

ARKANSAS REGISTER

Transmittal Sheet



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Secretary of State
State Capitol Rm. 010
Little Rock, Arkansas 72201-1094

For Office
Use Only: Effective Date 6/27/91 Code Number 004.00.91--010

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person A. L. Lockhart, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended

Intended Effective Date

Administrative Regulation 826 - Meritorious Good Time Date

☒ Emergency (6/27/91)
New State Law Mandates

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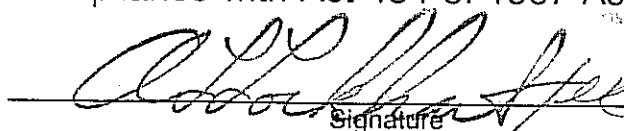
Adopted by State Agency 6/27/91

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

RECEIVED

JUN 28 1991


Signature

W. J. "BILL" McCUEN
SECRETARY OF STATE

By 

DIRECTOR
Title

June 27, 1991

Date



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STATE OF ARKANSAS
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Section Number

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Board of Correction Approval Date:

6/27/91

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AR 826

Dated:

01/22/91

Attorney General
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6/27/91

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6/28/91

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SUBJECT: Meritorious Good Time

JUN 28 1991

W. J. "BILL" McCUEN
SECRETARY OF STATE

By _____

I. AUTHORITY:

The authority of the Board of Correction to promulgate this Administrative Regulation is confirmed in Act 50 of 1968, First Extraordinary Session, as amended; Act 510 of 1971, Regular Session; Act 273 of 1987, Regular Session; Act 626 of 1987, Regular Session; Act 506 of 1987, Regular Session, Act 429 of 1989, Regular Session; Act 574 of 1991, Regular Session; and Act 309 of 1991, Regular Session.

II. PURPOSE:

To ensure a uniform method of awarding meritorious good time pursuant to the provisions of the Arkansas Codes.

III. APPLICABILITY:

To departmental staff, all inmates and parolees.

IV. POLICY:

It shall be the policy of the Department of Correction to award inmates and parolees meritorious good time as a result of good behavior, good work habits, appearance, overall adjustment and participation in self-improvement programs.

V. PROCEDURES:

Meritorious good time is the reduction of an inmate's sentence and parole eligibility date on the basis of good discipline, good behavior, work practices and job responsibilities while under the control and supervision of the Arkansas Department of Correction. This reduction can be up to thirty days for each month. Meritorious good time is not something to which an inmate is entitled as a matter of right, but is awarded in proportion to his good discipline, good behavior, work practices and job responsibilities.



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No inmate may be awarded any meritorious good time while located in punitive isolation as a result of disciplinary action.

A. Class Status

Meritorious good time may be awarded and credited according to which of the four classes an inmate is assigned as set forth in the provisions of the Arkansas Codes, Administrative Regulation(s) and Administrative Directive(s).

The Classes with corresponding meritorious good time are as follows:

1. Class I: An inmate in this class may receive a total of thirty days reduction of sentence for each month served on his/her sentence as long as he/she maintains a good conduct record, an outstanding work record and exceptional institutional adjustment. This good time is intended for inmates who are assigned to very responsible jobs or inmates who are performing any job tasks which require the highest degree of discipline, behavior and responsibility. There are three types of trustees in the institution under Class I good time (I-A, I-B and I-C). The Classification Committee will make class determinations.
 - a. Class I-A: This inmate, approved by the Classification Committee and by the Warden/Center Supervisor, may work outside the compound without being under armed supervision. Supervision generally required of this type of trusty would be a check once in the morning and once in the afternoon by an employee.



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- b. Class I-B: This inmate may also work outside the compound without being under armed supervision. He/She will, however, be under the general supervision of an employee at all times.
- c. Class I-C: This inmate cannot be considered for minimum security type assignments outside the compound but, nevertheless, is assigned a responsible job in or out of the building. This inmate will be under armed supervision if taken from the compound.
- Inmates who have appeared before and been approved for parole by the Arkansas Board of Parole and Community Rehabilitation automatically become Class I-C (unless they are already in Class I-B or I-A) until their actual release at which time they are placed in I-P status.
- d. Class I-P: Inmates who are released on parole.

Inmates currently on parole may be placed in meritorious good time status pursuant to the appropriate Administrative Directive.

2. Class II: An inmate in Class II status may receive a total of twenty days reduction of sentence for each month served on his/her sentence. All inmates and parole violators will be placed in Class II status upon their arrival in the Arkansas Department of Correction unless the inmate is being returned as the result of disciplinary action and has been reduced below Class II status. A parolee may be reduced to this class by the Parole Hearing Examiner.



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3. Class III: An inmate in this class may receive a total of eight days reduction of sentence for each month served on his/her sentence. The class is set aside for those inmates who, for one reason or another, have been unable to maintain the type of institutional adjustment necessary to remain Class II inmates. The Disciplinary Hearing Officer makes the determination whenever it is necessary to demote an inmate in class. A parolee may be reduced to this class by the Parole Hearing Examiner.
4. Class IV: Inmates in this class receive no extra days reduction of sentence for each month served on his/her sentence. This class is generally referred to as "flat time" or "day-for-day." It is for those inmates who seriously violate the rules and regulations of the Department. The Disciplinary Hearing Officer is the recommending authority for placing inmates in this category. No inmate sentenced to or received by the Department of Correction prior to March 30, 1971, shall be reduced to Class IV except while confined to punitive isolation. Class IV includes all inmates assigned to the punitive isolation area for disciplinary purposes, inmates who are on escape status or serving dead time, inmates who have been reduced to this class as a result of disciplinary action, or parolees reduced to this class by ruling of the Parole Hearing Examiner.

Inmates sentenced with other than a definite number of years (i.e., Life) may be credited with good time which may be awarded upon a commutation to a term of years. Inmates serving Life Without Parole cannot be awarded good time.

B. Reduction in Class Status



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Upon recommendation of the Disciplinary Hearing Officer, an inmate may be reduced one or more classes as a result of disciplinary action. An inmate may be reassigned or demoted to the Class II status by the Unit Classification Committee. Such an administrative reduction may be made upon the recommendation of the inmate's supervisor or other reports that might be filed. If this administrative action is taken, the inmate shall be afforded a hearing before the Unit Classification Committee at which time the inmate may explain why such action should not be taken. Any administrative reduction will be without prejudice.

C. Awards of Additional Meritorious Good Time

1. Act 626 of 1987

The Department of Correction shall solicit the recommendation of the sheriff(s) of the county where the inmate was housed prior to incarceration within the Department of Correction. Pursuant to Act 626 of 1987, Regular Session, meritorious good time may only be given for being housed in a jail awaiting transfer on the conviction resulting in sentence(s) from that county. Meritorious good time will be calculated upon reception within the Department in accordance with the appropriate Administrative Directive.

2. Act 273 of 1987 as amended

Under the provisions of Arkansas Codes, Act 273 of 1987, Regular Session, as amended; and Act 309 of 1991, Regular Session, an inmate may be awarded additional days of meritorious good time based on the following schedule:



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Requirements

Additional MGT Awarded

*Participation in School
program and GED.

20 days MGT for each level
school completed and 60 days
MGT for obtaining GED.
Maximum award for school and
GED is 160 days MGT.

*Successful completion of
SATP program.

60 days MGT

*Successful completion of
a Vo-Tech Program or any
program for which an
inmate may receive
Vo-Tech training
certification.

10 days MGT per month of
program and 90 days MGT for
completion. Maximum award
for a 1 year course is 210
days MGT.

*Bonus award for
successful completion
of both GED and
Vo-Tech Program.

60 DAYS MGT

*College course (All
outside courses must be
approved prior to courses
in order to receive MGT
awards).

30 days MGT per course.

*OJT Skill Development -
Assignment to a
specialized job for a
period of not less
than six months and a
recommendation from
supervisor indicating
proficiency in job
area.

60 days MGT

*Maintain Class I-A, I-B

24 days MGT for each three



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or I-P status continuously month period.
for three months.

(The activities denoted by an asterisk (*) may be completed in a county jail or in the community while on bond or parole, by participating in programs which are operated with funds from and/or accredited by the appropriate state regulatory agency. Other programs must be certified in advance, by direct action of the Board of Correction.)

Maintain I-C status 15 days MGT for each
continuously for three month period
three months.

Appropriate use of sick call.
Appearances at sick call 12
times per year or less
excluding emergencies
and/or infirmary
ordered appointments.

Zero to 4 appearances at 60 days MGT
sick call in 1 year.

5 to 8 appearances at sick 30 days MGT
call in 1 year.

9 to 12 appearances at sick 15 days MGT
call in 1 year.

Disciplinary free bonus - no 15 days MGT for each
major disciplinary action for 3 months
a period of three months.

Inmate who does not qualify 60 days MGT
for other program but who
receives meritorious good
time and has a good work
record, attitude and
appearance record, if the



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receipt of meritorious good time would aid him/her in early release to participate in family assistance and/or further education.

An act performed without solicitation and the inmate's performance averts serious threats to security, tragedy or loss of limb or property. 180 to 360 days MGT

Heroic act(s) performed without solicitation as defined as an act(s) that directly resulted in a saving of a life or lives. 180 to 360 days MGT

For any of the above awards, an inmate must be in at least Class II status and must be recommended by the Classification Committee to the Director. The Director will approve or deny the recommendation. Copies of the application(s) denied by the Director will be forwarded to the Board of Correction.

The effective date to begin calculation of the awarding of meritorious good time per Act 273 of 1987, Regular Session, as amended by Act 309 of 1991, Regular Session, will be March 1, 1991.

D. Forfeiture and Restoration of Meritorious Good Time

1. When an inmate is convicted of a violation of institutional rules by the Disciplinary Hearing Officer, meritorious good time may be taken in accordance with the allowable range of sanctions as provided in AR 831.
2. No disciplinary action shall be taken that will take away more meritorious good time than an



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inmate has earned to that date or allowed by Arkansas Code(s).

3. Any inmate who is awarded meritorious good time, who has lost meritorious good time already awarded, allowed and credited on the sentence he/she is currently serving, such loss having been the result of a violation of institutional rules and regulations, may have such meritorious good time restored by the Director upon the recommendation of the Classification Committee and the warden/supervisor, only after it is determined that the good time is allowed under present sentencing guidelines.

E. Act 429 of 1989, Regular Session - Meritorious Good Time Earned While Awaiting Transfer

Any person who has been arraigned on a felony charge and is in jail or on bond awaiting disposition of charges or who has been sentenced to the Arkansas Department of Correction and is in jail awaiting transfer, may earn meritorious good time by completing G.E.D. requirements, a vocational-technical program, a college course, or a residential treatment program for substance abuse. An inmate may be credited for meritorious good time only after he or she has been received by the Arkansas Department of Correction. In order to receive credit, certification of completion of the activity must be received by the Administrator of Classification directly from the authority of the issuing agency or program. It is the responsibility of the inmate to request and authorize said certification to be furnished to the Arkansas Department of Correction.

The effective date to begin calculation of awarding meritorious good time per Act 429 of 1989 will be March 9, 1989.