

Article 6.--GOOD TIME CREDITS AND SENTENCE COMPUTATION

44-6-101 Definitions.

(a) For purposes of sentence computation, as used in various regulations in this article, terms dealing with good time credits shall be defined as follows:

(1) "Establishment of good time credits" means the creation of that pool of credits that decreases part of the term of actual imprisonment for good work and behavior over a period of time. Good time credits shall not forgive or eliminate the sentence but shall function only to allow the inmate to earn the privilege of being released from incarceration earlier than the full minimum, maximum, or guidelines prison sentence, subject to conditions specified and imposed pursuant to applicable law. Following a revocation of parole or conditional release, good time credits shall not be available to reduce the period of incarceration before a Kansas parole board hearing for reparole. Following a revocation of postrelease supervision, good time credits shall be available to reduce the incarceration penalty period as authorized by applicable statutes.

(2) "Allocation of good time credits" means the breakdown of the total number of established good time credits into groups of credits that are available to the inmate in separate time periods.

(3) To "earn good time credits" means that the inmate has acted in a way that merits a reduction of the term of actual imprisonment by those credits.

(4) "Award of good time credits" means the act of the unit team, as approved by the program management committee and the warden or designee, granting all or part of the allocation of credits available for the time period under review.

(5) "Application of good time credits" means the entry of the credits of forfeitures into the official record of the inmate and the consequent adjustment of parole eligibility, conditional release, the guidelines release date, or the guidelines sentence discharge date.

(6) "Forfeiture of good time credits" means the removal of the credits and consequent reinstatement of a term of actual imprisonment by the disciplinary board according to article 12 and article 13, as published in the inmate rule book.

(b) For purposes of sentence computation, as used in various regulations in this article, terms dealing with sentence structure shall be defined as follows:

(1) "Composite sentence" means any sentence formed by the combination of two or more sentences.

(2) "Concurrent sentence" means two or more sentences imposed by the court with minimum and maximum terms, respectively, to be merged, or two or more sentencing guidelines sentences imposed by the court with their prison terms to be merged.

(3) "Consecutive sentence" means a series of two or more sentences imposed by the court in which the minimum terms and the maximum terms, respectively, are to be aggregated, or a series of two or more sentencing guidelines sentences in which the prison terms are to be aggregated pursuant to K.S.A. 21-4720 and amendments thereto.

(4) "Controlling sentence" means the sentence made up of the controlling minimum term and the controlling maximum term of any sentence or composite

sentence or the sentencing guidelines sentence made up of two or more sentences, whether concurrent or consecutive, that results in the longest prison term.

(5) "Aggregated controlling sentence" means a controlling sentence composed of two or more sentences. An aggregated controlling sentence has a minimum term consisting of the sum of the minimum terms and a maximum term consisting of the sum of the maximum terms. In the case of sentencing guidelines sentences, an aggregated controlling sentence has a prison term that is the sum of all the prison terms of the sentences that are aggregated, pursuant to K.S.A. 21-4720 and amendments thereto. The term "aggregated" shall be applied only to consecutive sentences.

(c) For purposes of sentence computation, as used in various regulations in this article, terms dealing with sentence service credits, other than good time credits, shall be defined as follows:

(1) "Jail credit" and "JC" mean the time spent in confinement, pending the disposition of the case, before the sentencing to the custody of the secretary of corrections pursuant to K.S.A. 21-4614, and amendments thereto, or on or after May 19, 1988, time spent in a residential center while on probation or assignment to a community correctional residential services program, pursuant to K.S.A. 21-4614a and amendments thereto.

(2) "Maximum sentence credit" means the total period of incarceration served on a sentence beyond the limitation for credit awarded as prior penal credit. This credit shall be used to adjust the maximum expiration date of the sentence.

(3) "Prior penal credit" means the penal time credited for time the inmate previously was incarcerated on the sentence. Prior penal credit shall be given for time spent incarcerated on a sentence that has subsequently been aggregated due to the imposition of a consecutive sentence. This credit shall be limited to the time spent incarcerated on the previous sentence but shall not exceed an amount equal to the previous minimum sentence less the maximum amount of good time credit that could have been earned on the minimum sentence under the law in effect at that time.

(d) For purposes of sentence computation as used in various regulations in this article, terms dealing with terms or length of sentences shall be defined as follows:

(1) "Controlling minimum term" means the length of the sentence to be served to reach the controlling minimum date as determined according to applicable case, statutory, and regulatory law.

(2) "Controlling maximum term" means the length of the maximum sentence imposed by the court that constitutes the longest required period of incarceration, determined according to applicable case and statutory law and these regulations.

(e) For purposes of sentences computation, as used in various regulations in this article, terms dealing with calculation of specific dates in the execution of sentences shall be defined as follows:

(1) "Sentencing date" means the date on which the sentence is imposed by the court upon conviction. "Sentencing date" is also known as the sentence imposition date.

(2) "Sentence begins date" means the calendar date on which service of the sentence is to begin running. This date, as established by the court, shall reflect the time allowances as defined in jail time credit. This date shall be adjusted by department of corrections staff if prior penal credit is applicable. If no jail credit is involved but prior penal credit exists, the prior penal credit shall be subtracted from the sentence imposition date to determine the sentence begins date.

(3) "Controlling minimum date" means the calendar date derived by adding the controlling minimum term to the sentence begins date.

(4) "Controlling maximum date" means the calendar date derived by adding the controlling maximum term imposed by the court to the sentence begins date.

(5) "Guidelines release date" means, for offenders with sentences imposed pursuant to the sentencing guidelines act, K.S.A. 21-4701 et seq. and amendments thereto, the date yielded by adding the prison portion of the sentence to the sentence, less any good time credits earned and awarded pursuant to K.S.A. 21-4722 and amendments thereto, plus any good time credits forfeited.

(6) "Conditional release date" and "CR date" mean the controlling maximum date minus the total number of authorized good time credits not forfeited.

(f) For purposes of sentence computation as used in various regulations in this article, terms dealing with loss of forfeiture of sentence service credit while on parole or postrelease supervision status as well as escape status shall be defined as follows:

(1) "Postincarceration supervision" means supervision of any offender released to the community after service of the requisite term of incarceration. This term shall include both parole and postrelease supervision.

(2) "Abscond" means departing without authorization from a geographical area or jurisdiction prescribed by the conditions of one's parole or postrelease supervision.

(3) "Delinquent time lost on postincarceration status" and "DTLOPIS" mean the time lost on the service of sentence from which the offender was paroled or released to postrelease supervision due to being on absconder status after a condition violation warrant was issued and until the warrant was served.

(4) "Forfeited good time on postincarceration status" means the amount of good time ordered forfeited by the Kansas parole board from the amount earned from the date of authorized release to the date delinquent time on parole or postincarceration began or to the date of admission to a department of corrections facility.

(5) "Time lost on escape" means the time not counted on the service of sentence while the inmate is on escape status. This term shall mean the time from which the escape took place to the time of apprehension.

(Authorized by K.S.A. 2001 Supp. 21-4722, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 21-4722, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 2001 Supp. 22-3725, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251; effective May 1, 1981;

amended, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 6, 2002.)

44-6-102 (Authorized by K.S.A. 75-5251, K.S.A. 1980 Supp. 75-5205; implementing K.S.A. 1980 Supp. 22-3717; effective May 1, 1981; revoked, T-84-32, Nov. 23, 1983; revoked May 1, 1984.)

44-6-103 to 44-6-105 Reserved.

44-6-106 Authority to interpret court documents.

(a) Department of corrections' staff, authorized by the secretary of corrections, shall have the authority to analyze and interpret the journal entry of judgment, the judgment form, and any other documents from the court to the extent necessary to execute the sentence and commitment.

(b) Authorized staff shall include wardens, records officers, classification officers, sentence computation specialists, and attorneys.

(c) If correction of a journal entry is necessary, the authorized staff shall refer the matter to the sentencing court and notify either the county or district attorney and the defense attorney.

(Authorized by K.S.A. 75-5210, 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 22-3717, K.S.A. 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; amended Sept. 6, 2002.)

44-6-107 Application of law on date of crime; statutes repealed still applied.

(a) (1) The statutes constituting the substantive law in effect at the time the crime is committed shall apply to compute the sentence term and the release dates. No subsequent change in the statute constituting substantive law shall be applied if that law adversely affects the inmate. Changes in statute constituting substantive law that benefit the inmate may be applied to compute the inmate's sentence term and the release dates, but shall not be required to be applied except in the computation of parole eligibility.

(2) Parole eligibility shall be computed by applying the statute in effect at the time the inmate committed the crime for which imprisoned unless subsequent changes in the statute provide an earlier parole date. If the amendment would yield an earlier parole eligibility date, that amendment shall be applied. Statutes establishing the formula for computation of parole eligibility shall be considered substantive law and not procedural law.

(b) Any statute or regulation that has been repealed or revoked shall continue to apply to sentences of inmates if other statutes, regulations, or the principles of constitutional law require its terms to be applied to that inmate, or if law permits its continued application and the policy of the department of corrections is to continue its application for reasons of fairness or economy.

(c) The following chart shall establish the description of categories of law systems applicable to sentences of inmates who are subject to the custody of the secretary of corrections:

(1) ``Old code" All before July 1970

- (2) "New code" After July 1, 1980
- (3) Penal reform act of 1973 After July 1, 1974 S.B. 72, L. 1973, ch. 339
- (4) "Firearms mandatory," "mandatory firearms," "mandatory gun," "gun act," all referring to the combination of mandatory prison term and prohibition of parole before minimum is served. After July 1, 1976 K.S.A. 21-4618 and K.S.A. 22-3717. L. 1976, ch. 168
- (5) "Parole eligibility reform law" On and after January 1, 1979 K.S.A. 22-3717, L. 1978, ch. 120
- (6) "Aid and abet parole limitation" After July 1, 1981 K.S.A. 22-3717, L. 1981, ch. 156
- (7) "Parole eligibility lawsplit" After July 1, 1981 K.S.A. 22-3717, 22-3717a, L. 1981, ch. 156
- (8) "Sentence toughening law" or "legislative good time credit law" After July 1, 1982 H.B. 3104 and H.B. 2757, L. 1982, ch. 137 and 150
- (9) "Previous consecutive credit limitation law" After July 1, 1983 H.B. 2212, L. 1983, ch. 111, K.S.A. 21-4608(6), (d) and (e)
- (10) "Sentencing guidelines act" On or after July 1, 1993 S.B. 423, L. 1993, ch. 291, K.S.A. 21-4701 et seq. and K.S.A. 22-3717

(d) The history of the pertinent statutes shall be reviewed to determine the form of the law applicable at the time the crime was committed, as follows:

- (1) K.S.A. 21-4608--Prior law: K.S.A. 62-1512, G.S. 1868, ch. 82, ;st 250, R.S. 1923, 62-1512, L. 1963, ch. 306, ;st 1, June 30, 1963, Repealed L. 1969, ch. 180, July 1, 1970; K.S.A. 62-2251, L. 1957, ch. 331, ;st 26; July 1, 1957, Repealed L. 1969, ch. 180; July 1, 1970; L. 1969, ch. 180, ;st 21-4608, July 1, 1970; L. 1978, ch. 120, ;st 8; January 1, 1979; L. 1982, ch. 150, ;st 1, July 1, 1982; L. 1983, ch. 111, ;st 1, July 1, 1983.
- (2) K.S.A. 22-3717, L. 1970, ch. 129, ;st 22-3717, July 1, 1970; ;ob L. 1972, ch. 317, ;st 90, Never Effective; ;cb, L. 1973, ch. 339, ;st 88, July 1, 1974; L. 1974, ch. 403, ;st 10, July 1, 1974; L. 1975, ch. 203, ;st 1, July 1, 1975; L. 1976, ch. 168, ;st 2, July 1, 1976; L. 1978, ch. 120, ;st 13, January 1, 1979; L. 1979, ch. 94, ;st 2, July 1, 1979; L. 1981, ch. 156, ;st 1, July 1, 1981; L. 1982, ch. 137, ;st 3, July 1, 1982; L. 1982, ch. 150, ;st 2, July 1, 1982.
- (3) K.S.A. 22-3717a, L. 1981, ch. 156, ;st 2, July 1, 1981, Repealed L. 1982, ch. 137, ;st 4, July 1, 1982.

(e) Statutes specifically relating to the granting of credit for time served shall be applied according to the terms, the court's order, and the statute, and their histories shall be described as follows:

- (1) K.S.A. 21-4614. Prior law K.S.A. 62-1533, L. 1969, ch. 180, ;st 21-4614; L. 1979, ch. 124, ;st 13; L. 1972, ch. 317, ;st 101; L. 1973, ch. 339, ;st 72; L. 1980, ch. 104, ;st 2, April 24, 1980.
- (2) K.S.A. 21-4608 ;ob see subsection (d); ;cb.
- (3) K.S.A. 22-3431. Prior law K.S.A. 62-1537; L. 1970, ch. 129, ;st 22-3431; L. 1971, ch. 114, ;st 8, July 1.
- (4) K.S.A. 22-3717 ;ob see subsection (d); ;cb.
- (5) K.S.A. 22-3717a ;ob see subsection (d); ;cb.

(6) K.S.A. 21-4614a. L. 1988, ch. 115, ;st 4, July 1, 1988; L. 1989, ch. 92, ;st5, July 1, 1989.

(Authorized by K.S.A. 75-5251, K.S.A. 75-5210; implementing K.S.A. 75-5251, K.S.A. 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

44-6-108 Application of good time credits.

(a) For the purposes of awarding and applying good time credits, all calculations shall be based upon a year, which shall be considered a 360-day period with each month consisting of 30 days.

(b) Good time credits may be awarded by the warden of the correctional facility, the regional parole director, or the interstate compact administrator, or their designees.

(c) Good time credits may be awarded only for time served on a sentence on and after the beginning date of the sentence. Good time credits shall not be awarded for any period of time served before the sentence begins date. Good time credits shall not be awarded or withheld if a sentence is not being served due to an escape, or for delinquent time lost on postincarceration supervision.

(Authorized by K.S.A. 2001 Supp. 21-4722, 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 2001 Supp. 22-3725, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; implementing K.S.A. 21-4608, 21-4722, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; amended Sept. 6, 2002.)

44-6-108a to 44-6-114b

(Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; revoked Nov. 12, 1990).

44-6-114c Parole eligibility computation.

(a) For concurrent and aggregated consecutive terms not involving class A felonies, parole eligibility shall be set at the minimum term less any award for good time credits. The minimum term, less good time credits awarded and retained, shall determine the parole eligibility date for concurrent and aggregated consecutive sentences for crimes committed before July 1, 1993, including sentences pursuant to K.S.A. 21-4618 and amendments thereto, but not including class A felonies.

(b) Concurrent class A felony sentences shall have a fixed parole eligibility date of 15 years, except as follows:

(1) For capital murder offenses committed on or after July 1, 1990 but before July 1, 1994, with a sentence imposed under former K.S.A. 21-4628, a parole eligibility date of 40 years shall be established.

(2) For capital murder offenses committed on or after July 1, 1994, but before July 1, 1999, if a death sentence is not imposed, then under K.S.A. 21-4635 and 21-4638, and amendments thereto, a parole eligibility date of 40 years shall be established.

(3) For capital murder offenses committed on or after July 1, 1999, if a death sentence is not imposed, then under K.S.A. 21-4635 and 21-4638, and amendments thereto, a parole eligibility date of 50 years shall be established.

(c) Parole eligibility for consecutive sentences that include one or more class A felonies shall be determined by the following:

(1) Computing the parole eligibility on the aggregate minimum terms for crimes that are not class A felonies; and

(2) adding an additional 15 years for each class A felony or, in the case of an offender whose class A felony was committed before July 1, 1994, and who was sentenced pursuant to the provisions of former K.S.A. 21-4628, an additional 40 years. A class A felony sentence shall be served first with the 15-year or 40-year parole eligibility period, as appropriate, added to the sentence begins date, to determine the parole eligibility date on the class A felony sentence. An additional 15 or 40 years, as appropriate, shall be added for each additional consecutive class A felony sentence. Good time credits shall not be applied to class A felony sentences. Good time credits shall be applied to non-class A felony sentences only after service of the fixed parole eligibility requirements for the class A felonies.

(d) (1) Except for a violation of K.S.A. 21-3402(a) and amendments thereto committed on or after July 1, 1996, but before July 1, 1999, parole eligibility for off-grid crimes shall be computed as follows:

(A) For off-grid crimes committed on or after July 1, 1993, but before July 1, 1994, parole eligibility shall be computed in the same manner as for class A felonies.

(B) For off-grid crimes committed on or after July 1, 1994, but before July 1, 1999, parole eligibility shall be computed in the same manner as for class A felonies except that the fixed parole eligibility date shall be at 15, 25, or 40 years, as specified by the court.

(C) For off-grid crimes committed on or after July 1, 1999, parole eligibility shall be computed in the same manner as for class A felonies except that the fixed parole eligibility date shall be at 20, 25, or 50 years, as specified by the court.

(2) For violations of K.S.A. 21-3402(a) committed on or after July 1, 1996, but before July 1, 1999, a fixed parole eligibility date of 10 years shall be established.

(3) Good time credits shall not be applied to that portion of a sentence controlled by a fixed parole eligibility date and shall be applied to sentencing grid crime sentences pursuant to K.S.A. 21-4722 and amendments thereto only after service of the fixed parole eligibility requirements for off-grid crimes.

(Authorized by K.S.A. 75-5210, 75-5251; implementing K.S.A. 2001 Supp. 22-3717, K.S.A. 75-5210, 75-5251; effective Nov. 12, 1990; amended Sept. 30, 1991; amended Sept. 6, 2002.)

44-6-114d Conditional release date. When computing a conditional release date, it shall be presumed that 100% of the available good time credits are earned. Conditional release good time credits may be forfeited in accordance with applicable regulations of the secretary. The conditional release date shall be based on the controlling maximum

date. No conditional release date shall be computed for a maximum sentence of life. (Authorized by and implementing K.S.A. 2001 Supp. 22-3718, 22-3725, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective Sept. 6, 2002.)

44-6-114e Guidelines release date.

(a) The prison portion of sentences for crimes committed on or after July 1, 1993 but before April 20, 1995, except for off-grid crimes, may be reduced by no more than 20% through awarded and retained good time credits.

(b) The prison portion of sentences for crimes committed on or after April 20, 1995, except for off-grid crimes, may be reduced by no more than 15% through awarded and retained good time credits. Partial days shall be rounded to the next whole number, but over the length of the sentence no more than 15% of the imprisonment portion of the sentence may be awarded as good time.

(c) Concurrent and consecutive sentences for off-grid crimes committed on or after July 1, 1993 shall not be subject to reduction through application of good time credits.

(d) For determinate sentences that are concurrent or consecutive with indeterminate sentences, good time may be awarded on the indeterminate sentence term as described in these regulations and applicable law.

(e) Good time credits awarded and retained on the prison portion of a determinate sentence shall be added to the period of postrelease supervision applicable to the offender's sentence.

(f) The following charts shall establish the good time credit rate for a 20% reduction of the prison portion of a determinate sentence.

(1) Total good time credits available for the length of sentence imposed.

(2) Allocation of good time credits available during the service of sentence.

**TOTAL GOOD TIME AVAILABLE (20% RATE)
OFFENSES COMMITTED ON OR AFTER JULY 1, 1993 THROUGH APRIL 19, 1995**

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>			<i>Time to Serve [All CT Kept]</i>		
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
5	0	1	0	0	4	0
6	0	1	6	0	4	24
7	0	1	12	0	5	18
8	0	1	18	0	6	12
9	0	1	24	0	7	6
10	0	2	0	0	8	0
11	0	2	6	0	8	24
12	0	2	12	0	9	18
13	0	2	18	0	10	12
14	0	2	24	0	11	6
15	0	3	0	1	0	0
16	0	3	6	1	0	24
17	0	3	12	1	1	18
18	0	3	18	1	2	12
19	0	3	24	1	3	6
20	0	4	0	1	4	0
21	0	4	6	1	4	24
22	0	4	12	1	5	18
23	0	4	18	1	6	12
24	0	4	24	1	7	6
25	0	5	0	1	8	0
26	0	5	6	1	8	24
27	0	5	12	1	9	18
28	0	5	18	1	10	12
29	0	5	24	1	11	6
30	0	6	0	2	0	0
31	0	6	6	2	0	24
32	0	6	12	2	1	18
33	0	6	18	2	2	12
34	0	6	24	2	3	6
35	0	7	0	2	4	0
36	0	7	6	2	4	24
37	0	7	12	2	5	18
38	0	7	18	2	6	12
39	0	7	24	2	7	6
40	0	8	0	2	8	0
41	0	8	6	2	8	24
42	0	8	12	2	9	18
43	0	8	18	2	10	12
44	0	8	24	2	11	6
45	0	9	0	3	0	0
46	0	9	6	3	0	24
47	0	9	12	3	1	18
48	0	9	18	3	2	12
49	0	9	24	3	3	6
50	0	10	0	3	4	0
51	0	10	6	3	4	24
52	0	10	12	3	5	18
53	0	10	18	3	6	12
54	0	10	24	3	7	6
55	0	11	0	3	8	0
56	0	11	6	3	8	24

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>			<i>Time to Serve [All GT Kept]</i>		
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
57	0	11	12	3	9	18
58	0	11	18	3	10	12
59	0	11	24	3	11	6
60	1	0	0	4	0	0
61	1	0	6	4	0	24
62	1	0	12	4	1	18
63	1	0	18	4	2	12
64	1	0	24	4	3	6
65	1	1	0	4	4	0
66	1	1	6	4	4	24
67	1	1	12	4	5	18
68	1	1	18	4	6	12
69	1	1	24	4	7	6
70	1	2	0	4	8	0
71	1	2	6	4	8	24
72	1	2	12	4	9	18
73	1	2	18	4	10	12
74	1	2	24	4	11	6
75	1	3	0	5	0	0
76	1	3	6	5	0	24
77	1	3	12	5	1	18
78	1	3	18	5	2	12
79	1	3	24	5	3	6
80	1	4	0	5	4	0
81	1	4	6	5	4	24
82	1	4	12	5	5	18
83	1	4	18	5	6	12
84	1	4	24	5	7	6
85	1	5	0	5	8	0
86	1	5	6	5	8	24
87	1	5	12	5	9	18
88	1	5	18	5	10	12
89	1	5	24	5	11	6
90	1	6	0	6	0	0
91	1	6	6	6	0	24
92	1	6	12	6	1	18
93	1	6	18	6	2	12
94	1	6	24	6	3	6
95	1	7	0	6	4	0
96	1	7	6	6	4	24
97	1	7	12	6	5	18
98	1	7	18	6	6	12
99	1	7	24	6	7	6
100	1	8	0	6	8	0

ALLOCATION OF GOOD TIME CREDITS AVAILABLE DURING THE SERVICE OF SENTENCE-20% RATE				<i>MONTHS SERVED</i>	<i>YEARS</i>	<i>TIME EARNED</i>	
						<i>MONTHS</i>	<i>DAYS</i>
				46		11	15
OFFENSES COMMITTED ON OR AFTER JULY 1, 1993 THROUGH APRIL 19, 1995				47		11	23
				48	1	00	00
				49	1	00	08
				50	1	00	15
				51	1	0	23
				52	1	1	00
				53	1	1	08
				54	1	1	15
				55	1	1	23
				56	1	2	00
				57	1	2	08
				58	1	2	15
				59	1	2	23
				60	1	3	00
				61	1	3	08
				62	1	3	15
				63	1	3	23
				64	1	4	00
				65	1	4	08
				66	1	4	15
				67	1	4	23
				68	1	5	00
				69	1	5	08
				70	1	5	15
				71	1	5	23
				72	1	6	00
				73	1	6	08
				74	1	6	15
				75	1	6	23
				76	1	7	00
				77	1	7	08
				78	1	7	15
				79	1	7	23
				80	1	8	00
				81	1	8	08
				82	1	8	15
				83	1	8	23
				84	1	9	00
				85	1	9	08
				86	1	9	15
				87	1	9	23
				88	1	10	00
				89	1	10	08
				90	1	10	15
				91	1	10	23
				92	1	11	00
				93	1	11	08
				94	1	11	15
				95	1	11	23
				96	2	00	00

MONTHS SERVED	YEARS	TIME EARNED	
		MONTHS	DAYS
97	2	00	08
98	2	00	15
99	2	00	23
100	2	01	00

(g) The following charts shall establish the good time credit rate for a 15% reduction of the prison portion of a determinate sentence.

(1) Total good time credits available for the length of sentence imposed.

(2) Allocation of good time credits available during the service of sentence.

**TOTAL GOOD TIME AVAILABLE (15% RATE)
OFFENSES COMMITTED ON OR AFTER APRIL 20, 1995**

Length of Sentence [Months]	Possible Good Time Earned			Time to Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
5	0	0	23	0	4	7
6	0	0	27	0	5	3
7	0	1	2	0	5	28
8	0	1	6	0	6	24
9	0	1	11	0	7	19
10	0	1	15	0	8	15
11	0	1	20	0	9	10
12	0	1	24	0	10	6
13	0	1	29	0	11	1
14	0	2	3	0	11	27
15	0	2	8	0	12	22
16	0	2	12	0	13	18
17	0	2	17	0	14	13
18	0	2	21	0	15	9
19	0	2	26	0	16	4
20	0	3	0	0	17	0
21	0	3	5	0	17	25
22	0	3	9	0	18	21
23	0	3	14	0	19	16
24	0	3	18	0	20	12
25	0	3	23	0	21	7
26	0	3	27	0	22	3
27	0	4	2	0	22	28
28	0	4	6	0	23	24
29	0	4	11	0	24	19
30	0	4	15	0	25	15
31	0	4	20	0	26	10
32	0	4	24	0	27	6
33	0	4	29	0	28	1
34	0	5	3	0	28	27
35	0	5	8	0	29	22
36	0	5	12	0	30	18
37	0	5	17	0	31	13
38	0	5	21	0	32	9
39	0	5	26	0	33	4
40	0	6	0	0	34	0
41	0	6	5	0	34	25
42	0	6	9	0	35	21
43	0	6	14	0	36	16

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>			<i>Time to Serve [All GT Kept]</i>		
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
44	0	6	18	0	37	12
45	0	6	23	0	38	7
46	0	6	27	0	39	3
47	0	7	2	0	39	28
48	0	7	6	0	40	24
49	0	7	11	0	41	19
50	0	7	15	0	42	15
51	0	7	20	0	43	10
52	0	7	24	0	44	6
53	0	7	29	0	45	1
54	0	8	3	0	45	27
55	0	8	8	0	46	22
56	0	8	12	0	47	18
57	0	8	17	0	48	13
58	0	8	21	0	49	9
59	0	8	26	0	50	4
60	0	9	0	0	51	0
61	0	9	5	0	51	25
62	0	9	9	0	52	21
63	0	9	14	0	53	16
64	0	9	18	0	54	12
65	0	9	23	0	55	7
66	0	9	27	0	56	3
67	0	10	2	0	56	28
68	0	10	6	0	57	24
69	0	10	11	0	58	19
70	0	10	15	0	59	15
71	0	10	20	0	60	10
72	0	10	24	0	61	6
73	0	10	29	0	62	1
74	0	11	3	0	62	27
75	0	11	8	0	63	22
76	0	11	12	0	64	18
77	0	11	17	0	65	13
78	0	11	21	0	66	9
79	0	11	26	0	67	4
80	1	0	0	0	68	0
81	1	0	5	0	68	25
82	1	0	9	0	69	21
83	1	0	14	0	70	16
84	1	0	18	0	71	12
85	1	0	23	0	72	7
86	1	0	27	0	73	3
87	1	1	2	0	73	28
88	1	1	6	0	74	24
89	1	1	11	0	75	19
90	1	1	15	0	76	15
91	1	1	20	0	77	10
92	1	1	24	0	78	6
93	1	1	29	0	79	1

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>			<i>Time to Serve [All GT Kept]</i>		
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
94	1	2	3	0	79	27
95	1	2	8	0	80	22
96	1	2	12	0	81	18
97	1	2	17	0	82	13
98	1	2	21	0	83	9
99	1	2	26	0	84	4
100	1	3	0	0	85	0

ALLOCATION OF GOOD TIME CREDITS AVAILABLE DURING THE SERVICE OF SENTENCE-15% RATE				MONTHS SERVED	YEARS	TIME EARNED	
OFFENSES COMMITTED ON OR AFTER APRIL 20, 1995						MONTHS	DAYS
MONTHS SERVED	YEARS	TIME EARNED					
		MONTHS	DAYS				
				35		6	05
				36		6	10
				37		6	16
				38		6	21
				39		6	26
				40		7	02
1			5	41		7	07
2			11	42		7	12
3			16	43		7	17
4			21	44		7	23
5			26	45		7	28
6			02	46		8	03
7	1		07	47		8	09
8	1		12	48		8	14
9	1		18	49		8	19
10	1		23	50		8	25
11	1		28	51		9	00
12	2		03	52		9	05
13	2		09	53		9	10
14	2		14	54		9	16
15	2		19	55		9	21
16	2		25	56		9	26
17	3		00	57		10	02
18	3		05	58		10	07
19	3		10	59		10	12
20	3		16	60		10	17
21	3		21	61		10	23
22	3		26	62		10	28
23	4		02	63		11	03
24	4		07	64		11	09
25	4		12	65		11	14
26	4		18	66		11	19
27	4		23	67		11	24
28	4		25	68		12	00
29	5		03	69		12	05
30	5		09	70		12	10
31	5		14	71		12	16
32	5		19	72		12	21
33	5		25	73		12	26
34	6		00				

MONTHS SERVED	YEARS	TIME EARNED	
		MONTHS	DAYS
74	1	01	01
75	1	01	07
76	1	01	12
77	1	01	17
78	1	01	23
79	1	01	28
80	1	02	03
81	1	02	08
82	1	02	14
83	1	02	19
84	1	02	24
85	1	03	00
86	1	03	05
87	1	03	10
88	1	03	16
89	1	03	21
90	1	03	26
91	1	04	01
92	1	04	06
93	1	04	12
94	1	04	17
95	1	04	23
96	1	04	28
97	1	05	03
98	1	05	08
99	1	05	14
100	1	05	19

(Authorized by and implementing K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251, K.S.A. 2001 Supp. 21-4722; effective Sept. 6, 2002.)

44-6-115 (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; revoked Sept. 6, 2002.)

44-6-115a Awarding and withholding good time credits for incarcerated offenders.

(a) With the exception of calculation of good time credits affecting the conditional release dates, which are controlled by K.A.R. 44-6-114d, this regulation shall govern the award and withholding of good time credits.

(b) (1) At the conclusion of the initial inmate classification, 100% of the good time credits available from the sentence begins date to the date of the initial good time award shall be awarded, unless there is written documentation of maladjustment before the date of the initial award.

(2) The initial award of good time credits shall be made on the same day of the month on which the sentence was established. If a full month has not elapsed between the computed sentence begins date and the conclusion of the initial classification, good time credits shall not be awarded until the first classification review following the initial classification.

(c) Following the initial award, good time credits may be awarded at each classification review from credits available since the previous classification review.

(d) The following factors shall be considered in determining whether or not an inmate is awarded good time credits:

- (1) The inmate's performance in a work assignment;
- (2) the inmate's performance in a program assignment;
- (3) the inmate's maintenance of an appropriate personal and group living environment;
- (4) the inmate's participation in release planning activities;
- (5) the inmate's disciplinary record; and
- (6) any other factors related to the inmate's general adjustment, performance, behavior, attitude, and overall demonstration of individual responsibility and accountability.

(e) If an inmate refuses to work constructively or participate in assigned programs, 100% of the good time credits available for program classification review periods shall be withheld until the inmate participates in the assigned program at a time that permits the inmate to complete the program, unless the facility health authority determines that the inmate is physically or mentally incapable of working or participating in a particular program or detail.

(f) If an inmate fails to cooperate in the development of an acceptable release plan, the good time credits available for award during the 120-day period immediately before the inmate's projected or scheduled release date shall not be awarded.

(g) Award of good time credits shall be withheld on the basis of an inmate's disciplinary record in the following manner:

(1) If a facility disciplinary hearing officer finds the inmate guilty of a class I disciplinary offense, at least 50% of the good time credits available for that classification review period shall be withheld.

(2) If a facility disciplinary hearing officer finds the inmate guilty of a class II disciplinary offense, at least 25% but not more than 50% of the good time credits available for the classification review period shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(3) If a facility disciplinary hearing officer finds the inmate guilty of a class III disciplinary offense, at least 10% but not more than 25% of the good time credits available for that classification review period shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(4) If a facility disciplinary hearing officer finds the inmate guilty of multiple disciplinary violations within a single disciplinary report, only the most serious violation shall be used in determining the percentage of good time credits to be withheld.

(h) The percentage of good time credits withheld during a classification review period shall be cumulative but shall not exceed 100% of that available for that classification review period.

(i) Good time credits forfeited as a result of a penalty imposed by a facility disciplinary hearing officer shall not be restored to an inmate.

(Authorized by K.S.A. 2002 Supp. 75-5210, K.S.A. 75-5251, K.S.A. 2002 Supp. 21-4722; implementing K.S.A. 2002 Supp. 75-5210, K.S.A. 75-5251, K.S.A. 2002 Supp. 21-4722; effective Sept. 6, 2002; amended, T-44-3-11-03, March 11, 2003; amended July 25, 2003.)

44-6-115b Awarding and withholding good time credits for offenders on supervised release.

(a) Offenders on supervised release may be awarded good time credits at the following rates:

(1) Offenders on parole release for indeterminate sentences shall be eligible for good time credits at the rate of one day of good time for each day under supervision and provided by K.A.R. 44-6-114d.

(2) For offenders convicted of crimes that were committed on or after July 1, 1993 but before April 20, 1995 and that fall into non-drug severity levels 1 through 4 or drug severity levels 1 or 2, the period of postrelease supervision shall be 24 months plus the amount of good time awarded and retained on the imprisonment portion of a sentence for such a conviction. Good time credits shall not be available for the reduction of postrelease supervision.

(3) For offenders convicted of crimes committed on or after April 20, 1995 that fall into non-drug severity levels 1 through 4 or drug severity levels 1 or 2, the period of postrelease supervision shall be 36 months plus the amount of good time awarded and retained on the imprisonment portion of a sentence for such a conviction. The 36-month portion of the postrelease supervision period may be

reduced by up to 12 months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for every two days served from the date of release from prison, but not to exceed a total of 12 months. That portion of the period of postrelease supervision resulting from the addition of good time credits awarded and retained while in prison pursuant to K.S.A. 21-4722(b) and amendments thereto shall not be reduced through application of good time credits while on postrelease supervision.

(4) For offenders who are convicted of crimes committed on or after July 1, 1993 that fall into non-drug severity levels 5 or 6 or drug severity level 3 and who are sentenced to serve a period of postrelease supervision, the period of postrelease supervision shall be 24 months plus the amount of good time awarded and retained on the imprisonment portion of the sentence for any such conviction. The 24-month portion of the postrelease supervision period may be reduced by 12 months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for each day served from the date of release from prison. That portion of the postrelease supervision period resulting from application of good time credits awarded and retained while in prison shall not be subject to reduction through the application of good time credits while on postrelease supervision.

(5) For offenders who are convicted of crimes committed on or after July 1, 1993 that fall into non-drug severity levels 7 through 10 or drug severity level 4 and who are sentenced to serve a period of postrelease supervision, the period of postrelease supervision shall be 12 months plus the amount of good time awarded and retained on the imprisonment portion of the sentence for any such conviction. The 12-month portion of the period of postrelease supervision period may be reduced by six months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for each day served from the date of release from prison. That portion of the postrelease supervision period resulting from application of good time credits awarded and retained while in prison shall not be subject to reduction through the application of good time credits while on postrelease supervision.

(b) All subsequent awards during a single supervision release period shall be made at six-

month intervals, unless, in the judgment of the offender's parole officer, good cause exists to shorten the interval.

(c) No good time credits shall be awarded during the time an offender is on absconder status.

(d) Factors that shall be considered in determining whether or not an offender on supervised release is awarded good time credits shall include the following:

- (1) Reporting to the parole officer as scheduled;
- (2) maintaining steady employment, participating in treatment, or both;
- (3) refraining from criminal activity;
- (4) following the conditions of release; and
- (5) maintaining appropriate behavior and demonstrating responsible and acceptable behavior.

(e) Any of the following violations, if committed by the offender during the review period, shall result in the withholding of 100% of the good time credits available during the review period:

- (1) any felonious conduct established with probable cause by a district court, or any misdemeanor conviction, including driving under the influence (DUI) or driving while suspended (DWS);
- (2) engagement in assaultive activities, violence, or threats of violence of any sort, or possession of a dangerous weapon, ammunition, or explosives as established by reliable information, including witness statements and police reports;
- (3) engagement in contact with victims or contact with specific persons with whom contact is prohibited by special condition;
- (4) violation of any specific prohibitions assigned to sex offenders;
- (5) failure to agree to be subject to a search by any parole officer as specified by the conditions of supervision;
- (6) refusal to provide urinalysis or to otherwise submit to substance abuse testing;
- (7) any documented instance of use of drugs, alcohol, or inhalants, either through positive drug test results, admission, or based upon reliable information from law enforcement officials or a special enforcement officer, including police reports that an offender was drinking, huffing, or otherwise ingesting prohibited substances;
- (8) refusal to take psychotropic medication as prescribed;
- (9) refusal to maintain employment or participate in programs during the review period; or
- (10) absconding from supervision.

(f) Any of the following violations shall result in the mandatory withholding of 50% of the good time credits available during the review period for each violation:

- (1) Failure to make initial contact with the parole officer within the time frame specified on the release certificate or as otherwise directed;
- (2) leaving the state of Kansas without permission;
- (3) failure to report as directed on two occasions;
- (4) violation of an imposed curfew;
- (5) operation of a motor vehicle without a license, as established by parole officer observation; or
- (6) possession of an illegal drug or commonly abused substance, including glue or paint, or of a mind-altering prescription drug prescribed for someone other than the offender as determined by admission, observation, police reports, or other reliable information.

(g) Any of the following violations shall result in the mandatory withholding of 25% of the good time credits available for the reward period for each violation:

- (1) changing jobs without notifying the supervising officer;
- (2) leaving the assigned supervision district without permission, but remaining in the state;
- (3) failing to report once during the reporting period;
- (4) moving from the place of residence without notifying the supervising officer; or

(5) failing to maintain steady employment.

(h) Failure to pay supervision fees as directed after determination that the offender is able but unwilling to pay shall result in the mandatory withholding of good time credits at the rate of 20% for each month in the review period that the offender fails to pay the monthly designated fee.

(i) The third or subsequent occurrence of one or more condition violations shall result in the withholding of an additional 50% of good time credits available, in addition to any withholding otherwise provided for by this regulation.

(j) Other violations not falling into the categories outlined in subsections (e) through (i) above may result in the withholding of 10% of the good time credits available for the reward period.

(k) If multiple violations occur resulting from the same set of circumstances, the most severe violation shall be utilized for consideration of the good time award.

(l) Violations resulting in the withholding of good time shall not serve as the basis for withholding additional good time during subsequent award periods.

(m) Good time credits shall be withheld during the award period in which the criteria for withholding good time has been met. The award of good time for a review period for which good time has already been awarded may be adjusted upon the subsequent discovery of a violation committed during the review period in question or upon discovery of any error in computing good time credits.

(Authorized by K.S.A. 2001 Supp. 22-3717; implementing K.S.A. 2001 Supp. 22-3717; effective Sept. 6, 2002.)

44-6-115c Service of postrelease supervision revocation incarceration penalty period; awarding, withholding, and forfeiture of good time credits for offenders serving incarceration penalty period.

(a) For offenders who were convicted of committing offenses on or after July 1, 1993, but before April 20, 1995, and whose postrelease supervision is revoked for reasons other than commission of a new crime, good time credits shall not be available for the purpose of reducing the applicable 90-day incarceration penalty period.

(b) For offenders convicted of crimes committed on or after April 20, 1995, and whose postrelease supervision is revoked for reasons other than commission of a new crime, good time credits may be earned toward reduction of the applicable six-month incarceration penalty period by up to three months. Awarded good time credits shall be applied at the rate of one day for each day served from the date of the revocation hearing or, if applicable, the effective date of waiver of the revocation hearing before the Kansas parole board.

(c) For offenders who are serving a sentencing guidelines sentence and whose postrelease supervision is revoked due to commission of a new crime, good time credits shall not be available to reduce the period of the incarceration penalty. Offenders whose postrelease supervision is revoked due to commission of a new felony shall serve the entire remaining balance of postrelease supervision in prison. Offenders whose postrelease supervision is revoked due to commission of a misdemeanor shall serve the remaining balance of postrelease supervision in prison unless released by order of the Kansas parole board.

(d) Awards of good time shall be made at 30-day intervals from the date of the revocation hearing before the board, or from the effective date of the waiver of the revocation hearing, as applicable. If an offender who waives the revocation hearing has not yet been transferred to a correctional facility when any 30-day interval occurs, the initial award shall be made when the offender is so transferred. When the offender waives the revocation hearing before the board, 100% of good time credits available for any time spent in detention from the effective date of the waiver and before the offender's transfer to a correctional facility shall be awarded, unless there is written documentation of maladjustment during the detention.

(e) For purposes of forfeiture, award, and withholding of good time credits, offenders serving a postrelease revocation penalty period for reasons other than commission of a new crime shall be subject to the provisions of articles 12 and 13 of these regulations that prescribe rules of inmate conduct, penalties for violation thereof, and the procedures employed for processing charges of rules violations.

(f) The following factors shall be considered in determining whether or not an offender is awarded good time credits:

- (1) The offender's performance in a work assignment;
- (2) the offender's performance in a program assignment;
- (3) the offender's maintenance of an appropriate personal and group living environment;
- (4) the offender's participation in release planning activities;
- (5) the offender's disciplinary record, unless the offender incurred a forfeiture of good time credits based on the same disciplinary conviction; and
- (6) any other factors related to the offender's general adjustment, performance, behavior, attitude, and overall demonstration of individual responsibility and accountability.

(g) If an offender refuses to work constructively or to participate in assigned programs, 100% of the good time credits available for program classification review periods shall be withheld until the inmate participates in the assigned program at a time that permits the inmate to complete the program, unless the facility health authority determines that the offender is physically or mentally incapable or working or participating in a particular program or detail.

(h) If an offender fails to cooperate in the development of an acceptable release plan, the good time credits available for award during the 30-day period immediately before the offender's scheduled release date shall not be awarded.

(i) Award of good time credits shall be withheld on the basis of an offender's disciplinary record in the following manner:

- (1) If a facility disciplinary hearing officer finds the offender guilty of a class I disciplinary offense, at least 50% of the good time credits available for that classification review period shall be withheld.
- (2) If a facility disciplinary hearing officer finds the offender guilty of a class II disciplinary offense, at least 25% but not more than 50% of the good time credits available for that classification review period shall be withheld.
- (3) If a facility disciplinary hearing officer finds the offender guilty of a class III disciplinary offense, at least 10% but not more than 25% of the good time credits

available for that classification review period shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(4) If a facility disciplinary hearing officer finds the offender guilty of multiple disciplinary violations within a single disciplinary report, only the most serious violation shall be used in determining the percentage of good time credits that shall be withheld.

(j) The percentage of good time credits withheld during a classification review period shall be cumulative but shall not exceed 100% of that available for that classification review period. Good time credits awarded and applied during the final review period shall not vest until the offender is actually released from the incarceration penalty period and may be withheld due to the offender's misconduct before actual release.

(k) Good time credits forfeited as a result of a penalty imposed by a facility disciplinary hearing officer shall not be restored to an offender.

(Authorized by and implementing K.S.A. 2001 Supp. 75-5217; effective Sept. 6, 2002.)

44-6-116 Allocation of good time credits for crimes committed prior to July 1, 1982. The amount of statutory good time credit available for each unit team review period, as such period is authorized by the Kansas adult authority regulations, shall be allocated as follows:

This allocation shall apply to offenses committed prior to July 1, 1982.
(Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984.)

44-6-117 (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; revoked Sept. 6, 2002.)

44-6-118 and 44-6-119 Reserved.

44-6-120 (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 1990 Supp. 21-4608, K.S.A. 22-3427; K.S.A. 1990 Supp. 22-3717, as amended by L. 1991, ch. 94, ;st 1; K.S.A. 1990 Supp. 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended April 6, 1992; revoked Sept. 6, 2002.)

44-6-121 Docketing parole hearings. For the purpose of docketing a parole hearing, it shall be presumed that the inmate will earn and be awarded the full amount of good time credit available for the period between docketing and parole eligibility. If the good time is in fact not earned and awarded, the warden or warden's designee shall notify the Kansas parole board so the name may be removed from the docket, and the release date extended accordingly, or so that other appropriate disposition may be made as deemed appropriate by the Kansas parole board. The records officer shall show the good time credits award for the last review period at 100% of available good time credits, subject to notice by the unit team that it is otherwise.

(Authorized by K.S.A. 75-5210, as amended by 1990 S.B. 748, ;st 48; 75-5251, as amended by 1990 S.B. 748, ;st 60; implementing K.S.A. 22-3427; K.S.A. 1989 Supp. 21-4608, 22-3717, K.S.A. 75-5210, as amended by 1990 S.B. 748, ;st 48; 75-5251, as amended by 1990 S.B. 748, ;st 60; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990.)

44-6-122 and 44-6-123. Reserved.

44-6-124 (Authorized by and implementing K.S.A. 1993 Supp. 22-3725; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended April 6, 1992; amended Sept. 13, 1993; amended Jan. 3, 1995; revoked Sept. 6, 2002.)

44-6-125 Good time forfeitures not restored; exceptions; limits; parole; guidelines release date.

(a) After May 1, 1981, no good time restored. For all inmates, good time that was forfeited on and after May 1, 1981 shall not be restored at a later date. An exception may be requested by the warden in order that standards of basic fairness, equity, and justice may be met. In such a case, good cause for restoration of good time credits shall be shown, in writing, by the warden to the secretary or the secretary's

designee. Restoration of good time credits by exception shall be granted only upon written approval by the secretary or the secretary's designee. Good time forfeited before the first effective date of this regulation, May 15, 1980, may be restored in accordance with the secretary of corrections' policies and procedures then in force and effect.

(b) Forfeit only on minimum until parole eligibility. Before parole eligibility, forfeited good time credits shall be subtracted from the amount of good time credits earned toward the parole eligibility only, and not from those credits used to create the conditional release date. After parole eligibility is established, subsequent forfeited credits shall be subtracted from the credits used to form the conditional release date.

(c) Forfeitures limited to awards; no extension of maximum. Good time credits shall not be forfeited in an amount in excess of the good time previously earned and awarded. In cases of a new sentence conviction, disciplinary offenses occurring before the effective date of the new sentence that result in the forfeiture of good time credits shall not be applied to the computation. In no case shall forfeiture of good time credits extend the controlling maximum sentence, nor shall it interfere with or bypass any statutorily fixed parole eligibility that is not controlled by good time credits.

(d) No parole eligibility if forfeited time remains unserved. If good time credits on the term have been forfeited, an inmate shall not be eligible for parole until the inmate has served the time that otherwise would have been subtracted from the term by the application of the credits, or has obtained a restoration of those credits.

(e) In the case of an offender serving a guidelines sentence, forfeiture of good time credits shall affect the guidelines release date. Good time credits shall not be forfeited in an amount in excess of good time previously earned and awarded.

(f) Forfeitures made by disciplinary process. Forfeiture of good time credits may be ordered by the disciplinary board or hearing officer as a penalty for the inmate's commission of certain offenses as set out in articles 12 and 13 of these regulations.

(Authorized by K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251, K.S.A. 2001 Supp. 21-4722; implementing K.S.A. 2001 Supp. 21-4722, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, ;st 5, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Nov. 12, 1990; amended April 6, 1992; amended Sept. 6, 2002.)

44-6-126 Meritorious good time.

(a) For any inmate incarcerated for crimes committed before July 1, 1982, ``meritorious" good time credits may be recommended to the Kansas parole board for any meritorious act by an inmate, if deemed appropriate by the unit team and subject to the approval of the program management committee and the warden.

(1) The action taken on this recommendation by the Kansas parole board shall be recorded in the inmate's record by the records officer at the institution.

(2) The application of these ``meritorious" good time credits shall be in addition to other authorized good time credits.

(b) For any offenses committed on and after July 1, 1982, but before July 1, 1984, no meritorious good time credits shall be given.

(c) For any offenses committed on and after July 1, 1984, but before July 1, 1993, meritorious good time shall again be available, and an inmate may be awarded not more than 90 days per meritorious act by the secretary of corrections in accordance with the provisions of K.S.A. 22-3717(a) and amendments thereto.

(Authorized by K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; implementing K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985; amended Nov. 12, 1990; amended Sept. 30, 1991; amended Sept. 6, 2002.)

44-6-127 to 44-6-132 Reserved.

44-6-133 (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; revoked Sept. 6, 2002.)

44-6-134 Jail credit time.

(a) Jail credit shall not be used in the sentence computation unless an authorization appears in the journal entry of judgment form. If only the number of days of jail credit earned is contained in the journal entry, the records officer shall compute the sentence begins date by subtracting jail credit from the date of sentencing. The amount of jail credit shall not adjust the sentence begins date so that it falls before the date of commission of the offense.

(b) Jail credit shall be awarded for time spent in custody by an offender pending disposition of charges on the earlier sentence if consecutive sentences are imposed on different dates. The credits on the earlier sentence shall be computed so that the credits do not overlap into the latest imposed sentence. The credits for time spent previously in custody pending disposition of charges shall be recorded as jail credit, but the credit shall not exceed an amount equal to the previous minimum sentence less the maximum number of good time credits that could have been earned on the minimum sentence. The remainder of credits shall be recorded as sentence maximum credits to apply to the maximum date. If prior penal credit was included as jail credit by the court, the credit shall be shown as jail credit.

(c) Jail credit shall be awarded for time spent in custody by an offender pending disposition of charges on an earlier sentence if consecutive guidelines sentences are imposed on different dates. The credits on an earlier sentence shall be computed so that the credits do not overlap into any sentence imposed after the earlier sentence was imposed.

(d) Jail credit shall be awarded for time spent in custody by an offender pending disposition of charges if consecutive guidelines sentences are imposed on the same date. However, the credits shall be computed so that they do not overlap from one sentence into any other sentence.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 21-4614, K.S.A. 21-4614a, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended Sept. 6, 2002.)

44-6-135 Prior penal credit.

(a) Prior penal credit shall be computed and applied by department of corrections' personnel.

(b) To compute prior penal credit for court releases, the effective date of the sentence shall be subtracted from the date of the final disposition of the court by release on probation, appeal bond, or vacating of the sentence. Pre-sentence evaluation time spent at the Topeka correctional facility or any other facility designated by the secretary of corrections shall not be considered as prior penal credit, but shall be considered jail credit.

(c) To compute prior penal credit for an aggregate sentence, the sentence begins date of the earlier, controlling minimum sentence date shall be subtracted from the release date and applied as follows:

(1) The actual time incarcerated, not exceeding an amount equal to the previous minimum sentence less the maximum amount of good time credit that could have been earned under the law in effect at the time, shall be the prior penal credit available.

(2) The prior penal credit for a mandatory minimum sentence imposed prior to July 1, 1982 shall be restricted to a total credit equal to the actual time served prior to July 1, 1982, and the remaining minimum time to serve less all good time credits which could have been earned after July 1, 1982.

(3) The prior penal credit for a life sentence shall not exceed 15 years or the aggregated 15 years. The remainder of the credit shall be credited as maximum sentence credit.

(4) Accelerated parole eligibility dates under K.S.A. 1988 Supp. 22-3725 shall be credited to May 19, 1988 if the accelerated date was prior to the effective parole eligibility date under that statute.

(5) Accelerated parole eligibility dates under K.S.A. 1989 Supp. 22-3725 shall be credited to August 1, 1989 if the accelerated parole eligibility date was prior to the effective date of that statute.

(6) Parole eligibilities between July 1974 and January 1979, which were established at the discretion of the secretary of corrections upon attainment of the lowest minimum custody status, shall be credited with the actual time served from the sentence begins date of the earlier controlling minimum sentence. This credit shall not exceed the maximum amount of good time credits provided by K.A.R. 44-6-116 that could have been earned on the minimum sentence.

(d) Computations of prior penal credit shall be subject to the provisions of K.A.R. 44-6-134, 44-6-136, 44-6-137, and 44-6-138.

(Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 1990 Supp. 21-4608, K.S.A. 22-3427; K.S.A. 1990 Supp. 22-3717, as amended by L. 1991, ch. 94, §1; K.S.A. 1990 Supp. 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended April 6, 1992.)

44-6-135a Maximum sentence credit. Maximum sentence credit shall be the remaining amount of time incarcerated which exceeded the prior penal credit or jail credit on an

earlier sentence. For consecutive sentences aggregated to previously imposed consecutive sentences, the latest sentence shall be credited with the remaining amount of time incarcerated for the latest release which exceeded the prior penal credit plus all the prior penal credit earned on the earlier consecutive sentences. The maximum sentence date shall be adjusted by that amount.

(Authorized by K.S.A. 75-5210, as amended by 1990 S.B. 748, ;st 48; 75-5251, as amended by 1990 S.B. 748, ;st 60; implementing K.S.A. 22-3427, K.S.A. 1989 Supp. 21-4608, 22-3717; K.S.A. 75-5210, as amended by 1990 S.B. 748, ;st 48; 75-5251, as amended by 1990 S.B. 748, ;st 60; effective Nov. 12, 1990.)

44-6-136 Delinquent time lost on postincarceration supervision (DTLOPIS).

(a) Delinquent time lost on postincarceration supervision shall be computed from the date on which the secretary's parole violation warrant, the conditional release violation warrant, or parole officer's arrest and detain order was issued to the date of the service of the warrant as shown on the warrant, or as reflected on the transportation memo issued pursuant to applicable internal management policy and procedure. This information shall be entered by the arresting officer on the back of the signed warrant or shall be reflected on the transportation memo. If the warrant is issued after confinement, no DTLOPIS shall be accrued. DTLOPIS shall be added to the controlling maximum date, and the conditional release date shall be adjusted by that same amount.

(b) Delinquent time lost on postincarceration supervision shall accumulate only during the period of time in which the offender is classified as an absconder. Once the initial warrant has been served, delinquent time shall stop accumulating and time after service of the warrant shall not be considered when the sentences are adjusted for delinquent time lost on postincarceration supervision. Credit shall be allowed for any time spent in jail awaiting disposition on revocation hearings.

(c) In spite of the provisions of subsection (b), if the offender is arrested in another state for reasons other than the Kansas parole violation warrant, delinquent time lost on postincarceration supervision shall continue to the date the offender is first available to be returned to Kansas.

(d) If, after the offender is located, the period of postincarceration supervision is continued without revocation, no delinquent time lost on postincarceration supervision shall be shown.

(e) The arresting officer shall endorse, on the back of the condition violation warrant or the arrest and detain order, the date or dates of service, arrest, and incarceration. For offenders apprehended in another state, this endorsement shall not be required, and the transportation memo shall instead reflect the date when the offender is first made available for return to Kansas.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-86-5, March 22, 1985; amended May 1, 1986; amended May 1, 1988; amended Sept. 6, 2002.)

44-6-136a Forfeited good time on postincarceration supervision release. Forfeited good time on postincarceration supervision release shall be computed from the date of

release on supervision to the date on which delinquent time on postincarceration supervision release began or to admission to a Kansas department of corrections facility if DTLOPIS does not apply. Good time forfeited on or after August 1, 1989 shall be at the rate in effect on that date. Good time forfeited before August 1, 1989 shall be at the rate in effect at the time of the forfeiture.

(Authorized by K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; implementing K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251; effective Nov. 12, 1990; amended Sept. 6, 2002.)

44-6-137 Time lost on escape.

(a) (1) Time lost on escape shall be calculated by subtracting the date of escape from the date of apprehension on the Kansas charge regardless of whether the inmate is in or out of the state. The result of this computation shall be added to the minimum date, the parole eligibility date, maximum date, conditional release date, or guidelines release date, as applicable.

(2) If the time of apprehension in the other state is not able to be determined, the date of delivery into Kansas custody shall be used. A good faith effort shall be made to determine the time of apprehension.

(b) If time held on the Kansas warrant in the other jurisdiction includes time served for a charge or conviction in the other jurisdiction, the time of delivery into Kansas custody shall be used as the point at which the lost escape time stops.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

44-6-138 Sentence begins date.

(a) Jail credit. Each sentence begins date shall reflect all jail credit.

(b) Reimposed sentence, governed by date of reimposition; adjustment alternatives. The sentence begins date for reimposed sentences, including those reimposed for technical probation violators or persons returned by appellate mandates, shall be the date the court reimposed the sentence unless jail credit or prior penal credit is due. If the court instructs the inmate to surrender to correctional authorities after the sentence imposition date, that surrender date shall become the sentence begins date. This date may be further adjusted by jail credit.

(c) Multiple concurrent sentences governed by court order. The court orders in which multiple, nonconsecutive sentences were imposed shall serve as the reference to ascertain the sentence begins date for use in computing the controlling minimum, maximum, conditional release dates, or guidelines release date, as applicable, subject to the provisions of K.A.R. 44-6-137, K.A.R. 44-6-138, and K.A.R. 44-6-139.

(d) Multiple consecutive sentences. When multiple sentences are imposed on the same date with the stipulation that one is to be consecutive to another, that date shall be used for the sentence begins date unless adjustments are necessary to allow for jail credit. Jail credits allowed shall reflect the largest amount given on any sentence.

(e) Consecutive before 1979 or after 1982. If a sentence for a crime committed before January 1, 1979 or after July 1, 1982 is to be consecutive with any previously imposed sentence, all dates shall be computed from the earliest sentence imposition date, allowing for jail credit and prior penal credit earned on that earliest sentence. If an inmate has been on probation, parole, or conditional release, as a result of a previously imposed sentence, parole eligibility, conditional release, and maximum dates shall also be adjusted to give credit for time served on probation, parole, or conditional release, subject to K.S.A. 21-4608, and amendments thereto.

(f) Consecutive sentences between 1979 and 1982. If a sentence for a crime committed on or after January 1, 1979 and through June 30, 1982 is to be consecutive with any previously imposed sentence, the sentence begins date shall be determined by the imposition date of the latest sentence. The sentence begins date shall then be moved to an earlier date by an amount of time equal to jail credit and prior penal credit earned on the earlier sentence. Credit shall also be allowed for the time on the minimum term of the earlier sentence, including any time on probation or parole, up to a maximum reduction equal to the minimum term of the earlier sentence.

(g) (1) If a sentence for a crime committed on or after July 1, 1983 is to be consecutive with some previously imposed sentence, the aggregated minimums and maximums shall be computed, and the aggregate sentence shall have the same sentence begins date as the newly imposed sentence. Credit shall be given on the aggregate in an amount equal to the time served on the earlier sentences included in the aggregate. However, for the purpose of computing the sentence begins date, the parole eligibility date, and the conditional release date, this credit shall not exceed the amount of time equal to the period from the sentence begins date, for the previous sentence, to the earliest possible parole eligibility date as if all good time credits had been earned on that previous sentence. An inmate serving a life sentence shall be allowed credit for the total time served, not to exceed 15 years. An inmate serving a mandatory minimum sentence shall be allowed credit for all time served on the sentence before July 1, 1982 plus the remaining minimum time to serve, less all good time credits allowable. When computing the maximum date, the inmate shall receive credit for all time served on the previous sentence.

(2) If the aggregate includes a sentence on which the inmate was serving probation, parole, or conditional release, no credit for time spent on that probation, parole, or conditional release shall be given in computations for the aggregate sentence.

(h) When the aggregate is being computed, the inmate shall be given credit for time spent on probation or parole if both of the following conditions are met:

(1) An inmate is returned to prison as a parole violator with multiple new charges that have identical sentences running concurrent with each other but consecutive to the previous sentence on which parole was being served.

(2) The date of offense on one or more new charges is before July 1, 1983, and another is after July 1, 1983.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5; effective, T-84-32, Nov. 23, 1983;

effective May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1988; amended Sept. 6, 2002.)

44-6-139 Reserved.

44-6-140 Controlling minimum date; for concurrent composite sentences--merge and select longest incarceration; controlling guidelines release date.

(a) For new admissions with concurrent sentences, the minimum term of each sentence shall be added to its sentence begins date. The sentence with the minimum term requiring the longest time to be served to parole eligibility shall be the sentence controlling the minimum date. Therefore, parole eligibility for each sentence shall be computed before selecting the controlling minimum sentence.

(b) Concurrent minimums applied only to sentences not parole-eligible yet. The controlling minimum date for inmates readmitted with new concurrent sentences shall be computed only for sentences on which parole eligibility has not yet been achieved.

(c) Technical parole violations. The controlling minimum date of technical parole or conditional release violators shall not change from the original computation on which parole eligibility was originally achieved.

(d) For new admissions with multiple concurrent guidelines sentences, the prison portion of each sentence shall be added to its sentence begins date. The sentence with the term requiring the longest time to be served in prison shall be the sentence controlling the guidelines release date.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5251, K.S.A. 21-4608; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

44-6-140a Controlling minimum date, for consecutive composite sentence add terms; controlling guidelines release date.

(a) To obtain the controlling minimum date for consecutive sentences, the minimum terms of those sentences that are consecutive shall be added, and the resulting sum of years shall be added to the sentence begins date. This date shall determine the controlling minimum date for the consecutive sentences but shall not be used to determine parole eligibility. Parole eligibility shall be separately computed according to K.A.R. 44-6-111.

(b) To obtain the controlling guidelines release date for consecutive guidelines sentences, all prison portions of the terms shall be added, and the resulting sum of months shall be added to the sentence begins date.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5251, 21-4608; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

44-6-141 Controlling maximum date; controlling guidelines sentence discharge date.

(a) Latest conditional release sentence controls. The sentence with the longest period of incarceration shall be designated as the sentence controlling the maximum date. The maximum term of the sentence controlling the conditional release date shall be added to the sentence begins date to establish the controlling maximum date.

(b) New concurrent--longest incarceration controls. For parole and conditional release violators admitted with new sentences that are to be concurrent to the old sentences, the conditional release date of each new sentence shall be calculated. The conditional release date or dates of the old sentence shall be reviewed to assure that all good time forfeitures have been applied. The sentence that requires the longest period of incarceration to reach conditional release shall be designated as the sentence controlling the maximum term and maximum date. That term shall be added to the sentence begins date to establish the controlling maximum date.

(c) Consecutives. Inmates admitted with consecutive sentences shall have the maximum terms of those sentences added together to determine the controlling maximum sentence. If sentences imposed on different dates are to be served consecutively, the inmate shall receive credit for all time served on the previous sentence when the controlling maximum sentence is computed.

(d) Concurrent--consecutive composites. If an inmate is admitted with a composite sentence that includes both concurrent and consecutive sentences, the conditional release date for the consecutive sentence maximum term, as determined in subsection (c), shall be compared to the conditional release date of any remaining concurrent sentences. The length of the sentence or sentences requiring the longest period of incarceration to reach conditional release shall be designated as the term controlling the maximum date. The length of this term shall be added to the sentence begins date to determine the controlling maximum date.

(e) Violator returned past conditional release from concurrent sentences without new sentence. If a conditional release violator is returned without new sentences and the conditional release date has been reached on all other sentences, the maximum term of each active sentence shall be added to each of the sentence begins dates. The sentence requiring the longest period of incarceration to reach the maximum date shall be identified as the controlling maximum date, and its length of sentence shall be the controlling maximum term.

(f) Controlling guidelines sentence discharge date. For each offender with multiple guidelines sentences, the controlling guidelines sentence discharge date shall be calculated by using the principles set forth in subsections (a) through (e) above.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended May 1, 1988; amended Sept. 6, 2002.)

44-6-142

(Authorized by K.S.A. 1993 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1993 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; amended Jan. 3, 1995; revoked Sept. 6, 2002.)

44-6-143 Computation of consecutive sentences.

(a) On and after May 7, 1987, if an individual is sentenced for an offense committed while on probation, parole, conditional release, or postrelease supervision for a felony, and the probation, parole, conditional release, or postrelease supervision is subsequently revoked, the sentences shall be computed as consecutive.

(b) If a previously imposed sentence expires before the imposition of the new sentence, computation shall be made only on the basis of the new sentence. (Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, 75-5251; effective Nov. 12, 1990; amended Sept. 6, 2002.)

44-6-144 Minimum sentence expended at parole eligibility--sentence computation. Once the inmate has become eligible for parole, or has been given a parole hearing by the Kansas adult authority, no other parole eligibility shall be established. However, if subsequent sentences are to be served consecutively to the earlier ones, the computation of the new parole eligibility shall utilize the minimum term of the earlier sentence as part of the complete computation. The earlier minimum sentence shall not be considered as eliminated by parole and may be used when required as an element in the computation of a subsequent or composite sentence.

(Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984.)

44-6-145 Incentive good time credits. Incentive good time credits which were authorized and applied under previous policies and regulations shall continue to be credited to the inmate's sentence and applied to the record.

(Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984.)

44-6-146 (Authorized by and implementing K.S.A. 1993 Supp. 21-4722; effective Sept. 13, 1993; amended Jan. 3, 1995; revoked Sept. 6, 2002.)