

Earning Safe Reentry Through Work Act

SECTION 1. This Act shall be known and may be cited as the Earning Safe Reentry Through Work Act of 2021.

(A) Purpose. This Act creates sentence credit programs for individuals on **[probation, parole, or other forms of adult supervision]**.

(B) Definitions. As used in this Act:

(i) “Eligible employment” means any occupation or combination of occupations for which a supervised offender can provide documentation of verifiable wage-earning hours in the amount of at least one hundred and thirty (130) hours per thirty-day period;

(ii) “Supervised offender” means an individual on **[probation, parole, or other forms of adult supervision]** under the supervision of the **[Division of Probation and Parole]**;

(iii) “Supporting documentation” means employment records, pay stubs, employment letters, contracts, or similarly reliable methods of employment verification, as determined by the **[Division of Probation and Parole]**;

(iv) “Work for time credit” means a credit that is equal to a one (1) day reduction in a supervised offender’s sentence that can be accrued for maintaining eligible employment;

(v) “Working days” means a business day that does not include Saturday, Sunday, or a state or federal holiday.

SECTION 2. A new section of State Code is created, which shall read:

(A) Work for Time Credit. Each supervised offender who maintains eligible employment shall accrue work for time credits under the following conditions:

(i) The supervised offender must provide supporting documentation of eligible employment to the officer responsible for the supervised offender’s supervision within five (5) working days of the conclusion of each thirty (30) day period in which the offender maintains eligible employment;

(ii) The officer shall verify the supervised offender’s eligible employment through the offender’s supporting documentation and any other means that the **[Division of Probation and Parole]** determines necessary. The officer shall enter the supporting documentation into and record the

supervised offender's accrual of all work for time credits in **[the offender management system]** within five (5) working days of verifying the offender's eligible employment;

(iii) A supervised offender, including an offender who is being supervised in another state, shall accrue five (5) work for time credits for every thirty (30) day period in which the offender maintains eligible employment, except for the sixty (60) day period immediately prior to the supervised offender's adjusted sentence end date during which no work for time credits shall accrue;

(iv) On the revocation of **[probation, parole or other forms of adult supervision]** or new criminal conviction of a supervised offender, the supervised offender forfeits all work for time credit previously accrued; and

(v) A supervised offender shall not receive work for time credits if the offender's supporting documentation is unverifiable, inaccurate, or absent from the **[offender management system]**. If a request for work for time credits is denied, the officer shall record the reason for the denial of work for time credits in the **[offender management system]**.

(B) Sentencing Court Notification. The officer responsible for supervising a supervised offender who accrues work for time credits shall notify the sentencing court of the offender's accrual of work for time credits no less than sixty (60) days in advance of the offender's adjusted sentence end date, which includes the accrual of work for time credits up to the date of the notification.

SECTION 3. Severability and effective date.

(A) Severability. It is the intention of the legislature that the provisions of this section shall be severable. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected, including but not limited to the applicability of this section to the provisions of future agreements subject to this section.

(B) Effective Date. This Act takes effect on January 1, 2023.