

CHAPTER 12-54.1
SENTENCE REDUCTION FOR GOOD OR MERITORIOUS CONDUCT

12-54.1-01. Performance-based sentence reduction.

1. Except as provided under section 12.1-32-09.1, offenders committed to the legal and physical custody of the department of corrections and rehabilitation are eligible to earn sentence reductions based upon performance criteria established through department and penitentiary rules. Performance criteria includes participation in court-ordered or staff-recommended treatment and education programs and good work performance. The department may credit an offender committed to the legal and physical custody of the department who is eligible for sentence reduction five days good time per month for each month of the sentence imposed. The department may not credit an offender with any sentence reduction for time spent in custody prior to sentence and commitment, for time under supervised probation, or for any sentence where the incarceration time is six months or less.
2. The presiding judge of a judicial district in which a correctional facility is located, after consultation with the other judges in the district, may authorize the facility administrator to provide for sentence reductions based upon performance criteria established through the administrator. The criteria must be substantially similar to the performance criteria established by the penitentiary. Except as provided under section 12.1-32-09.1, offenders sentenced to the facility are eligible to earn sentence reductions based upon the performance criteria. While incarcerated in a correctional facility, an inmate may earn five days good time per month except for any sentence where the incarceration time is thirty days or less.

12-54.1-02. Basis for good conduct sentence reduction. Repealed by S.L. 1991, ch. 118, § 4.

12-54.1-03. Meritorious conduct sentence reduction. Except as provided under section 12.1-32-09.1, offenders committed to the legal and physical custody of the department of corrections and rehabilitation may receive a lump sum or a monthly rate of meritorious conduct sentence reduction for outstanding performance or heroic acts or as a special control and security measure, as provided by penitentiary and department rules and upon written recommendation of a department multidisciplinary team. Meritorious sentence reductions are in addition to sentence reductions under section 12-54.1-01 and may be made only after a written recommendation is made by the warden and approved by the director of the department. Any sentence reduction for special control or security measures may not exceed two days good time per month per offender.

12-54.1-04. Basis for meritorious conduct sentence reduction. Meritorious conduct sentence reductions may be awarded for any of the following performances or acts:

1. Exceptional quantity and quality of work far beyond normal expectations for the job assignment.
2. Beneficial suggestions resulting in substantial savings to the state.
3. Acts of outstanding heroism.
4. Acts which protect the lives of employees or other inmates or the property of the institution.

Meritorious conduct sentence reductions must be awarded upon written recommendation of the warden and approved by the director of the department of corrections and rehabilitation on a lump sum basis resulting from separate recommendations and approvals. Such reductions may not be awarded on a continuing days-per-month basis beyond the month in which a reduction

award is made. Such sentence reductions may not be granted for any month in which the performance sentence reduction under section 12-54.1-01 was withheld or forfeited.