

DIVISION 25

ADJUSTED COMMITMENT DATE

ORS 137.320, 137.370, 144.050, 144.079, 144.140, 144.783

255-025-0005

Date Prison Term Starts to Run

- (1) Generally, the date on which the [prisoner] inmate is delivered to custody of the Department of Corrections for the purpose of serving the sentence is the commencement date for the prison term.
- (2) In the case of additional consecutive sentences, the board shall rescind the existing parole release date which shall become the commencement date for the new prison term unless the board unsums the consecutive ranges pursuant to OAR 255-035-0022. Upon unsumming the ranges, the board shall apply section three of this rule.
- (3) In the case of additional concurrent sentences, the sentencing date shall be the commencement date for the new prison term.

Statutory Authority: (ORS 137.320, 137.370, 144.050, 144.079, 144.783)

History: (5/31/85; 5/19/88; 10/15/91; 10/9/92, 11/15/00)

Permanent effective 11/15/00

DIVISION 25

ADJUSTED COMMITMENT DATE

Date Prison Term Starts to Run
255-25-005

- (1) Generally, [T]the date on which the prisoner is delivered to custody of the Department of Corrections for the purpose of serving the sentence is the commencement date for the prison term.
- (2) In the case of additional consecutive sentences, the Board shall rescind the existing parole release date which shall become the commencement date for the new prison term unless the Board unsums the consecutive ranges pursuant to OAR 255-35-022. Upon unsumming the ranges, the Board shall apply section three of this rule.
- (3) In the case of additional concurrent sentences, the sentencing date shall be the commencement date for the new prison term.

Statutory Authority: (ORS 137.320, 137.370, 144.050, 144.079, 144.783)
History: (5/31/85; 5/19/88; 10/15/91; 10/9/92)

DIVISION 25

ADJUSTED COMMITMENT DATE
ORS 137.320, 137.370, 144.783, 144.079

Date Prison Term Starts to Run

255-25-005 (5/31/85; 5/19/88; 10/15/91)

- (1) [The commencement date for the prison term is the] The date on which the prisoner is delivered to custody of the Department of Corrections for the purpose of serving the sentence is the commencement date for the prison term.
- (2) In the case of additional consecutive sentences, the Board shall rescind the existing parole release date [shall be rescinded and] which shall become the commencement date for the new [sentence] prison term unless the Board unsums the consecutive ranges pursuant to OAR 255-35-022. Upon unsumming the ranges, the Board shall apply section three of this rule.
- (3) In the case of additional concurrent sentences, the sentencing date shall be the commencement date for the new prison term.

DIVISION 25

ADJUSTED COMMITMENT DATE

[Date Service of Sentence Commences] Date Prison Term Starts to Run

255-25-005

- (1) The commencement date for the prison term is the date on which the prisoner is delivered to custody of the Department of Corrections for the purpose of serving the sentence.
- (2) In the case of additional consecutive sentences, the existing parole release date shall be rescinded and shall become the commencement date for the new sentence.

[Pursuant to ORS 137.370, service of a sentence of imprisonment commences to run on the date on which the person is delivered to custody of the Corrections Division regardless of whether the sentence is to be served in a state or federal institution.]

Permanent effective 5/19/88

DIVISION 25

ADJUSTED COMMITMENT DATE

255-25-005

Date Service of Sentence Commences

Pursuant to ORS 137.370, service of a sentence of imprisonment commences to run on the date on which the person is delivered to custody of the Corrections Division regardless of whether the sentence is to be served in a state or federal institution.

Permanent effective 5/31/85

DIVISION 25

ADJUSTED COMMITMENT DATE

ORS 137.320, 137.370, 144.050, 144.079, 144.140, 144.783

255-025-0010

Credit for Time Served

- (1) Upon certification of the credit for time served by the Department of Corrections, the board shall grant time served credit towards the prison term for the following time periods:
 - (a) the actual, non-overlapping, certified time served in the county jail after arrest until the prison term begins; or
 - (b) the actual, non-overlapping, certified time served in the county jail as a condition of probation.
- (2) When the board grants credit towards the initial prison term under subsection (1) of this section, the board shall deduct the time served credits from the commencement date as defined in OAR 255-025-0005(1).
- (3) When the board grants credit towards the prison term on a sentence consecutive to one being served, the adjusted commitment date shall be the prior parole release date. The board shall deduct the time served credits from the newly established parole release date after establishment of a prison term on the new consecutive sentence.
- (4) When the board grants credit towards the prison term on a sentence concurrent to one being served, the board shall deduct time served credits from the sentencing date on the new concurrent sentence.
- (5) If the board receives additional time served credits after establishment of the prison term, the board or its designee may administratively correct the parole release date. The board shall send written notice of the correction to the [prisoner] inmate.

Statutory Authority: (ORS 137.320, 137.370, 144.050, 144.079, 144.783)

History: (5/31/85; 5/19/88; 7/20/88, temporary; 12/6/88; 10/15/91, 11/15/00)

Permanent effective 11/15/00

Credit for Time Served

255-25-010 (5/31/85; 5/19/88; 7/20/88, temporary; 12/6/88; 10/15/91)

- (1) Upon certification of the credit for time served by the Department of Corrections, the Board shall grant [T]time served credit [shall be granted] towards the prison term for the following time periods:
 - (a) the actual, non-overlapping, certified time served in the County Jail after arrest until the prison term begins; or
 - (b) the actual, non-overlapping, certified time served in the County Jail as a condition of probation.
- (2) When the Board grants credit [is granted] towards the initial prison term under subsection (1) of this section, the Board shall deduct the time served credits [shall be deducted from the parole release date after a prison term has been established] from the commencement date as defined in OAR 255-25-005(1).
- (3) When the Board grants credit [is granted] towards the prison term on a sentence consecutive to one being served, the adjusted commitment date shall be the prior parole release date. The Board shall deduct the time served credits [shall be deducted] from the newly established parole release date after establishment of a prison term [has been established] on the new consecutive sentence.
- (4) When the Board grants credit towards the prison term on a sentence concurrent to one being served, the Board shall deduct time served credits from the sentencing date on the new concurrent sentence.
- [(4)](5) If the Board receives additional time served credits [are received] after establishment of the prison term [has been established], the Board or its designee may administratively correct the parole release date. The [person so affected shall receive notice in writing of the Board's action] Board shall send written notice of the correction to the prisoner.

Permanent effective 10/15/91

Credit for Time Served
255-25-010

- (1) Time served credit shall be granted towards the prison term for the following time periods:
 - (a) the actual, non-overlapping, [and] certified time served in the County Jail after arrest until the prison term begins; or
 - (b) the actual, non-overlapping, [and] certified time served in the County Jail as a condition of probation.
- (2) When credit is granted towards the prison term under subsection (1) of this section, the time served credits shall be deducted from the parole release date after a prison term has been established.
- (3) When credit is granted towards the prison term on a sentence consecutive to one being served, the adjusted commitment date shall be the prior parole release date. The time served credits shall be deducted from the newly established parole release date after a prison term has been established on the new consecutive sentence.
- ~~[(3)]~~(4) If additional time served credits are received after the prison term has been [calculated] established, the Board may [take action] administratively [to] correct the parole release date. The person so affected shall receive notice in writing of the Board's action.

Credit for Time Served

255-25-010

(1) Time served credit shall be granted towards the prison term for the following time periods:

(a) the actual and certified time served in the County Jail after arrest until the prison term begins; or

(b) the actual and certified time served in the County Jail when credit is granted towards the prison term under subsection (1) of this section, the time served credits shall be deducted from the [parole release date after a prison term has been established.] date the person was received by the Department of Corrections.

(3) When credit is granted towards the prison term on a sentence consecutive to one being served, the adjusted commitment date shall become the prior parole release date. The time served credits shall be deducted from the parole release date after a prison term has been established.

[[3]] (4) If additional time served credits are received after the prison term has been calculated, the Board may take action administratively to correct the parole release date. The person so affected shall receive notice in writing of the Board's action.

[[4]] If arrest and conviction occurs during the period in which the person is under the jurisdiction of the Board of Parole, no time served credits shall be granted towards the
Temporary effective 7/20/88 to 1/15/89

Credit for Time Served
255-25-010

- (1) Time served credit shall be granted towards the prison term for the following time periods:
 - (a) the actual and certified time served in the County Jail after arrest until the prison term begins; or
 - (b) the actual and certified time served in the County Jail as a condition of probation.
- (2) When credit is granted towards the prison term under subsection (1) of this section, the time served credits shall be deducted from the parole release date after a prison term has been established.
- (3) If additional time served credits are received after the prison term has been calculated, the Board may take action administratively to correct the parole release date. The person so affected shall receive notice in writing of the Board's action.
- (4) If arrest and conviction occurs during the period in which the person is under the jurisdiction of the Board of Parole, no time served credits shall be granted towards the subsequent prison term.

[Pursuant to ORS 137.320, each person received by the Corrections Division shall be allowed credit toward the service of his/her sentence for any days spent in custody prior to delivery to which sentence was imposed. The statement so provided shall constitute "certifications" of time served credits.]

Permanent effective 5/19/88

255-25-010 Credit For Time Served

Pursuant to ORS 137.320, each person received by the Corrections Division shall be allowed credit toward the service of his/her sentence for any days spent in custody prior to delivery to the Corrections Division in connection with the offense or acts for which sentence was imposed. The statement so provided shall constitute "certifications" of time served credits.

Calculation of Adjusted Commitment Date
255-25-015

- [(1) In computing the prison release date, the Board shall establish the adjusted commitment date, the date which will be considered the starting date for the prison term, on the most recent sentence being considered.]
- [(2) The adjusted commitment date shall be calculated by subtracting the number of days the person was in custody from the date the person was received by the Corrections Division.]
- [(3) Only those periods of time certified by the sheriff of the county where the person was confined shall be considered by the Board in establishing the adjusted commitment date.]

Repealed

Permanent effective 5/19/88

255-25-015

Calculation of Adjusted Commitment Date

- (1) In computing the prison release date, the Board shall establish the adjusted commitment date, the date which will be considered the starting date for the prison term, on the most recent sentence being considered.
- (2) The adjusted commitment date shall be calculated by subtracting the number of days the person was in custody from the date the person was received by the Corrections Division.
- (3) Only those periods of time certified by the sheriff of the county where the person was confined shall be considered by the Board in establishing the adjusted commitment date.

Permanent effective 5/31/85

Method of Certification/Disagreement with Time Served Calculation
255-25-020

- [(1) The Board shall consider only those time served credits which have been reported to the Corrections Division pursuant to ORS 137.320.]
- [(2) If an interested party disagrees with the time served calculation certified pursuant to ORS 137.320, it becomes the responsibility of the person to resolve the matter with the agency who prepared the certification.]

Repealed

Permanent effective 5/19/88

255-25-020

Method of Certification/Disagreement with Time Served Calculation

- (1) The Board shall consider only those time served credits which have been reported to the Corrections Division pursuant to ORS 137.320.

- (2) If an interested party disagrees with the time served calculation certified pursuant to ORS 137.320, it becomes the responsibility of the person to resolve the matter with the agency who prepared the certification.

Permanent effective 5/31/85

Adjustment of Adjusted Commitment Date
255-25-025

[If additional time served credits are certified and received after the adjusted commitment date has been calculated, the Board may take action administratively to correct the commitment date. The person so affected shall receive notice in writing of the Board's action.]

Repealed
Permanent effective 5/19/88

255-25-025

Adjustment of Adjusted Commitment Date

If additional time served credits are certified and received after the adjusted commitment date has been calculated, the Board may take action administratively to correct the commitment date. The person so affected shall receive notice in writing of the Board's action.

Permanent effective 5/31/85

DIVISION 25

ADJUSTED COMMITMENT DATE

Effect of Inoperative Time on Prison Terms
255-25-030

Inoperative time shall not count towards the completion of [the] a prison term or an incarceration term for violation of parole or post-prison supervision conditions. In resetting the [parole] release date, the inoperative time shall be added to the [prison] term as provided in OAR 255-50-015. The Board shall notify the inmate of its action.

Statutory Authority: (ORS 144.050, 144.140)

History: (5/19/88; 10/9/92)

Permanent effective 10/9/92

Effect of Inoperative Time on Prison Terms
255-25-030

Inoperative time shall not count towards the completion of the prison term. In resetting the parole release date, the inoperative time shall be added to the prison term. The Board shall notify the inmate of its action.

Permanent effective 5/19/88

Adjusted Commitment Date for Parole Violations
255-25-035

The adjusted commitment date for parole violators with new convictions or new commitments shall be calculated as outlined in DAR 255-75-07B.

Permanent effective 12/6/88