORS 163.165;**~~

~~**(F) Assault in the Fourth Degree under ORS 163.160(3);**~~

~~**(G) A crime listed in ORS 137.700;**~~

or

(H) An attempt to commit a crime described in this subsection.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

291-097-0020

Calculation and Application of Earned Time Credits

(1) **For inmates sentenced on or after November 1, 1989, the** The maximum amount of earned time credits is 20 percent of the total sentencing guidelines sentence. In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: 10 percent for compliance with the Oregon Corrections Plan and 10 percent for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

(2) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, the maximum amount of earned time credits is 30 percent of the total sentencing guidelines sentence. In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: 15 percent for compliance with the Oregon Corrections Plan and 15 percent for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

(3) Earned Time Review Periods:

(a) Oregon Corrections Plan compliance is defined as acceptable

participation in work and self-improvement programs required within the OCP. The required activities within the OCP are determined by ongoing assessment and evaluation, which begins at the inception of the inmate prison term.

(A) An inmate will be considered to be compliant if he/she was not failed from the required program activity(ies) during the review period under consideration, nor did the inmate refuse to participate in required programming during the review period under consideration.

(i) As needed, the counselor will communicate with the treatment or program providers as well as work crew supervisors to evaluate an inmate's compliance with the required program activity(ies).

(ii) If the inmate's counselor determines the inmate is non-compliant with the OCP, he/she will approve a program failure for documentation in the inmate's computer record.

(B) Inmates Needing Residential Alcohol and Drug Treatment:

(i) Inmates identified as needing Residential Alcohol and Drug treatment (SCF 25), and who are not within the timeframes for the program will not be responsible for entering or completing that specific program activity, but will be held responsible for completing all other available required activities identified within the OCP.

(ii) However, any program earned time previously applied will be retracted during the final review period if it is determined the inmate has refused to enter, or failed to complete a residential alcohol and drug program prior to release.

(b) Institution conduct compliance is defined as maintaining **Level I or Level II** major misconduct-free behavior during the review period. Major misconduct is documented in accordance with the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105). Any finding of **a Level I or Level II** major misconduct violation during the review period will be considered as noncompliance. The date of the adjudication, not of the incident, will be used for the date of

the violation.

(c 2) At the end of ~~each~~ the review period, the prison term analyst will review the inmate's computer records for information reflecting the inmate's compliance with the current Oregon Corrections Plan and institution conduct. Based on the information contained in the inmate's computer records, the prison term analyst will apply either:

(A) An effective 0, 10, or 20 percent reduction to the sentencing guidelines sentence proportional for the review period under consideration for inmates sentenced on or after November 1, 1989, or

(B) An effective 0, 15, or 30 percent reduction to the sentencing guidelines sentence proportional for the review period under consideration for inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013 or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits.

(d 3) For inmates housed in non-Oregon Department of Corrections facilities, the designated counselor will review the inmate's institution file including any reports received from the housing facility to determine compliance with the current OCP and institution conduct.

(A a) OCP compliance will be determined by the inmate's reported compliance with requirements as determined by Department staff or the housing facility staff.

(B b) Due process comparable to the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105) shall be applied. Institution conduct non-compliance will be determined by substituting the rule(s) of prohibited conduct, for the rule(s) violated at the housing facility, with the most equivalent charges as defined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105). The functional unit manager or designee may impose sanctions, in addition

to that imposed by the housing facility, related to sentence reductions.

(e 4) For each review period under consideration for inmates housed in Oregon Department of Corrections facilities, the prison term analyst will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied to the inmate's sentence on the Earned Time Computation Form (CD 1154D).

(f) For inmates housed in non-Oregon Department of Corrections facilities, the designated counselor will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied on the Earned Time Computation Form (CD 1154D).

(g 5) Upon the prison term analyst's or counselor's application of earned time credits toward an inmate's sentence for the review period under consideration, the OISC Unit will recompute the inmate's new earned time release date, file the Earned Time Computation Form (CD 1154D) in the institution file, and provide a copy of the determination to the inmate.

(4 6) Determination of Earned Time Credits During Presentence Incarceration: For crimes committed on or after November 1, 1989, earned time credits will be computed for the period in which an inmate is in custody in a non-Department of Corrections facility prior to sentencing and admission to the Department of Corrections, based solely on the inmate's conduct in the facility.

(a) Conduct compliance will be assumed, unless the Department receives documentation of adjudicated misconduct from the facility.

(A) For inmates sentenced on or after November 1, 1989, the ~~The~~ inmate will be granted an effective 0 or 20 percent reduction toward the sentencing guidelines sentence proportional for the length of presentence incarceration.

(B) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has

issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, the inmate will be granted an effective 0 or 30 percent reduction toward the sentencing guidelines sentence proportional for the length of presentence incarceration.

(b) Any verified **major** misconduct **equivalent to a Level 1 or Level 2 major misconduct violation as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105)** during any of the presentence incarceration credits applied to the sentence will result in an effective 0 percent reduction toward the sentencing guidelines sentence proportional for the total length of presentence incarceration.

(A) For inmates sentenced on or after November 1, 1989, conduct Conduct compliance will result in an effective 20 percent reduction in the sentencing guidelines prison term proportional for the length of presentence incarceration.

(B) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, conduct compliance will result in an effective 30 percent reduction in the sentencing guidelines prison term proportional for the length of presentence incarceration.

(5 7) If the inmate escapes, the prison term analyst will close out the current earned time review period, changing the current review period to end the day after escape. An inmate that is returned from an escape to a Department of Corrections facility will have the starting date of the new earned time credit cycle begin with the date of return. The escape will constitute a program failure for the period up to the escape.

(6 8) Alternative Incarceration Program:

(a) If, during any review period, the

inmate is assigned to an Alternative Incarceration Program and for sufficient justification as determined by the functional unit manager's committee to be unsuccessful, the inmate will be considered a program failure as provided by the Department's rule on **Alternative Incarceration Programs** (OAR 291-062).

(b) If the inmate fails to successfully complete the short-term transitional leave (non-prison leave) granted through the Alternative Incarceration Program, the inmate will be considered a program failure and non-compliant with institution conduct from the effective date of the short-term transitional leave until he/she is returned to a Department of Corrections facility.

(7 9) Determination of earned time credits for inmates on non-AIP transitional leave:

(a) Earned time credits will be computed for the period in which an inmate is serving the remainder of his/her sentencing guidelines term of incarceration on short-term transitional leave (OAR 291-063).

(A) Institution conduct and Oregon Corrections Plan compliance will be assumed while an inmate is released on short-term transitional leave. ~~An inmate will be granted an effective 0 or 20 percent reduction toward the sentencing guidelines sentence proportional for the length of the inmate's short-term transitional leave.~~

(B) Earned time credits for the period on transitional leave will be applied at a rate of 20 percent or 30 percent, in accordance with the applicable rate for the sentence at the time of release onto short-term transitional leave.

(b) A revocation of an inmate's short-term transitional leave is deemed non-compliance with the inmate's Oregon Corrections Plan and non-compliance with institution conduct. Upon revocation of short-term transitional leave, an inmate will receive an effective 0 percent reduction for OCP compliance and 0 percent reduction toward the sentencing guidelines sentence for institutional conduct proportional for the length of the inmate's short-term transitional leave.

(8 10) If all of an inmate's sentence(s) is vacated, reversed and remanded for new trial, or conviction affirmed and remanded for resentencing, the prison term analyst will close out the current earned time review period to end the day after release to the sentencing court. An inmate that is returned on a resentence will start a new review period, effective the date of return to a Department of Corrections facility. The new earned time credit cycle date will be reflected on the inmate's facesheet.

(9 14) Determination of earned time credits for inmates serving the remainder of a sentencing guidelines sentence on conditional release (Second Look):

(a) Earned time credits will be computed for the period in which an inmate is serving the remainder of his/her sentencing guidelines term of incarceration in the community on conditional release, based solely on the inmate's compliance with his/her conditional release plan.

(b) Earned time credits for the period on conditional release (Second Look) will be applied at a rate of 20 percent or 30 percent, in accordance with the applicable rate for the sentence at the time of release onto conditional release (Second Look).

(c b) Conduct compliance will be assumed, unless the inmate's conditional release is revoked by the sentencing court.

~~(c) The inmate will be granted an effective 0 or 20 percent reduction in the sentencing guidelines prison term for the length of the remainder of his/her sentence being served in the community on conditional release. The inmate will receive an effective 20 percent reduction in the sentencing guidelines prison term for the length of the remainder of the inmate's sentence being served in the community on conditional release.~~

(d) Any revocation of an inmate's conditional release prior to the inmate reaching his/her projected earned time date will result in an effective 0 percent reduction in the sentencing guidelines prison term for the length of the inmate's sentence being served in the community on conditional

release.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

291-097-0023

Court Notification of Inmate Eligibility for Increase in Earned Time Credits

Pursuant to Oregon Laws 2009, Chapter 660 §18 (House Bill 3508), for inmates with sentencing guidelines sentences imposed prior to July 1, 2009 for crimes committed on or after November 1, 1989:

(1) Upon identifying an inmate who is eligible for earned time credits that exceed 20 percent, the Department will send written notification to the inmate, as well as the presiding judge, trial court administrator, and the district attorney of the county in which the inmate was sentenced, of the particular sentences for which the Department has determined that the inmate is eligible for an increase in earned time credits. The Department will also provide a supplemental judgment to the presiding judge and trial court administrator of the county in which the inmate was sentenced that lists the particular sentences for which the Department has determined that the inmate is eligible for an increase in earned time credits.

(2) The Department will not send a written notification or supplemental judgment for any sentence in which an inmate has completed his/her prison term prior to or on August 31, 2009.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

291-097-0025

Retraction of Earned Time Credits

Time credits previously earned or applied will be retracted as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that earned time credits earned or applied be forfeited in accordance with the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105).

(a) A recommendation for retraction of earned time shall be within the range corresponding to the violation level as set forth in Table 1.

(b) A recommendation for retraction of earned time credits may not exceed the amount previously applied.

(2) Inmates identified as needing residential alcohol and drug treatment (SCF 25) who have not completed the prescribed program by their final review period will have all previously applied earned time for program compliance retracted from the first full review period following September 1, 1996. Retraction of program earned time may not exceed the amount previously applied.

(a) If earned time is retracted during or after the final review period in which a final release date is calculated, the release date will be adjusted by the OISC Unit. After such a retraction, the new release date will remain as established by the OISC Unit and that inmate shall be ineligible for any future earned time credit.

(b) The prison term analyst will contact the counselor for confirmation of whether an SCF 25 inmate requires a retraction at the time of the final review. SCF 25 retractions will be documented in writing by the counselor.

(3) Failure to comply with the OCP during the final review period will result in a retraction of the portion of the earned time credits for program compliance advanced at the beginning of the final review period. The prison term analyst will document the retraction on the Earned Time Computation form (CD 1154D).

Stat Auth: ORS 137.635, 144.108,

144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075

291-097-0030

Restoration of Earned Time Credits

(1) Time credits that have been retracted may be restored upon recommendation of staff and approval of the functional unit manager or designee only for an inmate who has been involved in saving a life. Time credits restored may not exceed those previously retracted.

(2) Restoration of time credits must be approved in writing by the functional unit manager or designee.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

291-097-0040

Determination of Earned Time Credits During Final Review Period for Sentencing Guideline Sentences

(1) Four months prior to an inmate's projected release date, prison term analysts (or the designated counselor for inmates housed in non-Oregon Department of Corrections facilities) will conduct a final review of inmates' earned time compliance. Final reviews will be conducted only for inmates serving a sentencing guidelines sentence. Prison term analysts will advance and apply earned time credits for the final review period as follows:

(a) Advancement and application of earned time credits for the final review period:

(A a) Except for residential alcohol and drug treatment (SCF 25) inmates, an inmate's full compliance with the OCP and institutional behavior will be assumed during the final review period.

(i) For inmates sentenced on or after November 1, 1989, the

The prison term analyst will apply an effective 20 percent reduction in sentence for the final review

period and the OISC Unit will recompute the inmate's new earned time release date.

(ii) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, the prison term analyst will apply an effective 30 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(B b) For residential alcohol and drug treatment (SCF 25) inmates, only institutional behavior compliance will be assumed during the final review period unless the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review.

(i A) **For inmates sentenced on or after November 1, 1989, if** If the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 20 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(ii) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, if the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 30 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(iii B) **For inmates sentenced on or after November 1, 1989, if** If the inmate has not successfully complied with his/her Oregon Corrections Plan at the time of the final

review, the prison term analyst will apply an effective 10 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(iv) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, if the inmate has not successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 15 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(2) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is extended as a result of a new sentence or an adjustment in presentence time, the prison term analyst will delete the final review and any earned time credits advanced for the final review period. The prison term analyst will complete a new Earned Time Computation form (CD 1154D) to assure that the extended prison term is reviewed in accordance with these rules.

(3) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is reduced, the OISC Unit will adjust the final review period and any earned time credits advanced for the final review period provided the inmate was in full compliance with his/her Oregon Corrections Plan and institutional behavior at the time of the final review.

(a) If the inmate was in partial compliance with his/her Oregon Corrections Plan or institutional behavior at the time of the final review, the prison term analyst will delete the final review and any earned time credits advanced for the final review period.

(b) The prison term analyst will complete a new Earned Time Computation

form (CD 1154D) to assure that the reduced prison term is reviewed in accordance with these rules.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

291-097-0050

Administrative Review

(1) An inmate may obtain an independent review of the determination of his/her OCP performance as documented by the prison term analyst or designated counselor (for inmates housed in non-Oregon Department of Corrections facilities) for each review period by writing to the Office of Population Management and requesting an administrative review of the determination.

(a) The review request must be in writing on an Inmate Communication form (CD 214), and must state the reason(s) why the inmate believes the determination is not correct. A copy of the Earned Time Computation form under review must also be submitted.

(b) Requests for administrative review must be received by the Office of Population Management no later than 30 days after final determination as indicated on the Earned Time Computation form.

(2) Residential alcohol and drug treatment candidates (SCF 25) who have not completed the prescribed program and who have their program time retracted may request an administrative review under the same guidelines in section (1) above.

(3) If an inmate submits a proper and timely request for administrative review, the Office of Population Management shall review the determination, and either approve or modify the determination, in writing, within 30 days after receipt of the request. A copy of the order shall be provided to the inmate, his/her assigned counselor, and OISC.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Prison Term Reductions for Inmates Serving Indeterminate Sentences for Crimes Committed Prior to November 1, 1989 (Non-Sentencing Guidelines)

291-097-0060

Statutory Good Time Credits

(1) Pursuant to ORS 421.120 (1) (a) and (b), and these rules, each inmate confined in execution of the judgment of sentence upon any conviction for a crime committed prior to November 1, 1989, for any term other than life, who has acceptably participated in the requirements of their Oregon Corrections Plan and has maintained appropriate conduct, shall be entitled to a deduction from the term of sentence.

(2) The deduction shall be computed as follows:

(a) From the term of a sentence of not less than six months nor more than one year, one day shall be deducted for every six days of such sentence actually served in the Department of Corrections facility.

(b) From the term of a sentence of more than one year, one day shall be deducted for every two days of such sentence actually served in the Department of Corrections facility.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

291-097-0070

Extra Good Time Credits

(1) Pursuant to ORS 421.120(1)(c), (d), (e), 421.122, and these rules, each inmate confined in execution of the judgment of sentence upon any conviction for a crime committed prior to November 1, 1989, for any term other than life, who has acceptably participated in his/her Oregon Corrections Plan and has maintained appropriate institutional conduct shall be entitled to a deduction from the term of sentence to be

computed as follows:

(a) From the term of any sentence:

(A) One day shall be deducted for every 15 days of work actually performed in prison industry, or in meritorious work in connection with prison maintenance and operation, or of enrollment in an educational activity as certified by the educational director of the institution during the first year of prison employment or educational activity; and

(B) One day shall be deducted for every seven days of such work actually performed or educational activity certified after the first year to and including the fifth year of prison employment or educational activity certified; and

(C) One day for every six days of such work actually performed or educational activity certified after the fifth year of prison employment.

(b) From the term of any sentence, one day shall be deducted for every 10 days of work actually performed in agriculture during the first year of prison employment, and one day for every six days of such work actually performed thereafter.

(c) From the term of any sentence one day shall be deducted for every six days of work performed at work camp during the first year of prison employment and one day for every four days thereafter. Once the four-day rate is achieved, it may be applied to subsequent work or release programs while the inmate is serving the same term.

(2) Extra good time credits applied pursuant to ORS 421.120 (1)(c), (d), (e), 421.122, and these rules, shall be in addition to statutory good time credits granted pursuant to ORS 421.120 (1)(a) and (b), and these rules. For purposes of this rule, "meritorious" is synonymous with satisfactory performance.

(3) For purposes of these rules, "prison employment" includes actual work in Oregon Correctional Enterprises, meritorious work in connection with prison maintenance and operation, actual work in agriculture and actual work at work camp. Performance shall be considered meritorious unless removed from the work assignment for unsatisfactory performance.

(4) No statutory good time or extra good time credits earned or applied prior to acceptance and release on parole shall be granted to an inmate upon return to a Department of Corrections facility for a service of a term of incarceration as a sanction for violation of any condition of parole, except when authorized by the Board of Parole and Post-Prison Supervision upon recommendation of the functional unit manager thereof.

(5) Rate attained for calculation of extra good time credits prior to release on parole shall be voided upon an inmate's return to a Department of Corrections facility for violation of any condition of parole, except when authorized by the Board of Parole and Post-Prison Supervision.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

291-097-0080

Retraction of Statutory Good Time and Extra Good Time Credits

Statutory good time and extra good time credits previously earned or applied may be retracted as a result of a disciplinary action as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that time credits earned /~~granted~~ are forfeited in accordance with the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105) and Table 2 attached.

(2) A recommendation for retraction of statutory good time and extra good time credits may not exceed the amount previously earned or applied.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

291-097-0090

Restoration of Statutory Good Time and Extra Good Time Credits

(1) Statutory good time and extra good time credits that have been retracted may be restored upon recommendation of staff and approval of the functional unit manager or designee only for an inmate who has been involved in saving a life.

(2) Restoration of statutory good time and extra good time credits must be approved in writing by the functional unit manager or designee.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Recommendations for Modification of Parole Release Date Reduction in Parole Release Date

291-097-0100

Inmates With Indeterminate Sentences of More Than Thirty-Six Months

(1) The functional unit manager may recommend to the Board of Parole and Post-Prison Supervision that an inmate receive prison term reduction credits in those cases where the inmate has received a parole release date set from the Board of Parole and Post-Prison Supervision of 36 months or more, if:

(a) The inmate has applied for a reduction and the period under review falls within the established prison term;

(b) The inmate has completed a three-year period of good conduct; and

(c) The inmate has complied with OCP efforts to address problems associated with the inmate's criminal conduct present at the time of incarceration.

(d) Notwithstanding (b) and (c) above, the functional unit manager may consider significant improvement in inmate behavior and OCP efforts during the last 12 months of the three-year period and recommend that the parole release date be reset.

(2) Three-Year Period of Good Conduct: For purposes of these rules, an

inmate shall be considered to have maintained a three-year period of good conduct if:

(a) The inmate has not received any Level I - II rule violations as defined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105) during the three years under review.

~~(b) The inmate has not received three or more Level III - V rule violations as defined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105).~~

(b) ~~(c)~~ Notwithstanding (a) and ~~(b)~~ above, upon finding that an inmate has committed a Level **III or IV** ~~or V~~ rule violation as defined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105), after a formal disciplinary hearing or upon waiver of the inmate's right to hearing, the hearings officer may recommend to the functional unit manager that the inmate not be considered for a positive recommendation for prison term reduction within a three-year period from the date of the rule violation.

(3) Demonstrable Achievement in Addressing Problems Associated with the Inmate's Criminal Conduct Present at the Time of Incarceration: For purposes of these rules, an inmate shall be considered to have made demonstrable achievement in addressing problems associated with the inmate's criminal conduct present at the time of incarceration if the inmate has received favorable reports for his/her successful participation in one or more self-improvement programs appropriate to his/her need as determined by departmental assessment captured in the OCP (to the extent these specific programs are available to the inmate). An inmate will be considered to be successfully participating in a self-improvement program if he/she is documented to be registered on a waiting list for the program within 30 days of the development of the OCP.

(4) Inmates serving a term of incarceration in a Department of Corrections

facility as a sanction for violation of parole or post-prison supervision are ineligible for consideration for a positive recommendation.

(a) Inmates sentenced for aggravated murder or as dangerous offenders, and those whose parole the Board of Parole and Post-Prison Supervision denied are not subject to personal reviews.

(b) Dangerous offenders may be eligible for personal reviews upon receipt of a positive recommendation from the Department of Corrections, if the Board of Parole and Post-Prison Supervision has found their condition absent or in remission and has set a parole release date.

(5) The functional unit manager or designee will review the recommendation of the counselor, approve/deny or otherwise modify the recommendation, and send the determination to the Board of Parole and Post-Prison Supervision on an action sheet and supplemental report for the Board's consideration.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075, Or Laws 2009 Ch 660 (HB 3508)

291-097-0120 Inmates With Indeterminate Sentences of Thirty-Six Months or Less

(1) The functional unit manager may recommend to the Board of Parole and Post-Prison Supervision that an inmate's parole release date be reset to an earlier date in those cases where the inmate has received a parole release date set from the Board of Parole and Post-Prison Supervision of 36 months or less, if:

(a) The inmate has been incarcerated in a Department of Corrections facility for at least six months; and

(b) The inmate's performance in two areas, the OCP and institution conduct, as set forth in the criteria for calculation and application of earned time credits in OAR 291-097-0020 warrants a positive recommendation.

(2) Inmates serving a term of incarceration in a Department of Corrections facility as a sanction for violation of parole or post-prison supervision are ineligible for consideration for a positive recommendation.

(3) Inmates sentenced to a minimum term of incarceration pursuant to ORS 144.110 (judicial minimum) or 161.610 (gun minimum), are ineligible for consideration for a positive recommendation, until such minimum incarceration term has been served.

(4) Inmates serving an enhanced sentence pursuant to ORS 161.725 and 161.735 (dangerous offender), or pursuant to ORS 426.725 (sexually dangerous offender), are ineligible for consideration for a positive recommendation.

(5) At the end of the review period, based upon six-months increments beginning with the inmate's admission date, a counselor will evaluate the inmate's eligibility, consistent with OAR 291-097-0020(3), for a positive recommendation based on the criteria set forth above. Based upon the inmate's performance, the counselor will recommend to the functional unit manager or designee that the inmate be considered by the Board of Parole and Post-Prison Supervision for a 0, 10 or 20 percent reduction in the prison term set by the Board, and a corresponding parole release date.

(6) The functional unit manager or designee will review the recommendation of the counselor, approve/deny or otherwise modify the recommendation, and send the determination to the Board of Parole and Post-Prison Supervision on an action sheet for the Board's consideration.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030, 423.075

291-097-0130 Extension of Parole Release Date (Recommendations)

The Department of Corrections may recommend to the Board of Parole and Post-Prison Supervision that an inmate's parole release date be reset to a later date as a

result of a disciplinary action, as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the final disciplinary order directs that the Board of Parole and Post-Prison Supervision be notified that the department recommends that the inmate's parole release date be extended in accordance with the department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105).

(2) In order to qualify the inmate for a parole release date extension recommendation, the rule violation must involve misconduct that can be classified within one of four categories as follows:

- (a) Hazard to human life/health;
- (b) Hazard to security;
- (c) Hazard to property;
- (d) Third in series of rule violations

within a three-month period while assigned to any Department of Corrections facility or program.

(3) A parole release date extension shall not be recommended without consideration of the following:

- (a) Effectiveness of the sanction as a disciplinary measure, both to the inmate and to the general inmate population;
 - (b) Degree of hazard posed by the misconduct to human health and/or life, facility security, or to property;
 - (c) Seriousness of the misconduct had it been committed in the wider community;
 - (d) Circumstances of the misconduct;
- and

(e) The inmate's prior record of institution conduct.

(4) A recommendation for extension of an inmate's parole release date shall be within the range corresponding to the violation classification category, as set forth in Table 3.

(5) A parole release date extension recommendation will not be made that, if followed by the Board of Parole and Post-Prison Supervision, will result in a parole release date beyond the inmate's statutory good time date.

(6) If an inmate is found guilty of a major rule violation, before a parole release date has been set, that qualifies the inmate for a parole release date extension recommendation in accordance with these rules, the department will recommend to the Board of Parole and Post-Prison Supervision that the inmate's parole release date be adjusted when set to reflect the department's recommended extension, if any.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.03 and 423.075

291-097-0140

Administrative Review

(1) An inmate may obtain an independent review of the determination of his/her referral to the Board of Parole and Post-Prison Supervision for a modification of the parole release date set by writing to the Office of Population Management and requesting an administrative review of the determination.

(a) The review request must be in writing on an inmate communication form (CD 214) and must state the reason(s) why the inmate believes the functional unit manager's or designee's decision not to refer the request to the Board of Parole and Post-Prison Supervision is not correct.

(b) Requests for administrative review must be received by the Office of Population Management no later than 30 days after the date of the determination.

(2) If an inmate submits a proper and timely request for administrative review, the Office of Population Management shall review the determination and either approve or modify the determination in writing to the inmate and functional unit manager within 30 days after the receipt of the request for administrative review.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 and 423.075

TABLE 1
(291-097-0025)

EARNED TIME CREDIT RETRACTIONS

VIOLATION LEVEL	NUMBER OF DAYS RETRACTED*
I	100 or more
II	76 - 100
III	51 - 75
IV	26 - 50
V	0 - 25

*If the total number of days available for retraction is LESS than the low end of the range, ALL of the available days will be recommended for retraction.

**TABLE 1
(291-097-0025)**

**EARNED TIME CREDIT RETRACTIONS
Number of Days Retracted***

<u>Violation Level</u>	<u>6 or More Prior Major Violations With the last two yrs</u>	<u>4 or 5 Major Violations With the last two yrs</u>	<u>2 or 3 Major Violations With the last two yrs</u>	<u>0 or 1 Major Violations With the last two yrs</u>
I	100 or more	100 or more	100 or more	100 or more
II	100	76 – 100	51 – 75	26 – 50
III	0 – 25	0 – 15	0	0
IV	0 – 15	0 – 5	0	0

*If the total number of days available for retraction is LESS than the low end of the range, ALL of the available days will be recommended for retraction.

**TABLE 2
(291-097-0080)**

STATUTORY GOOD TIME AND EXTRA GOOD TIME CREDIT RETRACTIONS

VIOLATION LEVEL	NUMBER OF DAYS RETRACTED*	
	STATUTORY GOOD TIME	EXTRA GOOD TIME
I	128 or more	70% to 100% of total extra good time earned
II	96 - 127	46% to 69% of total extra good time earned
III	64 - 95	26% to 45% of total extra good time earned
IV	32 - 63	11% to 25% of total extra good time earned
V	0 - 31	0% to 10% of total extra good time earned

*If the total number of days available for retraction is LESS than the low end of the range, ALL of the available days will be recommended for retraction.

Note: Based on the violation level, statutory good time and/or extra good time may be retracted.

**Table 2
(291-097-0080)**

Statutory Good Time and Extra Good Time Credit Retractions

Violation Level	Number of Days Retracted*	
	<u>Statutory Good Time</u>	<u>Extra Good Time</u>
I	126 – More	70% - 100% total extra good time earned
II	84 – 125	42% – 69% total extra good time earned
III	42 – 83	19% – 41% total extra good time earned
IV	0 – 41	0% – 18% total extra good time earned

* If the total number of days available for retraction is **LESS** than the low end of the range, **ALL** of the available days will be recommended for retraction.

**TABLE 3
(291-097-0130)**

**EXTENSION OF PAROLE RELEASE DATE
AMOUNT OF TIME**

CATEGORY	MINIMUM	MAXIMUM
(1) Hazard to Human Life/Health	50% of the prison term	100% of the prison term. In no instance may the extension exceed five years.
(2) Hazard to Security	25% of the prison term	50% of the prison term. In no instance may the extension exceed two years.
(3) Hazard to Property	10% of the prison term	20% of the prison term. In no instance may the extension exceed one year.
(4) Third in series of rule violations within a 3-month period while assigned to any DOC program.	5% of the prison term	10% of the prison term. In no instance may the extension exceed six months