
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1096 Session of
1987

INTRODUCED BY KUKOVICH, DeWEESE, JOSEPHS, IRVIS, KOSINSKI,
ITKIN, DAWIDA, RYBAK, LASHINGER, CARN, CORRIGAN, HAYDEN,
BATTISTO, JOHNSON, BOWLEY, MELIO, HUGHES, MAINE, PRESTON,
LEVANSKY, PISTELLA, MICHLOVIC, HARPER, SEMMEL, EVANS,
RICHARDSON, VEON, FATTAH AND LINTON, APRIL 22, 1987

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 22, 1987

AN ACT

1 Providing for the award of earned time and meritorious time
2 credit to inmates for good behavior while serving certain
3 sentences in correctional institutions.

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 inmates serving
8 State sentences in correctional institutions credits toward
9 early release in return for good behavior will provide
10 correctional administrators and officers with an effective tool
11 for population management and control. It will also provide
12 inmates with an incentive to abide by the rules and regulations
13 of the Department of Corrections.

14 Section 2. Award of earned time credit.

15 (a) General rule.--Any inmate serving a State sentence
16 shall, upon satisfactory compliance with the rules and
17 regulations of the Department of Corrections, be awarded earned

1 time credit, to be deducted from the minimum term of
2 incarceration imposed by the court. Earned time credit shall be
3 awarded in accordance with section 3.

4 (b) Exceptions.--An inmate under sentence of death or
5 serving a mandatory minimum sentence shall not receive earned
6 time credit under this act unless the original sentence has been
7 commuted by the Pennsylvania Board of Probation and Parole and
8 such commutation has resulted in the setting of a new minimum
9 term. In such cases earned time credit shall be awarded on the
10 new minimum term.

11 (c) Applicability.--Except as provided in subsection (b),
12 any inmate serving a State sentence on or after the effective
13 date of this act shall be awarded earned time credit. In
14 addition, earned time credit shall be awarded retroactively for
15 a period of incarceration up to one year prior to the effective
16 date of this act, provided the inmate was on good behavior
17 during that period. Earned time credits shall be prorated
18 monthly where applicable.

19 (d) Definition.--As used in this section the term "State
20 sentence" means a sentence by a court of common pleas to a
21 maximum term of two years or more.

22 Section 3. Computation of earned time credit.

23 (a) Specific sentences.--Five days for each month of good
24 behavior are awarded for the first five years of the sentence.
25 Ten days for each month of good behavior are awarded for the
26 fifth year to the tenth year of the sentence. Fifteen days for
27 each month of good behavior are awarded for time served beyond
28 the tenth year.

29 (b) Life sentences.--An inmate serving a life sentence may
30 earn credit to be applied in accordance with subsection (a),

1 even though there is no mandatory release date, since a
2 possibility exists that the sentence may be reduced or committed
3 to a definite term.

4 Section 4. Meritorious credit.

5 The Department of Corrections shall establish meritorious or
6 extra earned time credits for an inmate who completes an
7 educational or vocational program at a rate of up to a 60 day
8 deduction from the minimum term of his sentence in accordance
9 with the regulations promulgated by the department.

10 Section 5. Revocation of earned time credits.

11 (a) Class I misconduct charges.--An inmate who, after a
12 proper hearing, is found guilty of a Class I misconduct, as
13 defined by rules of the Department of Corrections, shall forfeit
14 the earned time credit awarded for six months of good behavior,
15 that being 36 days. An inmate who, after a proper hearing, is
16 found guilty of second or subsequent Class I misconduct shall
17 forfeit the earned time credit awarded for one year of good
18 behavior, that being 72 days.

19 (b) Class II misconduct charges.--An inmate who, after a
20 proper hearing, is found guilty of a Class II misconduct, as
21 defined by rules of the Department of Corrections, shall forfeit
22 the earned time credit awarded for one month of good behavior,
23 that being six days, for the first offense; two months, that
24 being 12 days, for the second offense; three months, that being
25 18 days, for the third offense; six months, that being 36 days
26 for the fourth offense; and one year, that being 72 days, for
27 the fifth or any subsequent Class II misconduct offense.

28 (c) No reinstatement.--Earned time forfeited as provided in
29 subsections (a) and (b) shall not be reinstated.

30 Section 6. Parole.

1 The Pennsylvania Board of Probation and Parole shall consider
2 for parole any inmate who has reached his earned time eligible
3 release date. The earned time release date shall be treated as a
4 minimum term release date.

5 Section 7. Effective date.

6 This act shall take effect in 60 days.