

475-3-.05 Parole Consideration.

(1) Consideration is automatic for all offenders serving sentences imposed by a court of this State and who are in the custody of the Department of Corrections, except that no parole consideration shall ever be given to offenders serving sentences for which parole is not authorized by law. Generally, no application is required. However, persons ordered to serve consecutive county misdemeanor confinement sentences exceeding 12 months and persons sentenced pursuant to subsection (c), (d), (e), and/or (l) of O.C.G.A. § 16-13-30 and who are recidivists pursuant to O.C.G.A. § 17-10-7(c) who have met eligibility requirements for consideration as established in subsection (b)(3) and/or (b)(4) of O.C.G.A. § 42-9-45 must request consideration. The request may be in any written form and must contain name under which convicted, where incarcerated, offense(s), date and court of conviction, and length of sentence(s). The request should be submitted as close to the time of eligibility as possible to allow enough time for necessary investigations.

(2) Reconsideration of those inmates serving life sentences who have been denied parole shall take place at least every eight years. The Board will inform inmates denied parole of the reasons for such denial without disclosing confidential sources of information or possible discouraging diagnostic opinions.

(3) Inmates who have escaped will not be considered for parole until their return to custody of penal authorities of this State. If initial parole consideration was given prior to the escape of a life sentence inmate, the next consideration will be scheduled for one to eight years after recapture.

(4) A person who is returned to prison because of violation of the conditions of parole or other conditional release will be scheduled for parole consideration six months to one year after revocation unless the Board directs otherwise in its order of revocation, votes to consider the case earlier, or unless a new sentence supersedes the revoked sentence for the purpose of computing parole eligibility.

(5) In considering parole for persons who will become statutorily eligible for parole consideration and who are serving less than a life sentence, the Board shall review a recommendation as to months to serve. This recommendation will be obtained from the Parole Decision Guidelines system which accounts for the severity of the crime and the inmate's risk to re-offend. The inmate's risk to re-offend is measured by weighted factors concerning the inmate's criminal and social history which the Board has found to have value in predicting the probability of further criminal behavior. The Parole Decision Guidelines System is an aid to the Board in making more consistent, soundly based and explainable parole decisions and does not create a liberty interest. The Board specifically reserves the right to exercise its discretion under Georgia Law to disagree with the recommendation resulting from application of the Parole Decision Guidelines and may make an independent decision to deny parole or establish a Tentative Parole Month at any time prior to sentence expiration. After the Board notifies the inmate of their decision, the inmate may contest either the Crime Severity Level or Risk to Re-Offend scores by writing within 30 days the Parole Guidelines Subject Matter Expert in the Board's Central Office. Prior to an inmate being paroled, the inmate's institutional conduct will be reviewed and institutional

misconduct may result in a delay in parole release or a decision to deny parole. Any decision rendered under the Parole Decision Guidelines may be changed at the discretion of the Board at any time. The Board may modify any part of the Parole Decision Guidelines system at any time.

(6) Inmates considered under the Parole Decision Guidelines system, who are not paroled or discharged from prison earlier, will be reconsidered at least every five years after the date they become statutorily eligible for parole.

(7) The minimum mid-point Parole Decision Guidelines recommendation for each Crime Severity Level represents one-third, or more, of the Statewide-average prison sentence for all crimes assigned said Crime Severity Level.

(8)(a) The Parole Board will use the following factors to compute a Risk to Re-Offend Score for each male inmate it considers for parole using its Parole Guidelines System.

(b) Number of Felony Convictions: (none = 0 pts.), (1-2 = 1 pt.), (3 = 2 pts.), (4-5 = 3 pts.), (6-7 = 4 pts.), (8 = 5 pts.), (9 or more = 6 pts.): Current Prison Conviction Primary Offense: Property (weight: 0.334): (no = 0), (yes = 1)

(c) Number of Prior Prison Incarcerations: (none = 0 pts.), (1 = 1 pt.), (2 = 3 pts.), (3 = 4 pts.), (4 or more = 6 pts.): Current Prison Admission Type: Parole/Probation Revocation (weight: 0.284): (no = 0), (yes = 1)

(d) Current Prison Sentenced Offenses (score is cumulative) includes: (offense(s) not listed = 0 pts.), (burglary = 1 pt.), (drug possession = 1 pt.), (forgery = 2 pts.), (felony obstruction of an officer = 3 pts.), (theft = 5 pts.): Number Felony Arrest Events before Current Prison Episode (weight: 0.105): (# of prior arrests times weight = score)

(e) Age at Current Prison Admission: (20 or less = 0 pts.), (more than 20 to 40 = minus 1 pt.), (more than 40 = minus 2 pts.): Number Misdemeanor Arrest Events before Current Prison Episode (weight: 0.062): (# of prior arrests times weight = score)

(f) History of drug or alcohol abuse: (no = 0 pts.), (yes = 2 pts.): GDC Validated Gang Member (weight: 0.308): (no = 0), (yes = 1)

(g) Employed at time of current arrest: (no = 0 pts.), (yes = minus 3 pts.): Age at Current Prison Admission (weight: -0.060): (age in years times weight = score)

(h) GDC Violent DR Charge During any Incarceration Period (weight: 0.369): (no = 0), (yes = 1)

(9)(a) The Parole Board will use the following factors to compute a Risk to Re-Offend Score for each female inmate it considers for parole using its Parole Guidelines System.

(b) Current Prison Conviction Primary Offense: Property (weight: 0.443): (no = 0), (yes = 1)

(c) Current Prison Admission Type: Parole/Probation Revocation (weight: 0.535): (no = 0), (yes = 1)

(d) Number Felony Arrest Events before Current Prison Episode (weight: 0.067): (# of prior arrests times weight = score)

(e) Number Misdemeanor Arrest Events before Current Prison Episode (weight: 0.085): (# of prior arrests times weight = score)

(f) Age at Current Prison Admission (weight: -0.042): (age in years times weight = score)

(g) GDC Violent DR Charge During any Incarceration Period (weight: 0.471): (no = 0), (yes = 1)

(9)10(a) Offenders considered for parole using the Parole Decision Guidelines System who

have been convicted of the following crimes shall be assigned a Crime Severity Level of VIII: voluntary manslaughter, statutory rape, homicide by vehicle while under the influence of alcohol/drugs or as a habitual traffic violator, aggravated battery on a police officer, aggravated assault on a police officer, attempted rape, involuntary manslaughter, hijacking a motor vehicle, criminal attempt to murder, aggravated assault (with injury or weapon), enticing a child for an indecent purpose, cruelty to children, child molestation, feticide by vehicle, incest, bus hijacking, robbery, aggravated stalking, aggravated battery, burglary of an occupied, ~~unoccupied, or vacant~~ dwelling, trafficking in sexual/labor servitude victim under age 18 (coerced or deceived), trafficking in sexual/labor servitude victim developmentally disabled (any age), VGCSA – Cocaine or Methamphetamine –400 or more grams, VGCSA – Marijuana – 10,000 or more pounds, or VGCSA – Opiates– 28 or more grams.

(b) Crime Severity Level VIII offenders with a Risk to Re-Offend Score of ~~seven or more~~ 0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of 90% of the prison sentence.

(c) Crime Severity Level VIII offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of 75% of the prison sentence.

(d) Crime Severity Level VIII offenders with a Risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of 65% of the prison sentence.

~~(4011)~~(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of VII: attempted aggravated child molestation, attempted armed robbery, attempted kidnapping, attempted aggravated sexual battery, attempted aggravated sodomy, pimping or pandering a child under the age of ~~18~~16, RICO, ~~probation revocation based on a Level VIII offense, or~~ probation revocation based on a Serious Violent Felony, or trafficking in sexual/labor servitude (any age and no coercion/deception).

(b) Crime Severity Level VII offenders with a Risk to Re-Offend Score of ~~seven or more~~ 0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of ~~60~~ 52 to ~~102~~ 96 months.

(c) Crime Severity Level VII offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of ~~48~~ 40 to 78 months.

(d) Crime Severity Level VII offenders with a Risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of ~~40~~ 38 to ~~60~~ 54 months.

~~(4112)~~(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of VI: VGCSA – Cocaine or Methamphetamine –200 to 399 grams, VGCSA – Marijuana – 2,000 to 9,999 pounds, or VGCSA – Opiates –0 to 27 grams, probation revocation based on a Level VIII offense, burglary of an unoccupied or vacant dwelling, pimping or pandering a child age 16 or 17, or homicide by vehicle (not DUI/habitual violator).

(b) Crime Severity Level VI offenders with a Risk to Re-Offend Score of ~~seven or more~~

0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of ~~52~~ 48 to 78 months.

(c) Crime Severity Level VI offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of ~~40~~ 36 to 60 months.

(d) Crime Severity Level VI offenders with a Risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of ~~36~~ 34 to ~~52~~ 48 months.

~~(1213)~~(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of V: aggravated assault (no injury or weapon), arson I, possession of illegal weapon or explosives, criminal street gang activity, VGCSA - Cocaine or Methamphetamine - 28 to 199 grams, identity fraud, VGCSA – Marijuana – 10 to 1,999 pounds, manufacturing Methamphetamine – 2nd offense or child injured, VGCSA – Opiates – four grams or less, or VGCSA – Methamphetamine Trafficking – less than 200 grams.

(b) Crime Severity Level V offenders with a Risk to Re-Offend Score of ~~seven or more~~ 0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of ~~40~~ 36 to 60 months.

(c) Crime Severity Level V offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of 34 to ~~52~~ 48 months.

(d) Crime Severity Level V offenders with a Risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of ~~30~~ 32 to 40 months.

~~(1314)~~(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of IV: arson II – \$2,000, burglary – non-dwelling, over \$5,000 or six or more counts, ~~homicide by vehicle – not DUI/habitual violator,~~ possession of a firearm by a convicted felon (under active supervision), identity fraud, manufacturing Methamphetamine – near a child, serious injury by vehicle, theft of vehicle – four or more counts or 4th or more offense, or VGCSA – sale/distribution/intent to sell Schedule I or II drugs – 3rd offense or greater.

(b) Crime Severity Level IV offenders with a Risk to Re-Offend Score of ~~seven or more~~ 0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of 28 to 38 months.

(c) Crime Severity Level IV offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of 24 to 34 months.

(d) Crime Severity Level IV offenders with a Risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of 22 to 26 months.

~~(1415)~~(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of III: burglary – non-dwelling – two to five counts - \$2,001 to \$5,000, credit card fraud– more than 10 counts or

\$1,000, criminal damage – life in danger or over \$2,000, destroying or injuring police dog or horse, forgery I – over 10 counts or \$1,000, possession of a firearm by a convicted felon, manufacturing Methamphetamine – 1st offense, obstruction of officer, possession/theft of material to manufacture illegal drugs – 2nd offense, terroristic threat, theft – \$25,000 or more, theft of vehicle – for profit or 2nd and 3rd counts not for profit or 3rd offense, or VGCSA – 2nd sale or 3rd or greater possession.

(b) Crime Severity Level III offenders with a Risk to Re-Offend Score of ~~seven or more~~ 0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of 26 to 32 months.

(c) Crime Severity Level III offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of 22 to 28 months.

(d) Crime Severity Level III offenders with a risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of 20 to 24 months.

~~(4516)~~(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of II: bad checks – \$2,000 or more, burglary – non-dwelling – \$300 to \$2,000 – one count, credit card fraud – 10 or ~~less~~ fewer counts or less than \$1,000, criminal damage II – \$300 to \$2,000, forgery I – 10 or ~~less~~ fewer counts or less than \$1,000, ~~possession of illegal firearm or explosives,~~ possession of a firearm during the commission of a crime, possession/theft of materials to manufacture illegal drugs – 1st offense, reckless conduct by HIV-infected person, theft – \$5,000 to \$24,999, theft of vehicle – not for profit – 2nd offense, VGCSA – possession – 2nd offense, or VGCSA – sale/intent to sell/distribution – 1st offense.

(b) Crime Severity Level II offenders with a Risk to Re-Offend Score of ~~seven or more~~ 0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of 24 to 28 months.

(c) Crime Severity Level II offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of 20 to 24 months.

(d) Crime Severity Level II offenders with a Risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of 18 to 22 months.

~~(4617)~~(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of I: bad checks – under \$2,000, burglary – non-dwelling, less than \$300 – one count, credit card theft, criminal interference with government property, escape – no weapon, aiding escape – no weapon, forgery II – 10 or ~~less~~ fewer counts or less than \$1,000, habitual violator, possession/passing forged prescriptions – 1st offense, possession of tools to commit a crime, theft – \$4,999 or less, theft of vehicle – not for profit – one count – 1st offense, or VGCSA – possession – 1st offense.

(b) Crime Severity Level I offenders with a Risk to Re-Offend Score of ~~seven or more~~ 0.659934 to 1.00 for men, 0.559960 to 1.00 for women, shall receive a Parole Guidelines recommendation of 20 to 26 months.

(c) Crime Severity Level I offenders with a Risk to Re-Offend Score of ~~three to six~~ 0.478295 to 0.659933 for men, 0.391979 to 0.559959 for women, shall receive a Parole Guidelines recommendation of 17 to 22 months.

(d) Crime Severity Level I offenders with a Risk to Re-Offend Score of ~~two or less~~ 0.00 to 0.478294 for men, 0.00 to 0.391978 for women, shall receive a Parole Guidelines recommendation of 15 to 19 months.

(~~17~~18) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for an offense or offenses not otherwise specified in this rule will be assigned the Crime Severity Level of the specified offense most similar to their most serious offense.

(~~18~~19) Inmates serving prison sentences for sex crimes and crimes against minors will receive a risk assessment evaluation prior to a final decision to grant parole to determine the likelihood that he or she will engage in another sex crime or a crime against a minor.

Authority O.C.G.A. Secs. 16-8-83, 17-10-6, 17-10-6.1, 17-10-17, 42-9-20, 42-9-39, 42-9-40, 42-9-42, 42-9-45, 42-9-46.