

**PAROLE ELIGIBILITY**

**BASIC**

**CALCULATIONS**

**February, 2002**

## **GLOSSARY**

Actual parole eligibility date is the date that an adult inmate is actually eligible for consideration for parole. Such date is calculated, except as otherwise provided by statute, by the application of the following credits: jail credit, commutation credit, and earned work and minimum credit as of a specified date.

Book parole eligibility date is the parole eligibility date established pursuant to N.J.S.A. 30:4-123.51 and N.J.S.A. 30:4-123.64. Such date is calculated by the application of jail credit and, except as otherwise provided for by statute, commutation credit.

Flat parole eligibility is the parole eligibility date established on an individual term pursuant to N.J.S.A. 30:4-123.51 and N.J.S.A. 30:4-123.64 prior to aggregation for the purposes of the calculation of a single parole eligibility date. Such date is calculated by the application of jail credit.

Commutation credit or "good time" is credit awarded to an inmate pursuant to N.J.S.A. 30:4-140. It is not an earned credit but is a credit automatically applied in the computation of a parole eligibility date. Commutation credit awarded in the calculation of parole eligibility is based on the balance of one-third (1/3) of the term imposed less jail credit.

Jail credit is credit awarded by the court for days spent in custody prior to the date of sentence.

Work credit is credit earned pursuant to N.J.S.A. 30:4-92 at the rate of one (1) day for every five (5) days the inmate works in the institution.

Minimum custody credit is credit earned pursuant to N.J.S.A. 30:4-92 at the rate of three (3) days per month during the first year that an inmate is classified into minimum custody, and at a rate of five (5) days per month after the first year of minimum custody status.

Gap time credit is credit awarded pursuant to N.J.S.A. 2C:44-5(b)2. It is the time served from the first date of sentence to a subsequent date of sentence. The sentence imposed on the subsequent date of sentence must constitute the disposition on an offense which was committed prior to the first date of sentence.

Rosado credit is credit awarded, pursuant to State v. Rosado, 131 N.J. 423 (1993), on a sentence being imposed for violation of probation. It is credit for time served under parole supervision on a county jail term imposed as a special condition of the original probationary term.

## **Parole Eligibility**

The computation of an offender's parole eligibility date is based on the following basic calculation:

Parole Eligibility Term – Application Credit = Actual Parole Eligibility Date

- (a) Specific Term of Years (No mandatory-minimum term)

Parole Eligibility Term: One-third of sentence

Applicable Credit: Jail Credit  
Commutation Credit  
Earned Work Credit  
Earned Minimum Custody Credit

- (b) Specific Term of Years (mandatory-minimum term)

Parole Eligibility Term: Mandatory-minimum term

Applicable Credit: Jail Credit

- (c) Indeterminate Term (Young Adult)

Parole Eligibility Term: Time Goal (established pursuant to State Parole Board Schedule)

Applicable Credit: Jail Credit  
Program Participation Credit

## EXAMPLE 1

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed which does not contain a mandatory minimum term.

Date of Sentence:	6/10/02
Term:	10 years
Jail Credit:	61 days (4/11/02 to 6/10/02)

1. Add 1/3 of 10 year term (3 years, 4 months) to the date of sentence (6/10/02) thereby yielding a date of 10/10/05.
2. Subtract sixty-one (61) days of jail credit from 10/10/05. This gives a flat eligibility date of 8/10/05.
3. Subtract commutation credit. To determine appropriate commutation credit calculate the time period between the date of sentence (6/10/02) and the flat eligibility date of 8/10/05. This time period is 3 years, 2 months. Locate this time period on the commutation chart (Appendix A). In this example, the commutation credit is 268 days. Subtract the 268 days of commutation credit from the flat eligibility date of 8/10/05. This gives a book eligibility date of 11/15/04.
4. Subtract work/minimum credit. In this example, assume that the inmate has earned a total of 35 days of credit as of 2/1/03. Subtract 35 days from the book eligibility date of 11/15/04. This gives an actual eligibility date of 10/11/04 as of 2/1/03.

\* Please note that the State Parole Board's parole eligibility table (Appendix B) illustrates the earliest to the latest parole eligibility dates for specific terms and lists applicable commutation credits, as well as the estimated maximum amount possible of work and minimum custody credits.

## Example 1

Date of Sentence:	6/10/02
Term:	10 years
Jail Credit:	61 days (4/11/02 to 6/10/02)
Commutation Credit:	268 days (Based on 3 years, 2 months; time period from 6/10/02 to 8/10/05)
Work/Minimum Custody Credit:	35 days (Assume credits earned as of 2/1/03)

Date of Sentence		06 – 10 – 02
1/3/ of 10 years	+	<u>4 mos. 3 yrs.</u>
Jail Credit	-	<u>10 – 10 – 05</u> 61 dys.
<u>Flat</u> Parole Eligibility Date		08 – 10 – 05
Commutation Credit	-	<u>268</u> dys.
<u>Book</u> Parole Eligibility Date		11 – 15 – 04
Work/Minimum Custody Credit	-	<u>35</u> dys.
<u>Actual</u> Parole Eligibility Date (as of 2/1/01)		10 – 11 – 04

\* NOTE: A nine (9) month “parole restriction” applies in prison cases.

NOTE: Any credit earned after 2/1/03 would further reduce the parole eligibility date of 10/11/04

## **EXAMPLE 2**

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed which includes a mandatory minimum term.

Date of Sentence:	6/10/02
Term:	10 years (5 years mandatory minimum)
Jail Credit:	61 days (4/11/02 to 6/10/02)

1. Add mandatory minimum term (5 years) to the date of sentence (6/10/02) thereby yielding a date of 6/10/07.
2. Subtract 61 days jail credit from 6/10/07. This gives an actual eligibility date of 4/10/07.

\* Mandatory minimum terms cannot be reduced by commutation, work or minimum custody credits.

**EXAMPLE 2**

Date of Sentence: 6/10/02  
Term: 10 years (5 years mandatory minimum)  
Jail Credit: 61 days (4/11/02 to 6/10/02)

Date of Sentence 06 – 10 – 02  
Mandatory Minimum + 5 yrs.

Jail Credit - 61 dys.

Actual Parole Eligibility Date 04 – 10 – 07

\* NOTE: Mandatory minimum terms cannot be reduced by commutation, work or minimum custody credits.



### **EXAMPLE 3**

This example illustrates the method of calculating parole eligibility when an additional specific term containing a mandatory minimum term is imposed consecutively to a specific term of years not containing a mandatory minimum term.

Date of Sentence:	06/10/02
Term:	(a) 5 years (b) 10 years (5 years mandatory minimum) C/S
Jail Credit:	61 days (04/11/02 to 06/10/02)

1. Add 1/3 of 5 year term (1 year, 8 months) to the date of sentence (06/10/02) thereby yielding a date of 02/10/04.
2. Subtract 128 days commutation credit based on 1 year, 8 months (time period from 06/10/02 to 02/10/04), from 02/10/04 thereby yielding a date of 10/05/03.
3. Subtract work/minimum custody credits. In this example assume that the inmate has earned a total of 66 days of credit as of 07/31/03. Subtract 65 days from the date of 10/05/03 thereby yielding a date of 07/31/03.
4. Add mandatory minimum term (5 years ) to 07/31/03 thereby yielding a date of 07/31/08.
5. Subtract 61 days jail credit from 07/31/08. The resulting date of 05/31/08 is the actual parole eligibility date and mandatory minimum expiration date.

**EXAMPLE 3**

Date of Sentence: 06/10/02  
Term: (a) 5 years  
(b) 10 years (5 years mandatory minimum) c/s  
Jail Credit: 61 days (04/11/02 to 06/10/02)  
Commutation Credit: 128 days (based on 1 year 8 months time period from  
06/10/02 to 02/10/04)  
Work/Minimum Credit: 66 days (assume credits earned as of 07/31/03)

Date of Sentence		06 – 10 – 02
1/3 of 5 years	+	<u>8 mos.</u> 1 yr.
Commutation Credit	-	02 – 10 – 04 <u>128 dys.</u>
Work/Minimum Credit	-	10 – 05 – 03 <u>66 dys.</u>
Mandatory Minimum	+	07 – 31 – 03 <u>5 yrs.</u>
Jail Credit	-	07 – 31 – 08 <u>61 dys.</u>
Actual Parole Eligibility Date		05 – 31 – 08

\* NOTE: The above method of calculating parole eligibility would be the same if the five year term (without jail credit) was imposed on 06/10/02 and the consecutive ten year term (five years mandatory-minimum) with 61 days jail credit) was imposed on a subsequent date.

## EXAMPLE 4

This example illustrates the method of calculating parole eligibility when an additional specific term of years is imposed consecutively to a specific term which contains a mandatory minimum term.

Date of Sentence:	06/10/02
Term:	(a) 10 years (5 years mandatory minimum) (b) 5 years C/S
Jail Credit:	61 days (04/11/02 to 06/10/02)

1. Add mandatory minimum term (5 years) to date of sentence (06/10/02) thereby yielding a date of 06/10/07.
2. Subtract sixty-one (61) days jail credit from 06/10/07. The resulting date of 04/10/07 is the mandatory minimum expiration date.
3. Add 1/3 of the 5 year term (1 year, 8 months) to 04/10/07 thereby yielding a flat eligibility date of 12/10/08.
4. Subtract 588 days commutation credit, based on 6 years, 6 months (time period from 06/10/02 to 12/10/08, from 12/10/08 thereby yielding a book eligibility date of 05/02/07.
5. Apply accrued work and minimum custody credits upon expiration of the mandatory minimum term.

**\* Please note that applied commutation, work and minimum credits cannot reduce the actual parole eligibility date below the mandatory minimum expiration date of 04/10/07.**

#### EXAMPLE 4

Date of Sentence:	06/10/02
Term:	(a) 10 years (5 years mandatory minimum) (b) 5 years c/s
Jail Credit:	61 days (04/11/02 to 06/10/02)
Commutation Credit:	588 days (based on 6 years 6 months time period from 06/10/02 to 12/10/08)

Date of Sentence		06 – 10 – 02
Mandatory Minimum	+	<u>          5 yrs.</u>
		06 – 10 – 07
Jail Credit	-	<u>          61 dys.</u>
Mandatory Minimum Expiration Date		04 – 10 – 07
1/3 of 5 years	-	<u>  8 mos.  1 yr.</u>
		12 – 10 – 08
Commutation Credit	-	<u>          588 dys.</u>
		05 – 02 – 07

\* NOTE: The application of commutation credit and the application of accrued work/minimum custody credits upon the expiration of the mandatory minimum term cannot reduce the actual parole eligibility date below 04/10/07, the expiration date of the mandatory minimum term.

\* NOTE: The above method of calculating parole eligibility would be the same if the ten year term (five years mandatory-minimum) (with 61 days jail credit) was imposed on 06/10/02 and the consecutive five year term (without jail credit) was imposed on a subsequent date. However, the application of "gap time" (see Example #5) would impact on determining the parole eligibility term derived from the consecutive flat sentence.

## EXAMPLE 5

This example illustrates the method of calculating parole eligibility when a specific term of years which does not contain a mandatory-minimum term is imposed concurrent to a specific term of years which does not contain a mandatory-minimum term and “gap time” credit is awarded.

Date of Sentence: (a) 06/10/02                      (b) 09/09/02  
Term:                      (a) 5 years                      (b) 5 years  
Jail Credit:                      (a) 61 days (04/11/02 to 06/10/02)    (b) 30 days (02/01/02 to 3/02/02)  
Gap Time Credit: 92 days (06/10/02 to 09/09/02)

1. Add 1/3 of a 5 year term (1 year, 8 months) to the date of sentence (06/10/02) thereby yielding a date of 02/10/04.
2. Subtract sixty-one (61) days of jail credit from 02/10/04. This gives a flat eligibility date of 12/11/03 on the base 5 year term.
3. Subtract the 92 days (or three months for the purpose of this illustration) of “gap time” credit from the 5 year term imposed on 09/09/02. The reduced term is 4 years, 9 months (5 years minus 3 months).
4. 1/3 of the 4 years 9 months term (1 year, 7 months) commences on the date of sentence (09/09/02) thereby yielding a date of 04/08/04.
5. Subtract the 30 days of jail credit from 04/08/04. This gives a flat eligibility date of 03/09/04 on the additional 5 year term.
6. Subtract commutation credit. To determine the appropriate commutation credit calculate the time period from the first date of sentence (06/10/02) to the latest flat eligibility date (03/09/04). This time period is 1 year 9 months and is deemed to be the aggregate parole eligibility term. Identify the applicable amount of commutation credit (see Appendix A). In this example, the commutation credit is 135 days. Subtract the 135 days of commutation credit from the latest flat eligibility date of 03/09/04. This gives a book eligibility date of 10/26/03.
7. Subtract work/minimum custody credit. In this example, assume that the inmate has earned 35 days of credit as of 02/01/03. Subtract 35 days from the book eligibility date of 10/26/03. This gives an actual eligibility date of 09/21/03 as of 02/01/03.

**NOTE:** Regardless of whether a subsequent sentence is imposed concurrently or consecutively to the base sentence, “gap time” must be applied to reduce the sentence prior to determining the parole eligibility term (one-third of the reduced sentence when no mandatory-minimum term is imposed) derived from said sentence. However, in no case does “gap time” impact on a statutorily or judicially imposed mandatory-minimum term.

**EXAMPLE 5**

Date of Sentence: (a) 06/10/02 (b) 09/09/02

Term: (a) 5 years (b) 5 years

Jail Credit: (a) 61 days (04/11/02 to 06/10/02)  
(b) 30 days (02/01/02 to 03/02/02)

Gap Time Credit: 92 days (three months) (06/10/02 to 09/09/02)

Commutation Credit: 135 days (based on 1 year 9 months: the time period from 06/10/02 to 03/09/04)

Work/Minimum Credit: 35 days (assume credits earned as of 02/01/03)

Eligibility Term: (a) 1 year 8 months (1/3 of 5 years)  
(b) 1 year 7 months (5 years reduced by 3 months gap time; 1/3 of 4 years 9 months)

Date of Sentence		06 – 10 – 02		09 – 09 – 02
1/3 of 5 years	+	<u>8 mos.</u> 1 yr.	+	<u>7 mons.</u> 1 yr.
Jail Credit	-	<u>02 – 10 – 04</u> 61 dys.	-	<u>04 – 08 – 04</u> 31 dys.
		12 – 11 – 03		03 – 09 – 04
Latest <u>Flat</u> Parole Eligibility Date:				03 – 09 – 04
Commutation Credit:	-		-	<u>135</u> dys.
<u>Book</u> Eligibility Date:				10 – 26 – 03
Work/Minimum Custody Credit:	-		-	<u>35</u> dys.
<u>Actual</u> Parole Eligibility Date (as of 02/01/03)				09 – 21 – 03

\* NOTE: Any credit earned after 02/01/03 would further reduce the parole eligibility date of 09/21/03.

## EXAMPLE 6

This example illustrates the method of calculating parole eligibility when an Indeterminate term is imposed.

Date of Sentence:	06/10/02
Offense:	Robbery, second degree
Term:	Indeterminate (5 years)
Jail Credit:	120 days (02/11/02 to 06/10/02)

1. A 5 year indeterminate sentence for Robbery, second degree, has a presumptive time goal of twenty (20) months (**Appendix C**). Assuming no aggravating or mitigating circumstances in this case, the Young Adult Panel would establish a twenty (20) month time goal.
2. The tentative parole eligibility date is calculated by adding the time goal (20 months) to the date of sentence (06/10/02), and reducing this by 120 days jail credit (02/11/02 to 06/10/02). The resulting date of 10/13/03 would be the tentative parole eligibility date.
3. A young adult inmate's actual parole eligibility date is computed by reducing the tentative parole eligibility date by program participation credits. These program credits are determined by the Board panel during the hearing process.
4. Program credits are assigned based on the inmate's time goal less jail credit. In this example, program credits would be allowed on the basis of 20 months (the time goal) less 120 days (the jail credit) or 16 months.
5. Program participation credits are awarded on the following schedule:

<u>ASSESSMENT</u>	<u>CREDIT (per month of correctional time)</u>
Above Average	15 days
Average	10 days
Below Average	5 days
Poor	0 days

6. Assuming "above average" credits were awarded for program participation to the inmate in this example, the tentative eligibility date would be reduced by 240 days (15 days credit multiplied by 16 months). The new tentative release date would be reduced from 10/13/03 to 02/15/03.
7. The decision to grant reductions for program participation is a separate decision from whether parole release is approved. Although both of these decisions may be made during the mid-goal review, it is important to understand this difference.

**\* Please note the Primary Parole Eligibility Charge for Young Adult Offenders (Appendix D), which illustrates the earliest to latest dates based on program reduction credits.**

## EXAMPLE 6

Date of Sentence:	06/10/02
Offense:	Robbery, second degree (Category D)
Term:	Indeterminate (5 years)
Jail Credit:	120 days (02/11/02 to 06/10/02)
Time Goal:	20 months

Program Reduction Credit: 240 days (Assume above average program participation)

Date of Sentence		06 – 10 – 02
Time Goal	+	<u>8 mos.</u> 1 yr.
Jail Credit	-	02 – 10 – 04 <u>120</u> dys.
Tentative Parole Eligibility Date:		10 – 13 – 03
Program Reduction Credits:	-	<u>240</u> dys.
New Tentative Parole Eligibility Date:		02 – 15 – 03



# APPENDIX A

# YEARS	TOT C.T.	PER MONTH C.T.	RATIO: C.T. FOR DAYS OF MONTH
BELOW 1 YR.		6 days	
1 YEAR	72		1 for 5 2 for 10 3 for 15 4 for 20 5 for 25 6 for 30
MONTH 13 TO MONTH 24		7 DAYS	
2 YEARS	156		1 for 4 2 for 9 3 for 13 4 for 17 5 for 22 6 for 26 7 for 30
MONTH 25 TO MONTH 84		8 DAYS	
3 YEARS	252		1 for 4
4 YEARS	348		2 for 8
5 YEARS	444		3 for 11
6 YEARS	540		4 for 15
7 YEARS	636		5 for 19 6 for 23 7 for 26 8 for 30
MONTH 85 TO MONTH 144		10 DAYS	
8 YEARS	756		1 for 3
9 YEARS	876		2 for 6
10 YEARS	996		3 for 9
11 YEARS	1116		4 for 12
12 YEARS	1236		5 for 15 6 for 18 7 for 21 8 for 24 9 for 27 10 for 30
MONTH 145 TO MONTH 204		11 DAYS	
13 YEARS	1368		1 for 3
14 YEARS	1500		2 for 5
15 YEARS	1632		3 for 8
16 YEARS	1764		4 for 11
17 YEARS	1896		5 for 14 6 for 16 7 for 19 8 for 22 9 for 25 10 for 27 11 for 30
MONTH 205 TO MONTH 264		12 DAYS	
18 YEARS	2040		1 for 3
19 YEARS	2184		2 for 5
20 YEARS	2328		3 for 8
21 YEARS	2472		4 for 10
22 YEARS	2616		5 for 13 6 for 15 7 for 18 8 for 20 9 for 23 10 for 25 11 for 28 12 for 30

# YEARS	TOT C.T.	PER MONTH C.T.	RATIO: C.T. FOR DAYS OF MONTH
MONTH 265 TO MONTH 300		13 DAYS	
23 YEARS	2772		1 for 2
24 YEARS	2928		2 for 5
25 YEARS	3084		3 for 7 4 for 9 5 for 12 6 for 14 7 for 16 8 for 18 9 for 21 10 for 23 11 for 25 12 for 28 13 for 30
MONTH 301 TO MONTH 360		15 DAYS	
26 YEARS	3264		1 for 2
27 YEARS	3444		2 for 4
28 YEARS	3624		3 for 6
29 YEARS	3804		4 for 8
30 YEARS	3984		5 for 10 6 for 12 7 for 14 8 for 16 9 for 18 10 for 20 11 for 22 12 for 24 13 for 26 14 for 28 15 for 30
MONTH 361 AND BEYOND		16 DAYS	
31 YEARS	4176		1 for 2 2 for 4 3 for 6 4 for 8 5 for 10 6 for 11 7 for 13 8 for 15 9 for 17 10 for 19 11 for 21 12 for 23 13 for 25 14 for 27 15 for 29 16 for 30

→Where an exact match cannot be made for the number of days, use the next higher value←

# APPENDIX B

## PAROLE ELIGIBILITY TABLE

### CRIMINAL CODE SENTENCES (Title 2C) AND 2A FIRST OFFENDER CASES

A	B	C**	D**	E**	F**	G**
Sentence	Flat Eligibility (Where no man.-min.)	Commutation Credits (Note: Based on 1/3 of max minus jail credits)	Estimated Work Credits (Maximum possible)	Estimated Minimum Custody Credits (Maximum possible)	Earliest Eligibility Includes: 1.C.C. 2.Max W.C. 3.Max M.C.C.	Latest Eligibility Includes: 1.C.C. 2.No W.C. 3.No M.C.C.
Years	yrs. -mos.	days	days	days	yrs. -mos. -days	yrs. -mos. -days
1	0 - 4	--	--	--	0 - 9 - 0*	0 - 9 - 0*
2	0 - 8	--	--	--	0 - 9 - 0*	0 - 9 - 0*
3	1 - 0	72	45	22	0 - 9 - 0*	0 - 9 - 23
4	1 - 4	100	59	30	0 - 9 - 26	1 - 0 - 20
5	1 - 8	128	73	37	1 - 0 - 5	1 - 3 - 25
6	2 - 0	156	87	49	1 - 2 - 13	1 - 6 - 29
7	2 - 4	188	100	59	1 - 4 - 18	1 - 9 - 27
8	2 - 8	220	113	70	1 - 6 - 25	2 - 0 - 23
9	3 - 0	252	126	81	1 - 9 - 1	2 - 3 - 23
10	3 - 4	284	139	92	1 - 11 - 5	2 - 6 - 21
11	3 - 8	316	160	49	2 - 2 - 23	2 - 9 - 22
12	4 - 0	348	173	61	2 - 4 - 28	3 - 0 - 17
13	4 - 4	380	186	71	2 - 7 - 3	3 - 3 - 15
14	4 - 8	412	199	81	2 - 9 - 11	3 - 6 - 16
15	5 - 0	444	213	93	2 - 11 - 15	3 - 9 - 16
16	5 - 4	476	233	51	3 - 3 - 0	4 - 0 - 9
17	5 - 8	508	247	62	3 - 5 - 6	4 - 3 - 10
18	6 - 0	540	260	73	3 - 7 - 12	4 - 6 - 10
19	6 - 4	572	273	83	3 - 9 - 17	4 - 9 - 8
20	6 - 8	604	286	95	3 - 11 - 23	5 - 0 - 4
21	7 - 0	636	308	52	4 - 3 - 7	5 - 3 - 4
22	7 - 4	676	319	61	4 - 5 - 4	5 - 5 - 24
23	7 - 8	716	330	71	4 - 7 - 5	5 - 8 - 14
24	8 - 0	756	342	81	4 - 9 - 9	5 - 11 - 9
25	8 - 4	796	358	89	4 - 11 - 2	6 - 1 - 24
26	8 - 8	836	374	47	5 - 2 - 20	6 - 4 - 16
27	9 - 0	876	392	62	5 - 4 - 10	6 - 7 - 9
28	9 - 4	916	397	67	5 - 6 - 18	6 - 9 - 26
29	9 - 8	956	409	77	5 - 8 - 18	7 - 0 - 17
30	10 - 0	996	421	87	5 - 10 - 20	7 - 3 - 9
35	11 - 8	1196	488	83	6 - 9 - 28	8 - 4 - 21
40	13 - 4	1412	550	134	7 - 6 - 20	9 - 5 - 18
45	15 - 0	1632	593	170	8 - 5 - 8	10 - 6 - 13
50	16 - 8	1852	660	226	9 - 1 - 27	11 - 7 - 5
55	18 - 4	2088	712	269	9 - 10 - 29	12 - 7 - 10
60	20 - 0	2328	768	316	10 - 7 - 26	13 - 7 - 17
65	21 - 8	2568	795	348	11 - 5 - 29	14 - 7 - 25
70	23 - 4	2824	843	383	12 - 2 - 24	15 - 7 - 4
Life	25 - 0	3084	916	439	12 - 10 - 4	16 - 6 - 21

\* Nine month restriction applies to all 2C cases only.

\*\* All figures based on zero jail credits.

# APPENDIX C

## TIME GOAL SCHEDULE FOR YOUNG ADULTS (Applies to Offenses committed on or after May 6, 1985)

The schedule of presumptive parole eligibility terms shown below is used as a guide by the Board panel when time goals are set. In order to determine the presumptive eligibility term for an offense and sentence, you should follow the steps shown below.

### PRESUMPTIVE PRIMARY ELIGIBILITY DATES (MONTHS)

CRIME CATEGORY	<u>LENGTH OF INDETERMINATE TERM</u>						
	(Years)						
	0-4	5-9	10-14	15-19	20-24	25-29	30-Life
Category A		40	56	74	90	106	120
Category B	16	32	40	48	56	56	56
Category C	16	28	36	44	52		
Category D	14	20	28	36	44		
Category E	12	14	18	22	22		
Category F	10	10					
Category G	8						

- A. Find the category of your crime in the chart below. If the sentence is for more than one crime, use the highest category.
- Category A - Murder
  - Category B - Aggravated Manslaughter, Kidnapping first degree, Aggravated Sexual Assault, or any other first degree crime
  - Category C - Robbery first degree
  - Category D - Manslaughter, Robbery second degree, Aggravated Assault second degree, Sexual Assault or any other second degree crime
  - Category E - Sale or Distribution of Controlled Dangerous Substance and Possession of Controlled Dangerous Substance with Intent to Distribute
  - Category F - Burglary third degree, Possession of a Weapon for an Unlawful Purpose third degree, Unlawful Possession of a Weapon third degree, Terroristic Threats, Aggravated Assault third degree, Death by Auto, Endangering the Welfare of a Child third degree, any other third degree crime, or Possession of Controlled Dangerous Substance
  - Category G - Criminal Sexual Contact, Forgery fourth degree, Possession of a Weapon fourth degree, or any other fourth degree crime.
- B. Identify the length of the indeterminate sentence on the top line of the schedule. Follow this column down to the appropriate category to determine the presumptive term for the crime and sentence.
- C. It is important to remember that the actual time goal which a person received may be set above or below the presumptive term because of aggravating or mitigating factors of the case.

# APPENDIX D

## STATE PAROLE BOARD

### PRIMARY PAROLE ELIGIBILITY TERMS

#### YOUNG ADULT OFFENDERS

A	B	C	D	E	F	G	H
Primary Parole Eligibility Term	Maximum Estimated Program Participation Credits: Above Average Rating (15 days per month)	Maximum Estimated Program Participation Credits: Average Rating (10 days per month)	Maximum Estimated Program Participation Credits: Below Average Rating (5 days per month)	Earliest Eligibility Based on Above Average Program Participation Rating	Eligibility Based on Average Program Participation Rating	Eligibility Based on Below Average Program Participation Rating	Latest Eligibility Based on Poor Program Participation Rating (zero credits)
months	days	days	days	yrs-mos-days	yrs-mos-days	yrs-mos-days	yrs-mos-days
8	120	80	40	0 - 4 - 0	0 - 5 - 10	0 - 6 - 20	0 - 8 - 0
10	150	100	50	0 - 5 - 0	0 - 6 - 20	0 - 8 - 10	0 - 10 - 0
12	180	120	60	0 - 6 - 0	0 - 8 - 0	0 - 10 - 0	1 - 0 - 0
14	210	140	70	0 - 7 - 0	0 - 9 - 10	0 - 11 - 20	1 - 2 - 0
16	240	160	80	0 - 8 - 0	0 - 10 - 20	1 - 1 - 10	1 - 4 - 0
18	270	180	90	0 - 9 - 0	1 - 0 - 0	1 - 3 - 0	1 - 6 - 0
20	300	200	100	0 - 10 - 0	1 - 1 - 10	1 - 4 - 20	1 - 8 - 0
22	330	220	110	0 - 11 - 0	1 - 2 - 20	1 - 6 - 10	1 - 10 - 0
24	360	240	120	1 - 0 - 0	1 - 4 - 0	1 - 8 - 0	2 - 0 - 0
26	390	260	130	1 - 1 - 0	1 - 5 - 10	1 - 9 - 20	2 - 2 - 0
28	420	280	140	1 - 2 - 0	1 - 6 - 20	1 - 11 - 10	2 - 4 - 0
30	450	300	150	1 - 3 - 0	1 - 8 - 0	2 - 1 - 0	2 - 6 - 0
32	480	320	160	1 - 4 - 0	1 - 9 - 10	2 - 2 - 20	2 - 8 - 0
36	540	360	180	1 - 6 - 0	2 - 0 - 0	2 - 6 - 0	3 - 0 - 0
40	600	400	200	1 - 8 - 0	2 - 2 - 20	2 - 9 - 10	3 - 4 - 0
44	660	440	220	1 - 10 - 0	2 - 5 - 10	3 - 0 - 20	3 - 8 - 0
48	720	480	240	2 - 0 - 0	2 - 8 - 0	3 - 4 - 0	4 - 0 - 0
52	780	520	260	2 - 2 - 0	2 - 10 - 20	3 - 7 - 10	4 - 4 - 0
56	840	560	280	2 - 4 - 0	3 - 1 - 10	3 - 10 - 20	4 - 8 - 0
74	1110	740	370	3 - 1 - 0	4 - 1 - 10	5 - 1 - 20	6 - 2 - 0
90	1350	900	450	3 - 9 - 0	5 - 0 - 0	6 - 3 - 0	7 - 6 - 0
106	1590	1060	530	4 - 5 - 0	5 - 10 - 20	7 - 4 - 10	8 - 10 - 0
120	1800	1200	600	5 - 0 - 0	6 - 8 - 0	8 - 4 - 0	10 - 0 - 0

**NOTE:** A young adult offender's actual parole eligibility date is computed by reducing the tentative parole eligibility date (based on the eligibility term/time goal minus jail credit) by program participation credits. These program credits are determined by the Board panel at each Annual Review Hearing and at the Mid-Goal Review Hearing.

All computations are based on zero jail credits.

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