

**Effective 7/17/2016**

**77-27-5.4 Earned time program.**

- (1) The board shall establish an earned time program that reduces the period of incarceration for offenders who successfully complete specified programs, the purpose of which is to reduce the risk of recidivism.
- (2) The earned time program shall:
  - (a) provide not less than four months of earned time credit each for the completion of up to two programs that:
    - (i) are approved by the board in collaboration with the Department of Corrections; and
    - (ii) are recommended programs that are part of the offender's case action plan; and
  - (b) allow the board to grant in its discretion earned time credit in addition to the earned time credit provided under Subsection (2)(a).
- (3) The earned time program may not provide earned time credit for offenders:
  - (a) whose previously ordered release date does not provide enough time, including time for transition services, for the Board of Pardons and Parole to grant the earned time credit;
  - (b) who have been sentenced by the court to a term of life without the possibility of parole;
  - (c) who have been ordered by the Board of Pardons and Parole to serve a life sentence;
  - (d) who do not have a current release date; or
  - (e) who have not met a contingency requirement for release that has been ordered by the board.
- (4) The board may order the forfeiture of earned time credits under this section if it determines a rescission hearing is necessary.
- (5) The department shall notify the board not more than 30 days after an offender completes a program as defined in Subsection 77-27-5.4(2)(a).
- (6) The board shall collect data for the fiscal year regarding the operation of the earned time credit program, including:
  - (a) the number of offenders who have earned time credit under this section in the prior year;
  - (b) the amount of time credit earned in the prior year;
  - (c) the number of offenders who forfeited earned time credit; and
  - (d) additional related information as requested by the Commission on Criminal and Juvenile Justice.
- (7) The board shall collaborate with the Department of Corrections in the establishment of the earned time credit program.
- (8) To the extent possible, programming and hearings shall be provided early enough in an offender's incarceration to allow the offender to earn time credit.

Amended by Chapter 4, 2016 Special Session 3