



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

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| Policy No. DOC 1.5.1                     | Subject: <b>ADULT OFFENDER GOOD TIME ALLOWANCE</b> |
| Chapter 1: ADMINISTRATION AND MANAGEMENT | Page 1 of 3 and Attachment                         |
| Section 5: Case Records Management       | Effective Date: April 13, 1995                     |
| Signature: /s/ Mike Ferriter, Director   | Revised: 01/25/12                                  |

## **I. POLICY**

The Department of Corrections will grant an appropriate good time allowance for offenders who committed offenses prior to January 31, 1997 pursuant to 53-30-105, MCA (repealed). The good time allowance provides a credit on the offender's sentence. It is also the policy of the Department to revoke previously granted good time credits in accordance with [DOC Policy 3.4.1, Offender Disciplinary System](#).

## **II. APPLICABILITY**

All adult divisions, facilities, and programs Department-owned and contracted, as specified in contract.

## **III. DEFINITIONS**

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility, or program operation and management.

Appropriate Good Time Credit – The amount of good time appropriate under the policy in effect at the time the offender earned the credit.

Facility/Program – Refers to any division, prison, secure care correctional facility, correctional or training program, or community-based program under Department jurisdiction or contract. This term includes the facility building or residence, including property and land owned or leased and operated by the Department.

## **IV. DEPARTMENT DIRECTIVES**

### **A. Eligibility**

1. An offender is eligible for a good time allowance if the offender committed an offense prior to January 31, 1997, and a court sentenced the offender to prison, the Department of Corrections (DOC), or DPHHS.
2. The good time allowance is available for eligible offenders during the time the offender serves a prison sentence or a DOC commitment in an adult correctional institution or on parole.
3. The good time allowance is available to eligible offenders for time the offender serves in jail before sentencing if a magistrate or judge set bond and the offender did not post it.

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4. The Department may not award an eligible offender more than one day of good time credit for each day the offender serves.

**B. Offenders Not Eligible for Good Time Credits**

1. An offender who participates in the Treasure State Correctional Training Center or a boot camp program may not earn good time credits while participating in the Treasure State or boot camp program.
2. An offender who is found guilty but mentally ill is only eligible for good time credits when the offender serves the sentence imposed in an adult correctional institution or on parole.
3. An eligible offender does not earn good time credits while he or she serves probationary time on a deferred or suspended sentence.
4. If an eligible offender escapes from custody or absconds from parole supervision, the offender does not earn good time credit during the time the offender is on escape or absconder status.

**C. Computation of Good Time Credits**

1. The Department will credit an eligible offender with appropriate good time credits from the date the court sentences the offender if the offender begins serving the sentence immediately; otherwise, the offender begins to earn appropriate good time credits from the date the offender begins to serve the sentence.
2. The Department will credit an eligible offender with appropriate good time on jail time ordered by the court. For the purposes of good time credit for pre-sentence jail time, an offender who was incarcerated in a county jail before April 12, 1995, was a close custody offender. The Department will award good time credits commensurate with close custody status (ten days a month).
3. The Department will award any good time credits that a court orders the Department to give an offender unless the court rescinds or amends the order.

**D. Forfeiture of Good Time Credits**

1. After a disciplinary hearing for an eligible offender a facility administrator, disciplinary hearings officer, regional administrator, or Probation and Parole hearings officer may recommend to the Department director that the offender forfeit any or all previously earned good time credits.
2. The Department will conduct a due process disciplinary hearing when the offender is returned to Department custody after an eligible offender escapes or absconds parole supervision to determine if the offender will retain or forfeit good time earned prior to the time the offender escaped or absconded.
3. The Department director, or designee, must approve the forfeiture of good time credits.

**E. Restoration of Good Time Credits**

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1. A facility administrator or the Community Corrections Division administrator may recommend that the Department director restore any or all good time credits the offender previously forfeited, if the offender maintains good behavior.
2. The Department director, or designee, must approve the restoration of good time credits.
3. To apply for the restoration of good time credits:
  - a. the offender must submit a written request to his/her unit manager or supervising officer. The offender must check with the facility records manager to ascertain the amount that he/she forfeited;
  - b. the unit manager or supervising officer will complete the [Application for Restoration of Forfeited Good Time](#) which must include the recommended amount of good time credits for restoration and make a recommendation to:
    - 1) the warden of Montana State Prison (for a male offender in a secure facility) or Montana Women's Prison (for a female offender in a secure facility); or,
    - 2) the Community Corrections division administrator (if the offender is in a Community Corrections program or on parole);
  - c. the warden or division administrator will forward the Application for Restoration of Forfeited Good Time, with a recommendation, to the Department director;
  - d. the Department director will determine whether to restore an offender's forfeited good time credits; and
  - e. the Department director will forward the approval/disapproval to the records department at Montana State Prison or Montana Women's Prison, whichever is applicable.

## V. CLOSING

Questions concerning this policy should be referred to the Department director, facility administrator, facility records manager, Community Corrections division administrator, or to the Department's legal counsel.

## VI. REFERENCES

- A. [2-15-112](#), MCA; [53-1-203](#), MCA
- B. 4-4097; *ACA Standards for Adult Correctional Institutions*, 4<sup>th</sup> Edition

## VII. ATTACHMENT

[Application for Restoration of Forfeited Good Time](#)      [PDF](#)