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Determinate Sentencing: Time Served

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There are 17 states and the District of Columbia that operate a primarily determinate sentencing system. Determinate sentencing is characterized by fixed sentence lengths. Such sentences may be community or prison terms, and prison sentences generally include an additional term of supervision in the community. The amount of time served is primarily determined by the courts, and parole boards and discretionary release do not exist in determinate systems.

This chart has statutes relevant to the effect of the court-ordered sentence on time-served. It only covers felony offenses and does not include mandatory minimum sentences (which often require an increased amount of time served) or early release 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 release 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](#). Or contact NCSL for additional statutory information.

STATE	Relevant Statutes
Arizona	<p>§13-701 A. A sentence of imprisonment for a felony shall be a definite term of years and the person sentenced, unless otherwise provided by law, shall be committed to the custody of the state department of corrections.</p> <p>§13-603 I. If a person is convicted of a felony offense and the court sentences the person to a term of imprisonment, the court at the time of sentencing shall impose on the convicted person a term of community supervision. The term of community supervision shall be served consecutively to the actual period of imprisonment if the person signs and agrees to abide by conditions of supervision established by the state department of corrections. Except pursuant to subsection J, the term of community supervision imposed by the court shall be for a period equal to one day for every seven days of the sentence or sentences imposed.</p> <p>§41-1604.07 D. A prisoner who has reached the prisoner's earned release date or sentence expiration date shall be released to begin the prisoner's term of community supervision imposed by the court or term of probation if the court waived community supervision pursuant to § 13-603, except that the director may deny or delay the prisoner's release to community supervision or probation if the director believes the prisoner may be a sexually violent person as defined in § 36-3701 until the screening process is complete and the director determines that the prisoner will not be referred to the county attorney pursuant to § 36-3702. If the term of community supervision is waived, the state department of corrections shall provide reasonable notice to the probation department of the scheduled release of the prisoner from confinement by the department. If the court waives community supervision, the director shall issue the prisoner an absolute discharge on the prisoner's earned release credit date. A prisoner who is released on the earned release credit date to serve a term of probation is not</p>



	under the control of the state department of corrections when community supervision has been waived and the state department of corrections is not required to provide parole services.
California	<p>Penal Code §1170 (a)(3) In any case in which the punishment prescribed by statute for a person convicted of a public offense is a term of imprisonment in the state prison of any specification of three time periods, the court shall sentence the defendant to one of the terms of imprisonment specified unless the convicted person is given any other disposition provided by law, including a fine, jail, probation, or the suspension of imposition or execution of sentence ... In sentencing the convicted person, the court shall apply the sentencing rules of the Judicial Council. The court, unless it determines that there are circumstances in mitigation of the punishment prescribed, shall also impose any other term that it is required by law to impose as an additional term.</p> <p>(c) The court shall state the reasons for its sentence choice on the record at the time of sentencing. The court shall also inform the defendant that as part of the sentence after expiration of the term he or she may be on parole for a period as provided in Section 3000.</p> <p>(h)(5)(A) Unless the court finds that, in the interests of justice, it is not appropriate in a particular case, the court, when imposing a sentence ... shall suspend execution of a concluding portion of the term for a period selected at the court's discretion.</p> <p>(B) The portion of a defendant's sentenced term that is suspended pursuant to this paragraph shall be known as mandatory supervision, the defendant shall be supervised ... for the remaining unserved portion of the sentence imposed by the court. The period of supervision shall be mandatory, and may not be earlier terminated except by court order.</p>
Delaware	<p>11 §3901 (a) When imprisonment is a part of the sentence, the term shall be fixed, and the time of its commencement and ending specified.</p> <p>11 §4204 (f) In committing an offender to the Department of Correction [<i>state prison</i>] the court shall fix the maximum term of incarceration.</p> <p>(l) Except when the court imposes a life sentence or sentence of death, whenever a court imposes a period of incarceration at Level V custody [<i>state prison</i>] for 1 or more offenses that totals 1 year or more, then that court must include as part of its sentence a period of custodial supervision at either Level IV, III or II for a period of not less than 6 months to facilitate the transition of the individual back into society. The 6-month transition period required by this subsection may, at the discretion of the court, be in addition to the maximum sentence of imprisonment established by the statute.</p> <p>11 §4205 (f) Any term of Level V incarceration [<i>state prison sentence</i>] imposed under this section must be served in its entirety at Level V, reduced only for earned "good time" as set forth in § 4381 of this title.</p> <p>(j) No sentence to Level V incarceration imposed pursuant to this section is subject to parole.</p>
Florida	<p>§921.002 The Criminal Punishment Code shall apply to all felony offenses, except capital felonies, committed on or after October 1, 1998.</p> <p>(e) The sentence imposed by the sentencing judge reflects the length of actual time to be served, shortened only by the application of incentive and meritorious gain-time as provided by law, and may not be shortened if the defendant would consequently serve less than 85 percent of his or her term of imprisonment as provided in s. 944.275(4)(b)3. The provisions of chapter 947, relating to parole, shall not apply to persons sentenced under the Criminal Punishment Code.</p> <p>§921.18 The court in its discretion may sentence a defendant convicted of a noncapital felony to the custody of the Department of Corrections for an indeterminate period of 6 months to a maximum period of imprisonment. The maximum sentence may be less than the maximum prescribed by law, but shall not be less than the minimum, if any, prescribed for the offense.</p> <p>§921.22 Upon the recommendation of the Department of Corrections, the Florida Commission on Offender Review shall have the authority to determine the exact period of imprisonment to be served by defendants sentenced under s. 921.18, but a prisoner may not be held in custody longer than the maximum sentence provided for the offense.</p> <p>§944.291 (1) Notwithstanding any provision of law to the contrary, a prisoner who has served his or her term or terms, less allowable gain-time deductions as provided by law, or who has attained his or her provisional release date shall, upon release, be placed under further supervision and control of the department</p>
Illinois	730 §5/3-3-3 (c) Except for those sentenced to a term of natural life imprisonment, every person sentenced to imprisonment ... shall serve the full term of a determinate sentence less time credit for good behavior and shall then be released under the mandatory supervised release provisions of paragraph (d) of Section 5-8-1 of this Code.
Indiana	§35-50-6-1 (a) ... when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be: (1) released on parole...
Kansas	§21-6806 (a) Sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of the primary sentence for good time as authorized by K.S.A. 21-6821, and amendments thereto.



Maine	<p>17-A §1252 1. In the case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term as provided for in this section, unless the statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to imprisonment and required to pay the fine authorized therein.</p> <p>17-A §1252-C In imposing a sentencing alternative pursuant to section 1152 that includes a term of imprisonment relative to murder, a Class A, Class B or Class C crime, in setting the appropriate length of that term as well as any unsuspended portion of that term accompanied by a period of probation, the court shall employ the following 3-step process:</p> <ol style="list-style-type: none"> 1. The court shall first determine a basic term of imprisonment by considering the particular nature and seriousness of the offense as committed by the offender. 2. The court shall next determine the maximum period of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to that case. These sentencing factors include, but are not limited to, the character of the offender and the offender's criminal history, the effect of the offense on the victim and the protection of the public interest. 3. The court shall finally determine what portion, if any, of the maximum period of imprisonment should be suspended and, if a suspension order is to be entered, determine the appropriate period of probation to accompany that suspension. <p>17-A §1254 1. An imprisoned person shall be unconditionally released and discharged upon the expiration of his sentence, minus the deductions authorized under section 1253,</p>
Minnesota	<p>§244.101 Subd. 1. When a felony offender is sentenced to a fixed executed sentence for an offense committed on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified minimum term of imprisonment that is equal to two-thirds of the executed sentence; and (2) a specified maximum supervised release term that is equal to one-third of the executed sentence. The amount of time the inmate actually serves in prison and on supervised release is subject to the provisions of section 244.05, subdivision 1b.</p>
New Mexico	<p>§31-18-15 C. The court shall include in the judgment and sentence of each person convicted and sentenced to imprisonment in a corrections facility designated by the corrections department authority for a period of parole to be served in accordance with the provisions of Section 31-21-10 NMSA 1978 after the completion of any actual time of imprisonment ... The period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed ... together with alterations, if any...</p> <p>§33-2-38 A prisoner shall not be discharged from the penitentiary of New Mexico or any other correctional facility until he has served the full term for which he was sentenced. ... The provisions of this section shall not be interpreted to deprive a prisoner of any reduction of time to which he may be entitled pursuant to the provisions of Sections 31-20-11, 31-20-12 and 33-2-34 NMSA 1978.</p>
New York	<p>Penal Law §70.45 1. In general. When a court imposes a determinate sentence it shall in each case state not only the term of imprisonment, but also an additional period of post-release supervision as determined pursuant to this article. Such period shall commence as provided in subdivision five of this section and a violation of any condition of supervision occurring at any time during such period of post-release supervision shall subject the defendant to a further period of imprisonment up to the balance of the remaining period of post-release supervision, not to exceed five years...</p> <p>5. Calculation of service of period of post-release supervision. A period or periods of post-release supervision shall be calculated and served as follows:</p> <p>(a) A period of post-release supervision shall commence upon the person's release from imprisonment to supervision by the department of corrections and community supervision and shall interrupt the running of the determinate sentence or sentences of imprisonment and the indeterminate sentence or sentences of imprisonment, if any. The remaining portion of any maximum or aggregate maximum term shall then be held in abeyance until the successful completion of the period of post-release supervision or the person's return to the custody of the department of corrections and community supervision, whichever occurs first.</p>
North Carolina	<p>§15A-1340.13 (c) The judgment of the court shall contain a minimum term of imprisonment that is consistent with the class of offense for which the sentence is being imposed and with the prior record level for the offender. The maximum term of imprisonment applicable to each minimum term of imprisonment is, unless otherwise provided, as specified in G.S. 15A-1340.17. The maximum term shall be specified in the judgment of the court.</p> <p>(d) An offender sentenced to an active punishment shall serve the minimum term imposed, except as provided in G.S. 15A-1340.18. The maximum term may be reduced to, but not below, the minimum term by earned time credits awarded to an offender by the Division of Adult Correction of the Department of Public Safety or the custodian of the local confinement facility, pursuant to rules adopted in accordance with law.</p>
Ohio	<p>§2929.14 (A) ...if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term...</p>



	<p>(D)(1) If a court imposes a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division</p> <p>(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D)(1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary.</p> <p>§2929.01 (BB) "Prison term" includes either of the following sanctions for an offender:</p> <p>(1) A stated prison term;</p> <p>(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143 <i>[risk reduction sentence]</i>, 2929.20 <i>[judicial release]</i>, 2967.26 <i>[transitional control program]</i>, 5120.031 <i>[pilot shock incarceration program]</i>, 5120.032 <i>[intensive program]</i>, or 5120.073 <i>repleaded</i> of the Revised Code.</p> <p>(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or programming pursuant to those sections.</p>
Oregon	<p>§137.010 (10) A judgment of conviction that includes a term of imprisonment for a felony committed on or after November 1, 1989, shall state the length of incarceration and the length of post-prison supervision.</p> <p>§421.121 (1) Except as provided in ORS 137.635, 137.700, 137.707, 163.105 and 163.115, each inmate sentenced to the custody of the Department of Corrections for felonies committed on or after November 1, 1989, is eligible for a reduction in the term of incarceration for:</p> <p>(a) Appropriate institutional behavior, as defined by rule of the Department of Corrections; and</p> <p>(b) Participation in the adult basic skills development program described in ORS 421.084.</p>
Virginia	<p>§19.2-295.2 A. At the time the court imposes sentence upon a conviction for any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, in addition to any other punishment imposed if such other punishment includes an active term of incarceration in a state or local correctional facility, except in cases in which the court orders a suspended term of confinement of at least six months, impose a term of post-release supervision of not less than six months nor more than three years, as the court may determine. Such additional term shall be suspended and the defendant placed under post-release supervision upon release from the active term of incarceration. The period of supervision shall be established by the court; however, such period shall not be less than six months nor more than three years...</p> <p>§53.1-202.2 A. Every person who is convicted of a felony offense committed on or after January 1, 1995, and who is sentenced to serve a term of incarceration in a state or local correctional facility shall be eligible to earn sentence credits in the manner prescribed by this article. Such eligibility shall commence upon the person's incarceration in any correctional facility following entry of a final order of conviction by the committing court. As used in this chapter, "sentence credit" and "earned sentence credit" mean deductions from a person's term of confinement earned through adherence to rules prescribed pursuant to § 53.1-25, through program participation as required by §§ 53.1-32.1 and 53.1-202.3, and by meeting such other requirements as may be established by law or regulation.</p>
Washington	<p>§9.94A.728 (1) No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:</p> <p>(a) An offender may earn early release time as authorized by RCW 9.94A.729;</p> <p>(b) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;</p> <p>(c)(i) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist...</p> <p>(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems,</p>



	<p>senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;</p> <p>(e) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community or no more than the final twelve months of the offender's term of confinement may be served in partial confinement as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);</p> <p>(f) The governor may pardon any offender;</p> <p>(g) The department may release an offender from confinement any time within ten days before a release date calculated under this section;</p> <p>(h) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;</p>
Wisconsin	<p>§973.01 (1) Bifurcated sentence required. Except as provided in sub. (3) <i>[related to penalty enhancements]</i>, whenever a court sentences a person to imprisonment in the Wisconsin state prisons for a felony committed on or after December 31, 1999... the court shall impose a bifurcated sentence under this section.</p> <p>(2) Structure of bifurcated sentences. A bifurcated sentence is a sentence that consists of a term of confinement in prison followed by a term of extended supervision under s. 302.113. The total length of a bifurcated sentence equals the length of the term of confinement in prison plus the length of the term of extended supervision. An order imposing a bifurcated sentence under this section shall comply with all of the following...</p> <p>(3g) Earned release program eligibility. When imposing a bifurcated sentence under this section on a person convicted of a crime other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095, the court shall, as part of the exercise of its sentencing discretion, decide whether the person being sentenced is eligible or ineligible to participate in the earned release program under s. 302.05(3) during the term of confinement in prison portion of the bifurcated sentence.</p> <p>(3m) Challenge incarceration program eligibility. When imposing a bifurcated sentence under this section on a person convicted of a crime other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095, the court shall, as part of the exercise of its sentencing discretion, decide whether the person being sentenced is eligible or ineligible for the challenge incarceration program under s. 302.045 during the term of confinement in prison portion of the bifurcated sentence.</p> <p>(4) No good time; extension or reduction of term of imprisonment. A person sentenced to a bifurcated sentence under sub. (1) shall serve the term of confinement in prison portion of the sentence without reduction for good behavior. The term of confinement in prison portion is subject to extension under s. 302.113(3) and, if applicable, to reduction under s. 302.045(3m), 302.05(3)(c)2. a., 302.113(9g), 973.195(1r), or 973.198.</p> <p>(7) No discharge. The department of corrections may not discharge a person who is serving a bifurcated sentence from custody, control and supervision until the person has served the entire bifurcated sentence.</p>

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