

## **Earned Compliance Credit Act**

### *Summary*

For corrections agencies to efficiently allocate supervision, they must have the authority to focus their staff, services and sanctions on higher-risk offenders. To do so without additional funding, agencies need to be able to move lower-risk probationers and parolees to less-intensive levels of supervision—or off of supervision altogether—if they are fulfilling their obligations and conditions, including paying restitution. This act creates an “earned compliance credit” that would reduce the time that low-risk, non-violent offenders are on active supervision by 15 days for each month that they are in full compliance with their conditions of supervision, including payment of restitution to crime victims. After an offender has paid all outstanding restitution, fines and fees, the court or the releasing authority determined by each state, may reduce the period of supervision by the amount of credit earned.

### *Model Legislation*

**{Title, enacting clause, etc}**

#### **Section 1. {Intent}**

The act creates an “earned compliance credit” that would reduce the time that low-risk, non-violent offenders are on active supervision by 15 days for each month that they are in full compliance with their conditions of supervision, including payment of restitution to crime victims. After an offender has paid all outstanding restitution, fines and fees, the court or the releasing authority determined by each state, may reduce the period of supervision by the amount of credit earned.

**Section 2. {Definitions}** In this title, the following words have the meanings indicated.

(1) “Agency” means:

- (A) The Department of Corrections or the state agency responsible for supervising individuals placed on probation by the courts or serving a period of parole or post-release supervision from prison or jail; and
- (B) Any regional, local or county governmental agencies responsible for supervising individuals placed on probation by the courts or serving a period of parole or post-release supervision from prison or jail, provided such agencies receive state funding.

(2) “Case plan” means an individualized accountability and behavior change strategy for supervised individuals that:

- (A) Targets and prioritizes the specific criminal risk factors of the offender;
- (B) Matches programs to the offender’s individual characteristics, such as gender, culture, motivational stage, developmental stage, and learning style;
- (C) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations; and
- (D) Specifies positive and negative actions that will be taken in response to the supervised individual’s behaviors.

(3) “Compliance credit” means [15] days for every month that a supervised individual does all of the following:

- (A) Fulfills the terms of the supervised individual’s case plan;
- (B) Has no new arrests; and
- (C) Makes scheduled monthly payments for restitution, fines and fees.

(4) “Supervised individual” means an individual placed on probation by the courts or serving a period of parole or post-release supervision from prison or jail.

### **Section 3. {Earned Compliance Credits}**

(1) The Agency shall:

- (A) Award earned compliance credits to a supervised individual who satisfies the requirements specified in the individual’s case plan; and
- (B) Place a supervised individual in a non-active supervision status for the number of days earned as compliance credits.

(2) For supervised individuals in non-active supervision, the Agency shall submit a petition to the court or releasing authority to request that the period of supervision be reduced by the number of days of compliance credits earned by the individual, when the supervised individual has no outstanding restitution, fines or fees.

(3) The court or releasing authority may adjust the period of a supervised individual’s supervision on the recommendation of the Agency for earned compliance credits.

(4) The Agency shall adopt rules and regulations for the forfeiture of earned compliance credits for supervised individuals who violate conditions of supervision. Such regulations shall provide that:

- (A) Forfeiture is part of the Agency's system of graduated sanctions;
- (B) The extent of earned compliance credits forfeited is related to the level of severity of the violation;
- (C) Forfeiture of earned compliance credits is limited to credits already earned, and may not prospectively deny future earned compliance credits; and
- (D) A procedure is established for the restoration of forfeited earned compliance credits based on the supervised individual's compliance with supervision conditions and progress in achieving the goals of the supervised individual's case plan.

**Section 4. {Severability Clause}**

**Section 5. {Repealer Clause}**

**Section 6. {Effective Date}**

*Adopted by the Public Safety and Elections Task Force  
December 2, 2010.*

*Approved by the American Legislative Exchange Council's Board of Directors  
January 7, 2011.*