

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2011 Winter
Supp.

To amend the District of Columbia Good Time Credits Act of 1986 to authorize good time credits for good behavior and for successful participation in educational and rehabilitative programs, work details, and special projects; and to amend Chapter 6 of Title 28 of the District of Columbia Municipal Regulations to allow pretrial detainees and sentenced inmates to earn good time credits for good behavior and for successful participation in rehabilitation programs, work details, and special projects, with or without completion of the program, to account for the shorter duration of the average length of stay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District of Columbia Good Time Credits Amendment Act of 2010”.

Sec. 2. The District of Columbia Good Time Credits Act of 1986, effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code § 24-221.01 *et seq.*), is amended as follows:

(a) A new section 3c is added to read as follows:

“Sec. 3c. Credits for good behavior, rehabilitation programs, work details, and special projects.

“(a) A person sentenced for a misdemeanor whose conduct complies with institutional rules shall be eligible to receive good time credits of up to 3 credits per calendar month for good behavior, as prescribed by applicable rules.

“(b) A person sentenced for a misdemeanor who demonstrates successful participation in one or more rehabilitation programs, work details, or special projects shall be eligible to receive good time credits of up to 3 credits per calendar month for each such program, detail, or project, as prescribed by applicable rules.

“(c) No person shall receive more than 8 credits per calendar month under sections 3 and 3c combined.

“(d) Good time credits shall be computed from the day on which a person is first incarcerated. In a case in which the person is later sentenced for a misdemeanor, the good time

credits shall not be awarded until after a sentence is imposed.”.

(b) Section 4 is amended by striking the word “educational” wherever it appears.

**Amend
§ 24-221.02**

Sec. 3. Chapter 6 of Title 28 of the District of Columbia Municipal Regulations is amended to read as follows:

“CHAPTER 6 GOOD TIME CREDITS

“600 APPLICABILITY

“600.1 This chapter shall apply to every resident of a District of Columbia correctional institution who is serving a sentence for a misdemeanor pursuant to section 3b of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403.02). This chapter shall not apply to those sentenced to imprisonment for a felony pursuant to section 3 or section 3a of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code §§ 24-403 and 24-403.01).

“601 LIMITATIONS ON CREDITS

“601.01 Good time credit shall not apply to a sentence of civil contempt.

“601.02 An inmate shall not earn more than eight (8) good time credits per calendar month under this chapter.

“602 PURPOSE AND SCOPE OF GOOD TIME CREDITS

“The Department of Corrections may award good time credits for good behavior and for successful participation in rehabilitative programs, work details, and special projects for the period of time in custody prior to or after sentencing. Such credits shall be applied only after sentencing pursuant to D.C. Official Code § 24-403.02. Good time credits for good behavior, successful participation in rehabilitative programs, work details, and special projects provide inmates with an incentive to maintain good behavior and enroll in institutional programs for purposes of self-development or rehabilitative objectives. The good time credits for good behavior are revoked when inmates engage in disciplinary violations, but can be restored. The good time credits for successful participation in rehabilitative programs, work details, and special projects vest once utilized and thereafter cannot be revoked.

“603 APPLICABILITY OF GOOD TIME CREDITS

“603.01 Each inmate committed to the Department of Corrections who is sentenced for a misdemeanor pursuant to D.C. Official Code § 24-403.02 may be eligible for credits to be applied to his or her sentence pursuant to the District of Columbia Good Time Credits Act of 1986, effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code § 24-221.01 *et seq.*), in one or more of the following categories:

“(a) Good behavior;

“(b) Rehabilitative programs;

“(c) Work details; and

ENROLLED ORIGINAL

“(d) Special projects.

“603.02 Credit shall be calculated from the first day of incarceration but does not accrue before the 20th day of incarceration. The credit shall be calculated regardless of whether the inmate is pre-trial, pre-sentence, or sentenced. One credit is equal to a full day of reduction in a sentence. Except in the case of good behavior credit awarded pursuant to section 603.04, all credits shall accrue each calendar month for successful participation in rehabilitative programs, work details, and special projects, in the following manner:

“(a) If participation in the program, detail, or project lasts twenty (20) days or less: one credit;

“(b) If participation in the program, detail, or project lasts more than twenty (20) days, but less than twenty-six (26) days: two (2) credits; and

“(c) If participation in the program, detail, or project lasts twenty-six (26) days or more: three (3) credits.

“603.03 After an inmate has been released, either to probation or by the expiration of his or her sentence, good time credits awarded during the period of incarceration are of no further effect and shall not be used to shorten the period of probation, to shorten the period of incarceration which the inmate may be required to serve for violation of probation, or to shorten any subsequent sentence.

“603.04 Good behavior credit.

“(a) An inmate shall be awarded good behavior credit at the inception of his or her incarceration for anticipated future good behavior and institutional adjustment that will result in the automatic reduction of the inmate’s term of commitment unless all or part of such credits are revoked pursuant to section 604.

“(b) The reduction described in paragraph (a) of this subsection shall be calculated from the first date of commitment at a rate of three (3) days for each full calendar month during the inmate’s commitment or, if the inmate is committed for less than a full calendar month, at a rate of one day for each 10-day period within a calendar month in which an inmate is committed.

“(c) An inmate shall not receive credit under this subsection for any 10-day period during which the inmate is not incarcerated, including a period where the inmate’s sentence is stayed or the inmate has escaped.

“(d) The amount of good behavior credit is subject to disciplinary revocation under section 604.

“603.05 Rehabilitative programs credit.

“(a) An inmate shall be eligible for a good time credit deduction from the inmate’s term of commitment for successful participation in one or more self-improvement programs.

“(b) The deduction described in paragraph (a) of this subsection shall be calculated from the first day the inmate demonstrates successful participation in the program using the formula set forth in section 603.04(b).

“603.06 Work detail credit.

ENROLLED ORIGINAL

“(a) An inmate shall be eligible for a good time credit deduction from the inmate’s term of commitment for demonstrating successful participation of assigned work tasks.

“(b) The deduction described in paragraph (a) of this subsection shall be calculated from the first date of assignment and continue through termination from the detail assignment or release from custody using the formula set forth in section 603.04(b).

“603.07 Special projects credit.

“(a) An inmate shall be eligible for a good time credit deduction from the inmate’s term of commitment for demonstrating successful participation in a designated non-recurring special project.

“(b) The deduction described in paragraph (a) of this subsection shall be calculated from the first date of assignment and continue through the completion of the assignment or as long as the inmate is committed to the Department of Corrections, whichever is shorter, using the formula set forth in section 603.04(b).

“604 DISCIPLINARY REVOCATION OF GOOD TIME CREDIT

“604.01 Except as provided in section 604.03, good behavior credit may be revoked as the result of a disciplinary violation imposed by the Department of Corrections pursuant to the procedures set forth in the Department of Corrections Policy on Inmate Discipline and Administrative Housing.

“604.02 The Department of Corrections Disciplinary Board, in its sole discretion, may revoke good behavior credits in accordance with the following if an inmate is found guilty of one or more Class I, Class II, or Class III offenses:

“(a) Class I Offenses: up to one hundred percent (100%) of credits may be revoked.

“(b) Class II Offenses: up to fifty (50%) of credits may be revoked.

“(c) Class III Offenses: up to twenty-five percent (25%) of credits may be revoked

“604.03 Good time credits for successful participation in rehabilitative programs, work detail, and special projects, once awarded, shall not be revoked.

“604.04 Good behavior credit revoked under this section may be restored under section 605.

“605 RESTORATION OF REVOKED GOOD BEHAVIOR CREDIT

“605.01 An inmate may submit an application for the restoration of good behavior credit revoked under section 604.

“605.02 Application for restoration of good behavior credit shall be made to the Warden, who shall consider the following factors when making a recommendation:

“(a) The severity of and circumstances of the disciplinary violation that resulted in revocation;

“(b) The inmate’s disciplinary record during his or her current incarceration;

“(c) The inmate’s rehabilitation efforts during his or her current incarceration period;

and

ENROLLED ORIGINAL

“(d) The inmate’s demonstrated positive adjustment since the violation and revocation occurred.

“605.03 Good behavior credits may be restored to the inmate at the following rate;

“(a) Up to fifty percent (50%) of the total credit revoked if the inmate has been free of any subsequent disciplinary violations for six (6) months; or

“(b) Up to one hundred percent (100%) of the revoked credit if the inmate has been free of disciplinary violations for twelve (12) months.

“605.04 An inmate has no entitlement to approval of restoration of revoked credit.

“605.05 An inmate may appeal the Warden’s decision under this section to the Director of the Department of Corrections by submitting a letter to the Director.

“606 RECORDS MANAGEMENT OF GOOD TIME CREDITS.

“606.01 The Director shall maintain a system for administering good time credits for each inmate.

“606.02 The record of good time credits shall:

“(a) Start from the first date the inmate is committed to the Department of Corrections;

“(b) Contain entries reflecting good time credits granted, revoked, or restored; and

“(c) Reflect a current and accurate record of good time credits affecting an inmate’s term of commitment.

“606.03 The Director shall ensure that staff responsible for maintaining a record of good time credit are notified within five (5) days after:

“(a) The date on which an inmate is assigned to, completes, or is subsequently removed from a rehabilitative program, a work detail, or a special project;

“(b) Revocation of an inmate’s good behavior credit; and

“(c) The Warden’s or Director’s approval to restore an inmate’s revoked good behavior credits.

“699 DEFINITIONS

“For purposes of this chapter, the following terms shall have the meaning ascribed:

“(1) “Department of Corrections facility” - means a facility that houses an inmate committed to the District of Columbia Department of Corrections.

“(2) “Disciplinary violation” - means a guilty finding pursuant to the Department of Corrections Policy on Inmate Discipline and Administrative Housing for any institutional Class I, II, and III offenses as defined in Chapter 5 of this title.

“(3) “Disciplinary Board” – means a Board established pursuant to the Department of Corrections Policy on Inmate Discipline and Administrative Housing that conducts hearings, makes findings, and imposes appropriate sanctions for incidents of inmate disciplinary violations.

“(4) “Expiration of the sentence” - means that an inmate’s sentence has expired, requiring the release from incarceration without further supervision of an inmate because he or she:

ENROLLED ORIGINAL

“(a) Has served the maximum term of commitment; or

“(b) Has served the maximum term of commitment less the diminution credits awarded pursuant to the District of Columbia Good Time Credits Act of 1986, effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code § 24-221.01 *et seq.*).

“(5) “Good time credit” - means either good behavior credit pursuant to section 603.4 or other credit pursuant to sections 603.5, 603.6, or 603.7 earned as a result of successful participation in rehabilitative programs, work details, and special projects.

“(6) “Incarceration” – means residence resulting from pretrial or presentence detention, a sentence, or detention pending a hearing on revocation of probation or release in the Central Detention Facility, Correctional Treatment Facility, or another secure facility under contract to the District of Columbia Department of Corrections.

“(7) “Rehabilitative program” - means a program providing opportunities for self improvement, including treatment, academic, or vocational programs.

“(8) “Special project” - means a designated, non-recurring project.

“(9) “Successful participation”- means active and constructive participation and includes satisfactory attendance and compliance with any rehabilitative program, work detail, or special project.

“(10) “Term of commitment” - means the period of an inmate’s current incarceration. The term “term of commitment” includes the following:

“(a) A single sentence;

“(b) A combination of concurrent sentences (a concurrent sentence is two (2) or more sentences that run simultaneously), in which case the term of commitment is the period of commitment between the earliest starting date of those sentences and the latest expiration date of those sentences;

“(c) A combination of consecutive sentences (a consecutive sentence is two (2) or more sentences following one after the other in uninterrupted succession), in which case the term of commitment is the period of commitment between the starting date of the first consecutive sentence and the expiration of the last consecutive sentence;

“(d) A combination of concurrent and consecutive sentences in which case the term of commitment is the period of commitment between the earliest starting date of the sentences and the last expiration date of the sentences;

“(e) A combination of sentences imposed before and after release on parole or probation and the probation or parole is revoked, in which case the term of commitment is the period of commitment between the earliest starting date of the sentences and the latest expiration date of the sentences, excluding time out of custody for which credit is not allowed.

“(11) “Work detail” - means assignment to a recurring task pursuant to an institutional work program.”.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia