

197.045 Credit on sentence for good conduct, educational accomplishment, or meritorious service -- Requirement of completion of sex offender treatment program for eligible sexual offenders -- Forfeiture of credit for certain dismissals of inmates' civil actions.

- (1) Any person convicted and sentenced to a state penal institution may receive a credit on his sentence of not exceeding ten (10) days for each month served, except as otherwise provided in this section, to be determined by the department from the conduct of the prisoner. In addition, the department shall provide an educational good time credit of ninety (90) days to any prisoner who successfully receives a general equivalency diploma or a high school diploma, a two (2) or four (4) year college degree, a two (2) year or four (4) year certification in applied sciences, or a technical education diploma as provided and defined by the department, or who completes a drug treatment program or other program as defined by the department that requires participation in the program for a minimum of six (6) months; prisoners may earn additional credit for each program completed. The department may forfeit any good time previously earned by the prisoner or deny the prisoner the right to earn good time in any amount if during the term of imprisonment, a prisoner commits any offense or violates the rules of the institution.
- (2) When two (2) or more consecutive sentences are to be served, the several sentences shall be merged and served in the aggregate for the purposes of the good time credit computation or in computing dates of expiration of sentence.
- (3) An inmate may, at the discretion of the commissioner, be allowed a deduction from a sentence not to exceed seven (7) days per month for performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs, and may be allowed an additional seven (7) days per month served for acts of exceptional service during times of emergency. The allowance shall be an addition to commutation of time for good conduct and under the same terms and conditions and without regard to length of sentence.
- (4) Until successful completion of the sex offender treatment program, an eligible sexual offender may earn good time. However, the good time shall not be credited to the eligible sexual offender's sentence. Upon the successful completion of the sex offender treatment program, as determined by the program director, the offender shall be eligible for all good time earned but not otherwise forfeited under administrative regulations promulgated by the Department of Corrections. After successful completion of the sex offender treatment program, an eligible sexual offender may continue to earn good time in the manner provided by administrative regulations promulgated by the Department of Corrections. Any eligible sexual offender, as defined in KRS 197.410, who has not successfully completed the sex offender treatment program as determined by the program director shall not be entitled to the benefit of any credit on his or her sentence. A sexual offender who does not complete the sex offender treatment program for any reason shall serve his or her entire sentence without benefit of good time, parole, or other form of early

release. The provisions of this section shall not apply to any sexual offender convicted before July 15, 1998, or to any mentally retarded sexual offender.

- (5) (a) The Department of Corrections shall, by administrative regulation, specify the length of forfeiture of good time and the ability to earn good time in the future for those inmates who have civil actions dismissed because the court found the action to be malicious, harassing, or factually frivolous.
- (b) Penalties set by administrative regulation pursuant to this subsection shall be as uniform as practicable throughout all institutions operated by, under contract to, or under the control of the department and shall specify a specific number of days or months of good time forfeited as well as any prohibition imposed on the future earning of good time.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 107, sec. 3, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 182, sec. 22, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 345, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 24, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 118, sec. 6, effective July 15, 1996; and ch. 145, sec. 6, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 211, sec. 42, effective July 14, 1992; and ch. 445, sec. 7, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 497, sec. 12, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 344, sec. 23, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 146, sec. 1. -- Amended 1970 Ky. Acts ch. 90, sec. 1. -- Amended 1962 Ky. Acts ch. 109, sec. 1. -- Created 1956 Ky. Acts ch. 102, sec. 1.