

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1157 Session of
1989

INTRODUCED BY KOSINSKI, DeWEESE, KUKOVICH, HALUSKA, TRELLO,
EVANS, MICHLOVIC, JOSEPHS, PISTELLA, ROBINSON, LINTON,
HAYDEN, DALEY, CORRIGAN, WILLIAMS, MELIO, VEON, OLASZ,
THOMAS, ITKIN AND BUSH, APRIL 12, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 12, 1989

AN ACT

1 Providing for the award of earned time credit to inmates for
2 good conduct and program participation while serving
3 sentences.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Statement of purpose.

7 The establishment of a system of awarding, to inmates serving
8 sentences in correctional institutions and jails, earned time
9 credits on their minimum sentences in return for good behavior
10 and participation in approved programs will provide correctional
11 administrators and officers with an effective tool for
12 population management and control. It will also provide inmates
13 with an incentive to abide by the rules and regulations of the
14 Department of Corrections or county authorities, demonstrate the
15 tangible benefits of compliance with societal norms, and
16 encourage participation in rehabilitative programming.

17 Section 2. Award of earned time credit.

1 (a) General rule.--Any inmate serving a sentence imposed by
2 a court in this Commonwealth shall, upon satisfactory compliance
3 with the rules and regulations of the Department of Corrections
4 or county jail authorities or upon participation in an approved
5 educational, vocational, therapeutic or community service
6 program, be awarded earned time credit, to be deducted from the
7 minimum term of incarceration imposed by the court. Earned time
8 credit shall be awarded in accordance with section 3.

9 (b) Exceptions.--Inmates sentenced for rape or involuntary
10 deviate sexual intercourse under 18 Pa.C.S. §§ 3121 (relating to
11 rape) or 3123 (relating to involuntary deviate sexual
12 intercourse), or for manufacturing, packaging, possession with
13 intent to deliver, sale, or distribution of controlled
14 substances under 18 Pa.C.S. § 7508 (relating to drug trafficking
15 sentencing and penalties), are hereby excluded from the
16 provisions of this act.

17 (c) Applicability.--Except as provided in subsection (b),
18 any inmate serving a sentence on or after the effective date of
19 this act shall be awarded earned time credit. Earned time
20 credits shall be prorated monthly where applicable.

21 Section 3. Computation of earned time credit.

22 (a) Earned credit.--All inmates serving a sentence imposed
23 by a court of this Commonwealth shall be awarded five days of
24 earned time for each complete calendar month spent without
25 infractions of guidelines or regulations established by the
26 Department of Corrections or by the inspectors, sheriffs or
27 other persons having charge of county jails or prisons.

28 (b) Extra credit.--For each month an inmate is enrolled in
29 educational, vocational, therapeutic or community service
30 activities not mandated by prison regulations, the inmate will

1 receive an additional five days of meritorious earned time.

2 Section 4. Revocation of earned time credits.

3 (a) Class 1 misconduct charges.--An inmate in a State
4 Correctional Facility who, after receiving all rights guaranteed
5 by Administrative Directive 801 or its successors, is found
6 guilty of a Class 1 misconduct shall forfeit earned time credit
7 in an amount to be determined by prison authorities, but not to
8 exceed credits awarded for six months of good behavior, that
9 being 30 days. An inmate who is found guilty of a second or
10 subsequent Class 1 misconduct shall forfeit earned time credit
11 in an amount to be determined by prison authorities, but not to
12 exceed credits awarded for one year of good behavior, that being
13 60 days.

14 (b) Class 2 misconduct charges.--An inmate who, after
15 receipt of all rights under Administrative Directive 801 or its
16 successor, is found guilty of a Class 2 misconduct shall forfeit
17 earned time credit in an amount to be determined by prison
18 authorities, but not to exceed credits awarded for two months of
19 good behavior, that being 10 days. An inmate who is found guilty
20 of a second or subsequent Class 2 misconduct shall forfeit
21 earned time credit in an amount to be determined by prison
22 authorities, but not to exceed credits awarded for four months
23 of good behavior, that being 20 days.

24 (c) Other misconduct.--Inmates not under the jurisdiction of
25 Administrative Directive 801 or its successor may forfeit earned
26 time awarded for good behavior in accordance with procedures
27 established by the inspectors, sheriffs, warden or other persons
28 having charge of the institution in which the individual is
29 incarcerated. Under no circumstances, however, may the credit
30 forfeited exceed the days specified in subsections (a) and (b)

1 for conduct corresponding to Class 1 and Class 2 misconducts.

2 Section 5. Parole.

3 (a) Parole eligibility.--An inmate shall be eligible and
4 shall be considered for parole at the completion of his minimum
5 sentence, as calculated by cumulating time served, including any
6 presentence credit to which the inmate is entitled, and any
7 earned time awarded under this act.

8 (b) Parole reduction.--Inmates who are released on parole
9 shall be awarded five days' credit for each calendar month
10 without violations of the conditions of parole toward the
11 reduction of the term of parole, that being the maximum term
12 imposed upon the parolee. Parole authorities, at their
13 discretion, may revoke any and all of the credit or time reduced
14 from the maximum term after a finding of violation of parole.

15 Section 6. Effective date.

16 This act shall take effect in 60 days.