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JEFFERSON S. DUNN,
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TO: WARDENS
DIVISION DIRECTORS
HEADS OF STATE AGENCIES
ADMINISTRATIVE REGULATION MONITORS

CHANGE #2
ADMINISTRATIVE REGULATION 437

TIME COMPUTATION AND PROCEDURES

PURPOSE: To update the current AR in accordance with best practices, new or amended laws, and for the deployment of the Time Computation Module.

CHANGES TO BE MADE:

Reference:

AR 437, *Time Computation and Procedures*, dated April 17, 1995.

Action Required:

N/A

This regulation shall no longer be deemed "Restricted."

Section IV, B

Subsections 1, 2, and 3 shall be replaced with the following:

1. It will be the policy of the ADOC to award CIT to drug traffickers who are sentenced to greater than or equal to ten (10) years and less than or equal to fifteen (15) years.
2. If a drug trafficking conviction is on or after October 29, 1991, the computation of that sentence will be based upon the longest sentence between (1) pre-time running at flat time (mandatory term) and (2) CIT on total sentence.
3. Inmates with trafficking sentences that are greater than or equal to ten (10) years and less than or equal to fifteen (15) years prior to October 29, 1991, are not eligible for retroactive good time. These persons will serve flat time until October 29, 1991.

Annex A, Section 5, and
Change 1

This section shall be amended to read the following:

Parole Violators. CIT earning parole violators who have already earned Class III placement or higher will begin in Class III earning status from the date of recapture.

Annex A, Section 7

The first phrase shall be amended to read, “Dead Time will be calculated in days and includes:”

Subsection (c) shall be added:

If an inmate is paroled on multiple sentences at the same time, dead time received as a result of a parole delinquency will be applied only to those cases which that inmate is serving at the time of delinquency.

Annex A, Section 9

This Section shall be replaced with the following:

Class Dates. Eligible inmates with sentences received prior to October 29, 1991, that are greater than or equal to ten (10) years or less than or equal to fifteen (15) years, and are not approved for retroactive CIT (see Ala. Code Section 14-9-41, as amended) will begin in Class IV earning status on October 29, 1991.

Annex A, Section 10

This Section shall be amended to read the following:

Inmates may be bumped to a lower earning status as a result of a disciplinary, as the Warden deems appropriate.

Annex A, Section 11

This Section shall be amended to read the following:

Transcripts indicating a co-terminus sentence will be treated as a consecutive sentence unless the transcript also specifically indicates that it should be concurrent. See Ala. Code Section 14-3-38. New transcripts received with a co-terminus sentence will be rejected and sent back to the circuit clerk.

Annex A, Section 13

This Section shall be deleted in its entirety.

Annex A, Section 14

This Section shall be amended to read the following:

If an inmate is still serving on one (1) case and lost CIT through disciplinary action, that inmate may still be granted a restoration of good time on that case as long as there is not another concurrent case that is the controlling case.

Annex A

The following Sections shall be added:

16. Actual Time. Sentences will be computed in actual time utilizing a 365-day calendar year or 366-day calendar leap year.

17. Order. Whenever applicable, time computation should be

calculated in years, months, then days order.

18. Good Time Revocations and Restorations. Good time revocations and restorations will be converted to days utilizing a 360-day year and a 30-day month.

This change shall apply retroactively as of July 16, 2017.

File this numbered change at the back of the regulation after annotating both the index and the regulation to indicate changes have been completed.

Advise all personnel in your organization of the change to this regulation.



Jefferson S. Dunn
Commissioner