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MEMORANDUM

93093

DATE: October 29, 1993
SUBJECT: Jail Good Time
REQUESTED BY: Ellen L. Totzke
Hall County Attorney

NO.
STATE OF NEBRASKA
OFFICIAL
NOV 1 1993
DEPT. OF JUSTICE

WRITTEN BY: Don Stenberg, Attorney General
Marie C. Pawol, Assistant Attorney General

You have inquired about the effect of LB 113 passed in the 1993 Legislature, which revises Neb. Rev. Stat. § 47-502 as follows:

47-502. Person sentenced to jail; sentence reductions authorized. Any person sentenced to a city or county jail shall have his or her term reduced seven days for each ~~twenty-one~~ fourteen consecutive days during which he or she has not committed any breach of discipline or other violation of jail regulations. The reductions authorized by this section shall be granted at the end of each period of ~~twenty-one~~ fourteen days, with such periods to run consecutively from the date of confinement following sentencing.

Specifically, you pose the following questions:

1. Does the above provision mean that good time credit is given for each day served, e.g., on a twenty-eight day sentence the person incarcerated serves only fourteen days or does that provision mean that after serving fourteen days the person incarcerated is given credit for seven days good time, and then starts an entirely new

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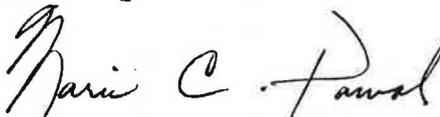
fourteen day period for good time credit, resulting in the service of twenty-one days on a twenty-eight day sentence?

2. Does the above provision mean that a person sentenced to fourteen days or less is not entitled to any good time credit whatsoever?

It is clear from the legislative history of LB 113 that the Legislature intended the former result, i.e., one day of jail good time credit for each day served. However, a plain reading of the statute mandates the latter result, thereby resulting in the service of twenty-one days on a twenty-eight day sentence. It was the Legislature's intent that the statutory good time credits for county and city jail inmates be consistent with the good time credits now granted to state prisoners under the provisions of LB 816, effective July 15, 1992. However, although LB 113 changed the period of time under review from twenty-one to fourteen days, LB 113 did not alter the actual method of computation required under the statute. Consequently, the reductions authorized must be made at the end of each fourteen day period, resulting in the service of twenty-one days on a twenty-eight day sentence and resulting in no good time credit for persons sentenced to a period of imprisonment of 14 days or less.

Sincerely,

DON STENBERG
Attorney General



Marie C. Pawol
Assistant Attorney General

Approved By:



Attorney General

23-798-8.13