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**Indeterminate Sentencing: Time Served**

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There are 33 states with primarily indeterminate sentencing systems. Under indeterminate sentencing systems, courts can order a maximum term, a minimum term, or both. Then actual time served in prison is determined a parole board. Generally, an inmate is eligible to be considered for release after serving a specified portion of the maximum term or after serving the minimum sentence. In some states, release eligibility is at the discretion of the parole board.

This chart summarizes the effect of a court-ordered sentence—minimum, maximum or minimum and maximum—and how parole eligibility is determined. It only covers felony offenses and does not include mandatory minimum sentences (which often required an increased amount of time served) or early parole consideration for medical or age-related reasons. Also not included are sentence credit policies. Known as earned time and good time, these credits are available in most states and allow some inmates to earn time off their prison sentence, generally advancing a parole eligibility date.

For more information on state sentencing structures, see NCSL's report [Making Sense of Sentencing: State Systems and Policies](#); for sentence credit policies see the NCSL report [Earned Time Policies for State Prisoners](#).

| State   | Effect of Court-ordered sentence: | How parole eligibility is determined: | Relevant Statutes  |
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| Alabama | Maximum.                          | Portion of maximum term served.       | <b>§ 13A-5-6</b> (a) Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:<br>(1) For a Class A felony, for life or not more than 99 years or less than 10 years.<br>(2) For a Class B felony, not more than 20 years or less than 2 years.<br>(3) For a Class C felony, not more than 10 years or less than 1 year and 1 day.<br>(4) For a Class A felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class A felony criminal sex offense involving a child as defined in Section 15-20-21(5), not less than 20 years.<br>(5) For a Class B or C felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class B felony criminal sex offense involving a child as defined in Section 15-20-21(5), not less than 10 years.<br>(b) The actual time of release within the limitations established by subsection (a) of this section shall be determined under procedures established elsewhere by law. |



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|        |          |   | <p><b>§ 15-22-28</b> (e) The board shall not grant a parole to any prisoner who has not served at least one third or 10 years of his sentence, whichever is the lesser, except by a unanimous affirmative vote of the board.</p>  |
| Alaska | Maximum. | Portion of maximum (“active sentence”) term served. | <p><b>§ 12.55.025</b>(a) (3) a clear statement of the terms of the sentence imposed; if a term of imprisonment is imposed, the statement must include</p> <p>(A) the approximate minimum term the defendant is expected to serve before being released or placed on mandatory parole if the defendant is eligible for and does not forfeit good conduct deductions under AS 33.20.010; and</p> <p>(B) if applicable, the approximate minimum term of imprisonment the defendant must serve before becoming eligible for release on discretionary parole;</p> <p>(j) The approximate minimum terms provided under (a)(3) of this section in the sentencing report are for information purposes only. The approximate minimum terms are not part of the sentence imposed and do not form a basis for review or appeal of the sentence imposed or provide a defendant with a right to any specific term of imprisonment or supervised release on mandatory parole.</p> <p><b>§12.55.115</b> The court may, as part of a sentence of imprisonment, further restrict the eligibility of a prisoner for discretionary parole for a term greater than that required under AS 33.16.090 and 33.16.100.</p> <p><b>§33.16.090</b> (a) A prisoner sentenced to an active term of imprisonment of at least 181 days may, in the discretion of the board, be released on discretionary parole if the prisoner has served the amount of time specified under (b) of this section, except that</p> <p>(1) a prisoner sentenced to one or more mandatory 99-year terms under AS 12.55.125(a) or one or more definite terms under AS 12.55.125(l) is not eligible for consideration for discretionary parole;</p> <p>(2) a prisoner is not eligible for consideration of discretionary parole if made ineligible by order of a court under AS 12.55.115;</p> <p>(3) a prisoner imprisoned under AS 12.55.086 is not eligible for discretionary parole unless the actual term of imprisonment is more than one year.</p> <p>(b) A prisoner eligible under (a) of this section who is sentenced</p> <p>(1) to a single sentence under AS 12.55.125(a) or (b) may not be released on discretionary parole until the prisoner has served the mandatory minimum term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest;</p> <p>(2) to a single sentence within or below a presumptive range set out in AS 12.55.125(c), (d)(2)--(4), (e)(3) and (4), or (i), and has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release, may not be released on discretionary parole until the prisoner has served the term imposed, less good time earned under AS 33.20.010;</p> <p>(3) to a single sentence under AS 12.55.125(c), (d)(2)--(4), (e)(3) and (4), or (i), and has been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release during the second half of the sentence, may not be released on discretionary parole until</p> <p>(A) the prisoner has served that portion of the active term of imprisonment required by the three-judge panel; and</p> <p>(B) in addition to the factors set out in AS 33.16.100(a), the board determines that</p> <p>(i) the prisoner has successfully completed all rehabilitation programs ordered by the three-judge panel that were made available to the prisoner; and</p> <p>(ii) the prisoner would not constitute a danger to the public if released on parole;</p> <p>(4) to a single enhanced sentence under AS 12.55.155(a) that is above the applicable presumptive range may not be released on discretionary parole until the prisoner has served the greater of the following:</p> <p>(A) an amount of time, less good time earned under AS 33.20.010, equal to the upper end of the presumptive range</p> |



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|                    |          |                                 | <p>plus one-fourth of the amount of time above the presumptive range; or<br/>         (B) any term set under AS 12.55.115;<br/>         (5) to a single sentence under any other provision of law may not be released on discretionary parole until the prisoner has served at least one-fourth of the active term of imprisonment, any mandatory minimum sentence imposed under any provision of law, or any term set under AS 12.55.115, whichever is greatest;</p>  |
| <b>Arkansas</b>    | Maximum. | Portion of maximum term served. | <p><b>§ 5-4-401</b> (a) A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:<br/>         (1) For a Class Y felony, the sentence shall be not less than ten (10) years and not more than forty (40) years, or life;<br/>         (2) For a Class A felony, the sentence shall be not less than six (6) years nor more than thirty (30) years;<br/>         (3) For a Class B felony, the sentence shall be not less than five (5) years nor more than twenty (20) years;<br/>         (4) For a Class C felony, the sentence shall be not less than three (3) years nor more than ten (10) years;<br/>         (5) For a Class D felony, the sentence shall not exceed six (6) years; and<br/>         (6) For an unclassified felony, the sentence shall be in accordance with a limitation of the statute defining the felony.</p> <p><b>§ 16-93-614</b> (3)(A) Every other classified or unclassified felon (those not sentenced to a split sentence) who is incarcerated therefor shall be eligible for transfer to community punishment after having served one-third ( <math>\frac{1}{3}</math> ) or one-half ( <math>\frac{1}{2}</math> ), with credit for meritorious good time, of his or her sentence depending on the seriousness determination made by the Arkansas Sentencing Commission, or one-half ( <math>\frac{1}{2}</math> ), with credit for meritorious good time, of the time to which his or her sentence is commuted by executive clemency.<br/>         (B) For example, a six-year sentence with optimal meritorious good-time credits will make the offender eligible for transfer in one (1) year if he or she is required to serve one-third ( <math>\frac{1}{3}</math> ) of his or her sentence, or one and one-half ( <math>1\frac{1}{2}</math> ) years if he or she is required to serve one-half ( <math>\frac{1}{2}</math> ) of his or her sentence.</p>   |
| <b>Colorado</b>    | Maximum. | Portion of maximum term served. | <p><b>§ 18-1.3-401</b> (1)(b)(I) [nondrug felonies] Except as provided in subsection (6) and subsection (8) of this section and in section 18-1.3-804, a person who has been convicted of a class 2, class 3, class 4, class 5, or class 6 felony shall be punished by the imposition of a definite sentence which is within the presumptive ranges set forth in paragraph (a) of this subsection (1).</p> <p><b>§ 18-1.3-401.5</b> (8) [drug felonies] In imposing a sentence to incarceration, the court shall impose a definite sentence that is within the presumptive ranges set forth in subsection (2) of this section; except that, for level 2, level 3, and level 4 drug felonies, the court may sentence the defendant in the aggravated range if it concludes aggravating circumstances exist. The aggravating circumstances must be based on evidence in the record of the sentencing hearing, the presentence report, and any factors agreed to by the parties and must support a different sentence that better serves the purposes of this code with respect to sentencing, as set forth in section 18-1-102.5.</p> <p><b>§ 17-22.5-403</b> (1) Any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony, or a level 1, level 2, level 3, or level 4 drug felony, or any unclassified felony shall be eligible for parole after such person has served fifty percent of the sentence imposed upon such person, less any time authorized for earned time granted pursuant to section 17-22.5-405. However, the date established by this subsection (1) upon which any person shall be eligible for parole may be extended by the executive director for misconduct during incarceration. The executive director shall promulgate rules and regulations concerning when and under what conditions any inmate's parole eligibility date may be extended. Such rules and regulations shall be promulgated in such a manner as to promote fairness and consistency in the treatment of all inmates.</p> |
| <b>Connecticut</b> | Maximum. | Portion of maximum term served. | <p><b>§ 53a-35a</b> For any felony committed on or after July 1, 1981, the sentence of imprisonment shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows: [lists permissible sentence ranges]</p>  |



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|         |          |  | <p><b>§ 54-125a</b> (a) A person convicted of one or more crimes who is incarcerated on or after October 1, 1990, who received a definite sentence or aggregate sentence of more than two years, and who has been confined under such sentence or sentences for not less than one-half of the aggregate sentence less any risk reduction credit earned under the provisions of section or one-half of the most recent sentence imposed by the court less any risk reduction credit earned under the provisions of section 18-98e, whichever is greater, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which the person is confined, if (1) it appears from all available information, including any reports from the Commissioner of Correction that the panel may require, that there is reasonable probability that such inmate will live and remain at liberty without violating the law, and (2) such release is not incompatible with the welfare of society. At the discretion of the panel, and under the terms and conditions as may be prescribed by the panel including requiring the parolee to submit personal reports, the parolee shall be allowed to return to the parolee's home or to reside in a residential community center, or to go elsewhere. The parolee shall, while on parole, remain under the jurisdiction of the board until the expiration of the maximum term or terms for which the parolee was sentenced less any risk reduction credit earned under the provisions of section 18-98e. Any parolee released on the condition that the parolee reside in a residential community center may be required to contribute to the cost incidental to such residence. Each order of parole shall fix the limits of the parolee's residence, which may be changed in the discretion of the board and the Commissioner of Correction. Within three weeks after the commitment of each person sentenced to more than two years, the state's attorney for the judicial district shall send to the Board of Pardons and Paroles the record, if any, of such person.</p>   |
| Georgia | Maximum. | <p>Portion of maximum term served and in accordance with parole board guidelines. Sentencing judge can require earlier parole consideration as part of sentencing order.</p> | <p><b>§ 17-10-1</b> (a)(1) Except in cases in which life imprisonment, life without parole, or the death penalty may be imposed, upon a verdict or plea of guilty in any case involving a misdemeanor or felony, and after a presentence hearing, the judge fixing the sentence shall prescribe a determinate sentence for a specific number of months or years which shall be within the minimum and maximum sentences prescribed by law as the punishment for the crime. The judge imposing the sentence is granted power and authority to suspend or probate all or any part of the entire sentence under such rules and regulations as the judge deems proper, including service of a probated sentence in the sentencing options system, as provided by Article 9 of Chapter 8 of Title 42, and including the authority to revoke the suspension or probation when the defendant has violated any of the rules and regulations prescribed by the court, even before the probationary period has begun, subject to the conditions set out in this subsection; provided, however, that such action shall be subject to the provisions of Code Sections 17-10-6.1 and 17-10-6.2.</p> <p>(b) The judge, in fixing the sentence as prescribed in subsection (a) of this Code section, may make a determination as to whether the person being sentenced should be considered for parole prior to the completion of any requirement otherwise imposed by law relating to the completion of service of any specified time period before parole eligibility. In the event that the judge so determines, he may specify in the sentence that the person is sentenced under this subsection and may provide that the State Board of Pardons and Paroles, acting in its sole discretion, may consider and may parole any person so sentenced at any time prior to the completion of any minimum requirement otherwise imposed by law, rule, or regulation for the service of sentences or portions thereof. The determination allowed in this subsection shall be applicable to first offenders only.</p> <p><b>§ 42-9-40</b> (a) The board shall adopt, implement, and maintain a parole guidelines system for determining parole action. The guidelines system shall be used in determining parole actions on all inmates, except those serving life sentences, who will become statutorily eligible for parole consideration. The system shall be consistent with the board's primary goal of protecting society and shall take into consideration the severity of the current offense, the inmate's prior criminal history, the inmate's conduct, and the social factors which the board has found to have</p> |



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|               |   |  | <p>value in predicting the probability of further criminal behavior and successful adjustment under parole supervision.</p> <p><b>§42-9-45</b> (b) An inmate serving a misdemeanor sentence or misdemeanor sentences shall only be eligible for consideration for parole after the expiration of six months of his or her sentence or sentences or one-third of the time of his or her sentence or sentences, whichever is greater. Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7, an inmate serving a felony sentence or felony sentences shall only be eligible for consideration for parole after the expiration of nine months of his or her sentence or one-third of the time of the sentences, whichever is greater. Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7, inmates serving sentences aggregating 21 years or more shall become eligible for consideration for parole upon completion of the service of seven years.</p>   |
| <b>Hawaii</b> | Maximum.  | After serving minimum term. Minimum term determined by the parole board. | <p><b>§706-660</b> (1) Except as provided in subsection (2), a person who has been convicted of a class B or class C felony may be sentenced to an indeterminate term of imprisonment except as provided for in section 706-660. 1 relating to the use of firearms in certain felony offenses and section 706-606.5 relating to repeat offenders. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:</p> <p>(a) For a class B felony-ten years; and</p> <p>(b) For a class C felony-five years.</p> <p>The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.</p> <p><b>§706-660</b> (1) When a person has been sentenced to an indeterminate or an extended term of imprisonment, the Hawaii paroling authority shall, as soon as practicable but no later than six months after commitment to the custody of the director of the department of [public safety] hold a hearing, and on the basis of the hearing make an order fixing the minimum term of imprisonment to be served before the prisoner shall become eligible for parole.</p> <p><b>§353-68</b> (a) Paroles may be granted by the Hawaii paroling authority at any time after the prisoner has served the minimum term of imprisonment fixed according to law; provided that where a fine has also been imposed, which has not been paid, and if the prisoner has been imprisoned for at least thirty days, the paroling authority upon being satisfied that the prisoner has petitioned the court for revocation of all or part of such fine pursuant to section 706-645, may nevertheless parole the prisoner without payment of the fine, either with or without the condition, subject to determination by the court under section 706-645, that while on such parole the prisoner make payment of the fine as the paroling authority deems proper under the circumstances. The proceedings to obtain parole may be initiated by the written recommendation of the superintendent to the paroling authority or may be initiated by the paroling authority without any such recommendation.</p> |
| <b>Idaho</b>  | Minimum and may order maximum (“indeterminate period”). | After serving minimum term.  | <p><b>§ 19-2513</b> (1) Whenever any person is convicted of having committed a felony, the court shall, unless it shall commute the sentence, suspend or withhold judgment and sentence or grant probation, as provided in chapter 26, title 19, Idaho Code, or unless it shall impose the death sentence as provided by law, sentence such offender to the custody of the state board of correction. The court shall specify a minimum period of confinement and may specify a subsequent indeterminate period of custody. The court shall set forth in its judgment and sentence the minimum period of confinement and the subsequent indeterminate period, if any, provided, that the aggregate sentence shall not exceed the maximum provided by law. During a minimum term of confinement, the offender shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct except for meritorious service except as provided in section 20-223(7), Idaho Code (relates to medical parole). The offender may be considered for parole or discharge at any time during the indeterminate period of the sentence and as provided in section 20-223(7), Idaho Code.</p> <p>(2) If the offense carries a mandatory minimum penalty as provided by statute, the court shall specify a minimum period of confinement consistent with such statute. If the offense is subject to an enhanced penalty as provided by</p>  |



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|          |          |   | <p>statute, or if consecutive sentences are imposed for multiple offenses, the court shall, if required by statute, direct that the enhancement or each consecutive sentence contain a minimum period of confinement; in such event, all minimum terms of confinement shall be served before any indeterminate periods commence to run.</p> <p><b>§ 20-223</b> (1) Subject to section 19-2513, Idaho Code, the commission shall have the power to establish rules in compliance with chapter 52, title 67, Idaho Code, under which any prisoner, excepting any under sentence of death, may be allowed to go upon parole but to remain while on parole in the legal custody and under the control of the board and subject to be taken back into confinement at the direction of the commission.</p>   |
| Iowa     | Maximum. | Parole board discretion.  | <p><b>§ 902.3</b> When a judgment of conviction of a felony other than a class "A" felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 902.9, unless otherwise prescribed by statute, nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided. However, if the court suspends a person's sentence under section 321J.2, subsection 5, paragraph "a", the court shall order the offender to serve time in the county jail as provided in section 321J.2, subsection 5, paragraph "a", notwithstanding any provision to the contrary in section 903.4.</p> <p><b>§902.6</b> A person who has been committed to the custody of the director of the Iowa department of corrections shall remain in custody until released by the order of the board of parole, in accordance with the law governing paroles, or by order of the judge after reconsideration of a felon's sentence pursuant to section 902.4 or until the maximum term of the person's confinement, as fixed by law, has been completed.</p> <p><b>§906.5</b> 1. a. The board shall establish and implement a plan by which the board systematically reviews the status of each person who has been committed to the custody of the director of the Iowa department of corrections and considers the person's prospects for parole or work release. The board at least annually shall review the status of a person other than a class "A" felon, a class "B" felon serving a sentence of more than twenty-five years, or a felon serving an offense punishable under section 902.9, subsection 1, paragraph "a", or a felon serving a mandatory minimum sentence other than a class "A" felon, and provide the person with notice of the board's parole or work release decision.</p> |
| Kentucky | Maximum. | Parole board discretion, except statute requires class D felonies (lowest level) as portion of maximum term served. | <p><b>§532.060</b> (1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070 [relates to court modification of felony sentence determined by jury].</p> <p>(2) [lists permissible sentencing ranges by felony class]</p> <p>(5) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.</p> <p><b>§439.340</b> (1) The board may release on parole persons confined in any adult state penal or correctional institution of Kentucky or sentenced felons incarcerated in county jails eligible for parole. All paroles shall issue upon order of the board duly adopted. As soon as practicable after his or her admission to an adult state penal or correctional institution or county jail if he or she is a sentenced felon, and at such intervals thereafter as it may determine, the Department of Corrections shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. The information shall include the results of his or her most recent risk and needs assessment, his or her criminal record, his or her conduct, employment, and the reports of physical and mental examinations that have been made. The Department of Corrections shall furnish the circumstances of his or her offense, the results of his or her most recent risk and needs assessment, and his or her previous social history to the board. The Department of Corrections shall prepare a report on any information it obtains. It shall be the duty of the Department of Corrections to supplement this report with any material the board may request and submit the report to the board.</p>   |



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|                  |          |                                 | <p>(3) (a) A nonviolent offender convicted of a Class D felony with an aggregate sentence of one (1) to five (5) years who is confined to a state penal institution or county jail shall have his or her case reviewed by the Parole Board after serving fifteen percent (15%) or two (2) months of the original sentence, whichever is longer.</p> <p>(b) Except as provided in this section, the board shall adopt administrative regulations with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings and all other matters that come before it, or conditions to be imposed upon parolees. Regulations governing the eligibility of prisoners for parole shall be in accordance with professionally accepted ideas of correction and reform and may utilize in part objective, performance-based criteria and risk and needs assessment information; however, nothing herein contained shall preclude the board from utilizing its present regulations in conjunction with other factors involved that would relate to the inmate's needs and the safety of the public.</p>  |
| <b>Louisiana</b> | Maximum. | Portion of maximum term served. | <p><b>C.Cr.P. Art. 879</b> If a defendant who has been convicted of an offense is sentenced to imprisonment, the court shall impose a determinate sentence.</p> <p><b>R.S. 15:574.4 A.</b> (1)(a) Unless eligible at an earlier date and except as provided in Subparagraph (b) of this Paragraph and Subsection B of this Section, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving thirty-three and one-third percent of the sentence imposed. Upon conviction of a second felony offense, such person shall be eligible for parole consideration upon serving fifty percent of the sentence imposed. A person convicted of a third or subsequent felony offense shall not be eligible for parole.</p> <p>(b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. The provisions of this Subparagraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole.</p> <p>(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any other law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for thirty years or more shall be eligible for parole consideration upon serving at least twenty years of the term or terms of imprisonment in actual custody and upon reaching the age of forty-five. This provision shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. The provisions of this Paragraph shall not apply to any person who has been convicted under the provisions of R.S. 14:64. The provisions of this Paragraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541</p> |
| <b>Maryland</b>  | Maximum. | Portion of maximum term served. | <p><b>Correctional Services, § 7-301</b> (b) Except as provided in subsection (c) of this section, if an inmate has been sentenced to a term of imprisonment during which the inmate is eligible for parole and a term of imprisonment during which the inmate is not eligible for parole, the inmate is not eligible for parole consideration under subsection (a) of this section until the inmate has served the greater of:</p> <ol style="list-style-type: none"> <li>(1) one-fourth of the inmate's aggregate sentence; or</li> <li>(2) a period equal to the term during which the inmate is not eligible for parole.</li> </ol> <p>(c)(1)(i) Except as provided in subparagraph (ii) of this paragraph, an inmate who has been sentenced to the Division of Correction after being convicted of a violent crime committed on or after October 1, 1994, is not eligible for parole until the inmate has served the greater of:</p> <ol style="list-style-type: none"> <li>1. one-half of the inmate's aggregate sentence for violent crimes; or</li> <li>2. one-fourth of the inmate's total aggregate sentence.</li> </ol>  |



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| <b>Massachusetts</b> | Minimum and maximum.  | After serving minimum term. | <p><b>279 § 24</b> If a convict is sentenced to the state prison, except as an habitual criminal, the court shall not fix the term of imprisonment, but shall fix a maximum and a minimum term for which he may be imprisoned. The maximum term shall not be longer than the longest term fixed by law for the punishment of the crime of which he has been convicted, and the minimum term shall be a term set by the court, except that, where an alternative sentence to a house of correction is permitted for the offense, a minimum state prison term may not be less than one year. In the case of a sentence to life imprisonment, except in the case of a sentence for murder in the first degree, and in the case of multiple life sentences arising out of separate and distinct incidents that occurred at different times, where the second offense occurred subsequent to the first conviction, the court shall fix a minimum term which shall be not less than 15 years nor more than 25 years.</p> <p><b>127 § 133</b> Parole permits may be granted by the parole board to prisoners subject to its jurisdiction at such time as the board in each case may determine; provided, however, that no prisoner sentenced to the state prison shall be eligible for such permit until such prisoner shall have served the minimum term of sentence, pursuant to section twenty-four of chapter two hundred and seventy-nine, as such minimum term of sentence may be reduced by deductions allowed under section one hundred and twenty-nine D. Where an inmate is serving two or more consecutive or concurrent state prison sentences, a single parole eligibility shall be established for all such sentences. Prisoners who are granted parole permits shall remain subject to the jurisdiction of the board until the expiration of the maximum term of sentence or, if a prisoner has two or more sentences to be served otherwise than concurrently, until the aggregate maximum term of such sentence, unless earlier terminated by the board under the provisions of section one hundred thirty A. Sentences of imprisonment in the state prison shall not be suspended in whole or in part.</p>   |
| <b>Michigan</b>      | Minimum (first conviction).<br>Minimum and maximum (subsequent convictions) | After serving minimum term. | <p><b>§769.8</b> (1) When a person is convicted for the first time for committing a felony and the punishment prescribed by law for that offense may be imprisonment in a state prison, the court imposing sentence shall not fix a definite term of imprisonment, but shall fix a minimum term, except as otherwise provided in this chapter. The maximum penalty provided by law shall be the maximum sentence in all cases except as provided in this chapter and shall be stated by the judge in imposing the sentence.</p> <p><b>§769.10</b> (1) If a person has been convicted of a felony or an attempt to commit a felony, whether the conviction occurred in this state or would have been for a felony or attempt to commit a felony in this state if obtained in this state, and that person commits a subsequent felony within this state, the person shall be punished upon conviction of the subsequent felony and sentencing under section 13 of this chapter as follows:</p> <p>(a) If the subsequent felony is punishable upon a first conviction by imprisonment for a term less than life, the court, except as otherwise provided in this section or section 1 of chapter XI, may place the person on probation or sentence the person to imprisonment for a maximum term that is not more than 1- ½ times the longest term prescribed for a first conviction of that offense or for a lesser term.</p> <p><b>§791.234</b> (1) Except as provided in section 34a, a prisoner sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years other than a prisoner subject to disciplinary time is subject to the jurisdiction of the parole board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted, less good time and disciplinary credits, if applicable.</p> <p>(2) Except as provided in section 34a, a prisoner subject to disciplinary time sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years is subject to the jurisdiction of the parole board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted.</p> <p><b>§791.234a</b> (1) A prisoner sentenced to an indeterminate term of imprisonment under the jurisdiction of the</p> |





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|                    |                      |                                 | department, regardless of when he or she was sentenced, shall be considered by the department for placement in a special alternative incarceration unit established under section 3 of the special alternative incarceration act, 1988 PA 287, MCL 798.13, if the prisoner meets the eligibility requirements of subsections (2) and (3). For a prisoner committed to the jurisdiction of the department on or after March 19, 1992, the department shall determine before the prisoner leaves the reception center whether the prisoner is eligible for placement in a special alternative incarceration unit, although actual placement may take place at a later date. A determination of eligibility does not guarantee placement in a unit.  |
| <b>Mississippi</b> | Maximum.             | Portion of maximum term served. | <p><b>§ 47-7-3</b> (1) Every prisoner who has been convicted of any offense against the State of Mississippi, and is confined in the execution of a judgment of such conviction in the Mississippi Department of Corrections for a definite term or terms of one (1) year or over, or for the term of his or her natural life, whose record of conduct shows that such prisoner has observed the rules of the department, and who has served not less than one-fourth ( <math>\frac{1}{4}</math> ) of the total of such term or terms for which such prisoner was sentenced, or, if sentenced to serve a term or terms of thirty (30) years or more, or, if sentenced for the term of the natural life of such prisoner, has served not less than ten (10) years of such life sentence, may be released on parole as hereinafter provided, except that: [lists crimes subject to mandatory minimums]</p> <p><b>Title 97</b> lists penalties and time served requirements by offense</p>   |
| <b>Missouri</b>    | Maximum.             | Parole board discretion.        | <p><b>§558.011</b> 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036 [jury decision], or until released under procedures established elsewhere by law.</p> <p>4. (1) A sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be: [lists release length based on sentence length]</p> <p><b>§ 217.690</b> 1. When in its opinion there is reasonable probability that an offender of a correctional center can be released without detriment to the community or to himself, the board may in its discretion release or parole such person except as otherwise prohibited by law. All paroles shall issue upon order of the board, duly adopted.</p> <p>4. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.</p> |
| <b>Montana</b>     | Maximum.             | Portion of maximum term served. | <p><b>§46-23-201</b> (1) Subject to the restrictions contained in subsections (2) through (5) and when in the board's opinion there is reasonable probability that a prisoner can be released without detriment to the prisoner or to the community, the board may release on nonmedical parole by appropriate order any person who is:</p> <p>(a) confined in a state prison;</p> <p>(3) A prisoner serving a time sentence may not be paroled under this section until the prisoner has served at least one-fourth of the prisoner's full term.</p>   |
| <b>Nebraska</b>    | Minimum and maximum. | After serving minimum term.     | <p><b>§ 83-1,105.01</b> Except when a term of life imprisonment is required by law, in imposing an indeterminate sentence upon an offender the court shall:</p> <p>(1) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law for any class of felony other than a Class IV felony, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum. If the criminal offense is a Class IV felony, the court shall fix the minimum and maximum limits of the sentence, but the minimum limit fixed by the court shall not be less than the minimum provided by law nor more than one-third of</p>   |



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|                      |                      |                             | <p>the maximum term and the maximum limit shall not be greater than the maximum provided by law;</p> <p>(2) Impose a definite term of years, in which event the maximum term of the sentence shall be the term imposed by the court and the minimum term shall be the minimum sentence provided by law;</p> <p><b>§ 83-1,110</b> (1) Every committed offender shall be eligible for parole when the offender has served one-half the minimum term of his or her sentence as provided in sections 83-1,107 and 83-1,108 (relates to good time). The board shall conduct a parole review not later than sixty days prior to the date a committed offender becomes eligible for parole as provided in this subsection, except that if a committed offender is eligible for parole upon his or her commitment to the department, a parole review shall occur as early as is practical. No such reduction of sentence shall be applied to any sentence imposing a mandatory minimum term.</p> <p>(2) Every committed offender sentenced to consecutive terms, whether received at the same time or at any time during the original sentence, shall be eligible for release on parole when the offender has served the total of one-half the minimum term as provided in sections 83-1,107 and 83-1,108. The maximum terms shall be added to compute the new maximum term which, less good time, shall determine the date when discharge from the custody of the state becomes mandatory.</p>   |
| <b>Nevada</b>        | Minimum and maximum. | After serving minimum term. | <p><b>§176.033</b> 1. If a sentence of imprisonment is required or permitted by statute, the court shall:</p> <p>(b) If sentencing a person who has been found guilty of a felony, sentence the person to a minimum term and a maximum term of imprisonment, unless a definite term of imprisonment is required by statute.</p> <p><b>§213.120</b> 2. Except as otherwise provided in NRS 213.1213 (relates to two or more concurrent or consecutive sentences) and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when the prisoner has served the minimum term or minimum aggregate term of imprisonment imposed by the court. Except as otherwise provided in NRS 209.4465, any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term or minimum aggregate term of imprisonment may reduce only the maximum term or the maximum aggregate term of imprisonment imposed, as applicable, and must not reduce the minimum term or the minimum aggregate term of imprisonment, as applicable.</p>  |
| <b>New Hampshire</b> | Minimum and maximum. | After serving minimum term. | <p><b>§ 651:2</b> II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:</p> <p>(a) Fifteen years for a class A felony,</p> <p>(b) Seven years for a class B felony,</p> <p>(c) One year for a class A misdemeanor,</p> <p>(d) Life imprisonment for murder in the second degree, and, in the case of a felony only, a minimum which is not to exceed ½ of the maximum, or if the maximum is life imprisonment, such minimum term as the court may order. (minimum terms defined in §651:2 &amp; §651:6)</p> <p>II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 and for earned time as provided in RSA 651-A:22-a. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.</p> <p><b>§651-A:6</b> I. Any prisoner released on parole shall be given a permit by the board to be at liberty from prison during the unexpired portion of the maximum term of his or her sentence. The decision to release a prisoner shall be governed by the following rules:</p> |



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|                     |                                  |  | <p>(a) A prisoner may be released on parole upon the expiration of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, provided that there shall appear to the adult parole board, after having given the notice required in RSA 651-A:11, to be a reasonable probability that the prisoner will remain at liberty without violating the law and will conduct himself or herself as a good citizen.</p>  |
| <b>New Jersey</b>   | Maximum and may imposed minimum. | After serving minimum term or based on portion served of maximum sentence. | <p><b>§2C:43-6</b> a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:</p> <p>(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;</p> <p>(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;</p> <p>(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;</p> <p>(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.</p> <p>b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, or the court finds that the aggravating factor set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.</p> <p><b>§ 30:4-123.51</b> a. Each adult inmate sentenced to a term of incarceration in a county penal institution, or to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or one-third of the sentence imposed where no mandatory minimum term has been imposed less commutation time for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and credits for diligent application to work and other institutional assignments pursuant to P.L.1972, c. 115 (C.30:8-28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.</p> |
| <b>North Dakota</b> | Maximum.                         | Portion of maximum term served.  | <p><b>§12.1-32.01</b> Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:</p> <p>1. Class AA felony, for which a maximum penalty of life imprisonment without parole may be imposed. The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole. Notwithstanding the provisions of section 12-59-05, a person found guilty of a class AA felony and who receives a sentence of life imprisonment with parole, shall not be eligible to have that person's sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after that person's admission to the penitentiary.</p> <p>2. Class A felony, for which a maximum penalty of twenty years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.</p> <p>3. Class B felony, for which a maximum penalty of ten years' imprisonment, a fine of twenty thousand dollars, or</p>   |



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|                     |                      |   | <p>both, may be imposed.</p> <p>4. Class C felony, for which a maximum penalty of five years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.</p> <p><b>§12-59-05</b> Every inmate's eligibility for parole must be reviewed in accordance with the rules adopted by the parole board. The board shall consider all pertinent information regarding each inmate, including the circumstances of the offense, the presentence report, the inmate's family, educational, and social history and criminal record, the inmate's conduct, employment, participation in education and treatment programs while in the custody of the department of corrections and rehabilitation, and the inmate's medical and psychological records.</p>   |
| <b>Oklahoma</b>     | Maximum.             | Portion of maximum term served.   | <p><b>22 § 991a</b> A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program when a defendant is convicted of a crime and no death sentence is imposed, the court shall either:</p> <p>1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, may order the convicted defendant at the time of sentencing or at any time during the suspended sentence to do one or more of the following:</p> <p>f. to confinement as provided by law together with a term of post-imprisonment community supervision for not less than three (3) years of the total term allowed by law for imprisonment, with or without restitution; provided, however, the authority of this provision is limited to Section 843.5 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; Sections 681, 741 and 843.1 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; and Sections 865 et seq., 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and 1123 of Title 21 of the Oklahoma Statutes,</p> <p><b>57 §332.7</b> B. For a crime committed on or after July 1, 1998, any person in the custody of the Department of Corrections shall be eligible for consideration for parole who has completed serving one-third (1/3) of the sentence; provided, however, no inmate serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this subsection.</p>  |
| <b>Pennsylvania</b> | Minimum and maximum. | Generally after serving minimum term, except judge can order earlier consideration. | <p><b>42 Pa.C.S.A. § 9756</b> (a) General rule.--In imposing a sentence of total confinement the court shall at the time of sentencing specify any maximum period up to the limit authorized by law and whether the sentence shall commence in a correctional or other appropriate institution.</p> <p>(b) Minimum sentence.--</p> <p>(1) The court shall impose a minimum sentence of confinement which shall not exceed one-half of the maximum sentence imposed.</p> <p>(2) The minimum sentence imposed under this section may not be reduced through parole prior to the expiration of the minimum sentence unless otherwise authorized by this section or other law.</p> <p>(3) Except where the maximum sentence imposed is two years or more, and except where a mandatory minimum sentence of imprisonment or total confinement is required by law, the court shall, at the time of sentencing, state whether or not the defendant is eligible to participate in a reentry plan at any time prior to the expiration of the minimum sentence or at the expiration of a specified portion of the minimum sentence. For maximum sentences of less than two years as defined under section 9762(f) (relating to sentencing proceeding; place of confinement), a court may parole a defendant prior to the expiration of the minimum sentence only if the defendant was made eligible to participate in a reentry plan at the time of sentencing. The court shall provide at least ten days' written notice and an opportunity to be heard, pursuant to section 9776 (relating to judicial power to release inmates), to the prosecuting attorney before granting parole pursuant to this subsection. The reentry plan eligibility shall be considered a part of the sentence and subject to the requirements relating to the entry, recording and reporting of sentences.</p> <p>(b.1) Recidivism risk reduction incentive minimum sentence.--The court shall determine if the defendant is eligible</p> |



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|                       |          |  | for a recidivism risk reduction incentive minimum sentence under 61 Pa.C.S. Ch. 45 (relating to recidivism risk reduction incentive). If the defendant is eligible, the court shall impose a recidivism risk reduction incentive minimum sentence in addition to a minimum sentence and maximum sentence except, if the defendant was previously sentenced to two or more recidivism risk reduction incentive minimum sentences, the court shall have the discretion to impose a sentence with no recidivism risk reduction incentive minimum.  |
| <b>Rhode Island</b>   | Maximum. | Portion of maximum term served and in accordance with parole board guidelines. | <p><b>§12-19-2</b> (a) Whenever it is provided that any offense shall be punished by a fine or imprisonment, the court imposing punishment may, in its discretion, select the kind of punishment to be imposed, and, if the punishment is fine or imprisonment, its amount or term within the limits prescribed by law; provided, if the punishment to be imposed is imprisonment, the sentence or sentences imposed shall be reduced by the number of days spent in confinement while awaiting trial and while awaiting sentencing; and provided, further, that in the case of a person sentenced to a life sentence, the time at which he or she shall become eligible to apply for parole shall be reduced by the number of days spent in confinement while awaiting trial and while awaiting sentencing; and any sentence or sentences in effect at present, including the provision as to a life sentence as described in this subsection may be reduced in like manner by the court which imposed the sentence upon application by the person serving the sentence to the court.</p> <p><b>§13-8-9</b> The parole board, in the case of any prisoner whose sentence is subject to its control, unless that prisoner is sentenced to imprisonment for life, and unless that prisoner is confined as a habitual criminal under the provisions of § 12-19-21, may, by an affirmative vote of a majority of the members of the board, issue to that prisoner a permit to be at liberty upon parole, whenever that prisoner has served not less than one-third (<math>\frac{1}{3}</math>) of the term for which he or she was sentenced. The permit shall entitle the prisoner to whom it is issued to be at liberty during the remainder of his or her term of sentence upon any terms and conditions that the board may prescribe.</p> <p><b>§13-8-14.1</b> (a) At least once each calendar year the parole board shall adopt standards to be utilized by the board in evaluating applications for parole of persons convicted of a criminal offense and sentenced to the adult correctional institutions. These standards shall establish, with the range of parole eligibility set by statute, the portion of a sentence which should be served depending on the likelihood of recidivism as determined by a risk assessment, and shall serve as guidelines for the board in making individual parole determinations.</p> <p>(b) The board shall consider the applicable standard prior to rendering a decision on a parole application, and may make a determination at variance with that standard only upon a finding that the determination is warranted by individualized factors, such as the character and criminal record of the applicant, the nature and circumstances of the offense or offenses for which the applicant was sentenced, the conduct of the applicant while incarcerated, and the criteria set forth in § 13-8-14.</p> |
| <b>South Carolina</b> | Maximum. | Portion of maximum term served.  | <p><b>§16-1-20</b> (A) A person convicted of classified offenses, must be imprisoned as follows:</p> <ol style="list-style-type: none"> <li>(1) for a Class A felony, not more than thirty years;</li> <li>(2) for a Class B felony, not more than twenty-five years;</li> <li>(3) for a Class C felony, not more than twenty years;</li> <li>(4) for a Class D felony, not more than fifteen years;</li> <li>(5) for a Class E felony, not more than ten years;</li> <li>(6) for a Class F felony, not more than five years;</li> <li>(7) for a Class A misdemeanor, not more than three years;</li> <li>(8) for a Class B misdemeanor, not more than two years;</li> <li>(9) for a Class C misdemeanor, not more than one year.</li> </ol> <p>(B) For all offenders sentenced on or after July 1, 1993, the minimum term of imprisonment required by law does</p>   |



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|                     |          |  | <p>not apply to the offenses listed in Sections 16-1-90 [felony offenses] and 16-1-100 [misdemeanor offenses] unless the offense refers to a mandatory minimum sentence or the offense prohibits suspension of any part of the sentence. Offenses listed in Section 16-1-10(C) and (D) are exempt and minimum terms of imprisonment are applicable. No sentence of imprisonment precludes the timely execution of a death sentence.</p> <p><b>§24-21-610</b> In all cases cognizable under this chapter the Board may, upon ten days' written notice to the solicitor and judge who participated in the trial of any prisoner, parole a prisoner convicted of a crime and imprisoned in the state penitentiary, in any jail, or upon the public works of any county who if:</p> <ol style="list-style-type: none"> <li>(1) sentenced for not more than thirty years has served at least one-third of the term;</li> <li>(2) sentenced to life imprisonment or imprisonment for any period in excess of thirty years, has served at least ten years.</li> </ol> <p>If after January 1, 1984, the Board finds that the statewide case classification system provided for in Chapter 23 of this title has been implemented, that an intensive supervision program for parolees who require more than average supervision has been implemented, that a system for the periodic review of all parole cases in order to assess the adequacy of supervisory controls and of parolee participation in rehabilitative programs has been implemented, and that a system of contracted rehabilitative services for parolees is being furnished by public and private agencies, then in all cases cognizable under this chapter the Board may, upon ten days' written notice to the solicitor and judge who participated in the trial of any prisoner, to the victim or victims, if any, of the crime, and to the sheriff of the county where the prisoner resides or will reside, parole a prisoner who if sentenced for a violent crime as defined in § 16-1-60, has served at least one-third of the term or the mandatory minimum portion of sentence, whichever is longer. For any other crime the prisoner shall have served at least one-fourth of the term of a sentence or if sentenced to life imprisonment or imprisonment for any period in excess of forty years, has served at least ten years.</p> <p>The provisions of this section do not affect the parole ineligibility provisions for murder, armed robbery, and drug trafficking as set forth respectively in §§ 16-3-20 and 16-11-330, and subsection (e) of § 44-53-370.</p> |
| <b>South Dakota</b> | Maximum. | Statutory parole board release guidelines. | <p><b>§22-6-1</b> Except as otherwise provided by law, felonies are divided into the following nine classes which are distinguished from each other by the following maximum penalties which are authorized upon conviction:</p> <ol style="list-style-type: none"> <li>(1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence than death or life imprisonment may not be given for a Class A felony. In addition, a fine of fifty thousand dollars may be imposed;</li> <li>(2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not be given for a Class B felony. In addition, a fine of fifty thousand dollars may be imposed;</li> <li>(3) Class C felony: life imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;</li> <li>(4) Class 1 felony: fifty years imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;</li> <li>(5) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;</li> <li>(6) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed;</li> <li>(7) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed;</li> <li>(8) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may</li> </ol>  |



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|                  |          |  | <p>be imposed; and</p> <p>(9) Class 6 felony: two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.</p> <p><b>§24-15A-32</b> Each inmate sentenced to a penitentiary term, except those under a sentence of life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial parole date set by the department. This date shall be calculated by applying the percentage indicated in the following grid to the full term of the inmate's sentence pursuant to § 22-6-1.</p> <p>[parole eligibility listed in grid based on violent or nonviolent felony class and number of felony convictions]</p>   |
| <b>Tennessee</b> | Maximum. | Statutory parole board release guidelines. | <p><b>§40-35-211</b> (1) Specific sentences for a felony shall be for a term of years or months or life, if the defendant is sentenced to the department of correction; or a specific term of years, months or days if the defendant is sentenced for a felony to any local jail or workhouse. Specific sentences for a misdemeanor are for a specific number of months or days or hours or any combination thereof. There are no indeterminate sentences. Sentences for all felonies and misdemeanors are determinate in nature, and the defendant is responsible for the entire sentence undiminished by sentence credits of any sort, except for credits authorized by § 40-23-101 relative to pretrial jail credit, or §§ 33-5-406 and 33-7-102 relative to mental examinations and treatment, and prisoner sentence reduction credits authorized by § 41-21-236.</p> <p><b>§40-35-501</b> (a)(1) A felony sentence to the department of correction or to a local jail or workhouse shall be served according to this chapter. An inmate shall not be eligible for parole until reaching the inmate's release eligibility date; provided, that nothing in this section shall be construed as prohibiting the offender, in the discretion of the commissioner or sheriff, from participating in work crews that are under direct guard supervision.</p> <p>(2) Except for inmates who receive sentences of imprisonment for life without possibility of parole, only inmates with felony sentences of more than two (2) years or consecutive felony sentences equaling a term greater than two (2) years shall be eligible for parole consideration.</p> <p>(b) Release eligibility for each defendant sentenced as an especially mitigated offender shall occur after service of either twenty percent (20%) or thirty percent (30%) of the actual sentence imposed, less sentence credits earned and retained by the defendant. The percentage of service shall be stated on the judgment order. If the order is silent, release eligibility shall occur after service of twenty percent (20%) of the actual sentence imposed.</p> <p>(c) Release eligibility for each defendant sentenced as a Range I standard offender shall occur after service of thirty percent (30%) of the actual sentence imposed less sentence credits earned and retained by the defendant.</p> <p>(d) Release eligibility for each defendant sentenced as a Range II multiple offender shall occur after service of thirty-five percent (35%) of the actual sentence imposed less sentence credits earned and retained by the defendant.</p> <p>(e) Release eligibility for each defendant sentenced as a Range III persistent offender shall occur after service of forty-five percent (45%) of the actual sentence imposed less sentence credits earned and retained by the defendant.</p> <p>(f) Release eligibility for each defendant sentenced as a career offender shall occur after service of sixty percent (60%) of the actual sentence imposed less sentence credits earned and retained by the defendant.</p> <p>(g) There shall be no release eligibility for a defendant receiving a sentence of imprisonment for life without parole as a repeat violent offender.</p> |
| <b>Texas</b>     | Maximum. | Portion of maximum term served.            | <p><b>Government Code § 508.145</b> (f) Except as provided by Section 508.146, any other inmate is eligible for release on parole when the inmate's actual calendar time served plus good conduct time equals one-fourth of the sentence imposed or 15 years, whichever is less.</p>   |
| <b>Utah</b>      | Minimum. | After serving minimum term                 | <p><b>§ 77-18-4</b> (1) Whenever a person is convicted of a crime and the judgment provides for a commitment to the state prison, the court shall not fix a definite term of imprisonment unless otherwise provided by law.</p>  |



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|                      |  | except parole board has discretion to consider earlier.  | <p>(2) The sentence and judgment of imprisonment shall be for an indeterminate term of not less than the minimum and not to exceed the maximum term provided by law for the particular crime.</p> <p>(3) Except as otherwise expressly provided by law, every sentence, regardless of its form or terms, which purports to be for a shorter or different period of time, shall be construed to be a sentence for the term between the minimum and maximum periods of time provided by law and shall continue until the maximum period has been reached unless sooner terminated or commuted by authority of the Board of Pardons and Parole.</p> <p><b>§77-27-9</b> 1)(a) The Board of Pardons and Parole may pardon or parole any offender or commute or terminate the sentence of any offender committed to a penal or correctional facility under the jurisdiction of the Department of Corrections for a felony or class A misdemeanor except as provided in Subsection (2).</p> <p>(b) The board may not release any offender before the minimum term has been served unless the board finds mitigating circumstances which justify the release and unless the board has granted a full hearing, in open session, after previous notice of the time and location of the hearing, and recorded the proceedings and decisions of the board.</p>  |
| <b>Vermont</b>       | Maximum and may order minimum.   | After serving minimum term or based on length of time served.  | <p><b>13 V.S.A. § 7031</b> (a) When a respondent is sentenced to any term of imprisonment, other than for life, the Court imposing the sentence shall not fix the term of imprisonment, unless the term is definitely fixed by statute, but shall establish a maximum and may establish a minimum term for which the respondent may be held in imprisonment. The maximum term shall not be more than the longest term fixed by law for the offense of which the respondent is convicted, and the minimum term shall be not less than the shortest term fixed by law for the offense. If the Court suspends a portion of the sentence, the unsuspended portion of the sentence shall be the minimum term of sentence solely for the purpose of any reductions of term for good behavior as set forth in 28 V.S.A. § 811. A sentence shall not be considered fixed as long as the maximum and minimum terms are not identical.</p> <p><b>28 V.S.A. § 501</b> An inmate who is serving a sentence of imprisonment shall be eligible for parole consideration as follows:</p> <p>(1) If the inmate's sentence has no minimum term or a zero minimum term, the inmate shall be eligible for parole consideration within 12 months after commitment to a correctional facility.</p> <p>(2) If the inmate's sentence has a minimum term, the inmate shall be eligible for parole consideration after the inmate has served the minimum term of the sentence.</p>   |
| <b>West Virginia</b> | Maximum term ("definite term") or minimum and maximum ("indeterminate sentence") | Portion of maximum term (for definite term) served or after serving minimum term (for indeterminate sentence). | <p><b>§ 61-11-16</b> Every sentence to the penitentiary of a person convicted of a felony for which the maximum penalty prescribed by law is less than life imprisonment, except offenses committed by convicts in the penitentiary punishable under chapter sixty-two, article eight, section one of the Code, shall be a general sentence of imprisonment in the penitentiary. In imposing this sentence, the judge may, however, designate a definite term, which designation may be considered by the board of probation and parole as the opinion of the judge under the facts and circumstances then appearing of the appropriate term recommended by him to be served by the person sentenced. Imprisonment under a general sentence shall not exceed the maximum term prescribed by law for the crime for which the prisoner was convicted, less such good time allowance as is provided by sections twenty-seven and twenty-seven-a, article five, chapter twenty-eight of this Code, in the case of persons sentenced for a definite term. Every other sentence of imprisonment in the penitentiary shall be for a definite term or for life, as the court may determine. The term of imprisonment in jail, where that punishment is prescribed in the case of conviction for felony, shall be fixed by the court.</p> <p><b>§62-12-13a.</b> When the prisoner has received an indeterminate sentence, the minimum sentence shall be considered as an eligibility date for parole consideration but does not confer in the prisoner the right to be released as of that date.</p> |





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|                |                      |                             | <p><b>§62-12-13</b> (a) The Parole Board, whenever it is of the opinion that the best interests of the state and of the inmate will be served, and subject to the limitations provided in this section, shall release any inmate on parole for terms and upon conditions provided by this article.</p> <p>(b) Any inmate of a state correctional institution is eligible for parole if he or she:</p> <p>(1)(A) Has served the minimum term of his or her indeterminate sentence or has served one fourth of his or her definite term sentence, as the case may be; or</p> <p>(B) He or she:</p> <p>(i) Has applied for and been accepted by the Commissioner of Corrections into an accelerated parole program;</p> <p>(ii) Does not have a prior criminal conviction for a felony crime of violence against the person, a felony offense involving the use of a firearm or a felony offense where the victim was a minor child;</p> <p>(iii) Is not serving a sentence for a crime of violence against the person, or more than one felony for a controlled substance offense for which the inmate is serving a consecutive sentence, a felony offense involving the use of a firearm or a felony offense where the victim was a minor child; and</p> <p>(iv) Has successfully completed a rehabilitation treatment program created with the assistance of a standardized risk and needs assessment.</p> |
| <b>Wyoming</b> | Minimum and maximum. | After serving minimum term. | <p><b>§ 7-13-201</b> Except where a term of life is required by law, or as otherwise provided by W.S. 7-13-101, when a person is sentenced for the commission of a felony, the court imposing the sentence shall not fix a definite term of imprisonment but shall establish a maximum and minimum term within the limits authorized for the statute violated. The maximum term shall not be greater than the maximum provided by law for the statute violated, and the minimum term shall not be less than the minimum provided by law for the statute violated, nor greater than ninety percent (90%) of the maximum term imposed.</p>   |

NCSL's Criminal Justice Program is in Denver, Colorado, at 303-364-7700; or [cj-info@ncsl.org](mailto:cj-info@ncsl.org)

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