

# Missouri Time Served Statutory Calculator Methodology

## Definitions

Standard Prison Sentences Include Four Different Time Periods				
	Jail Time Credit	Minimum Prison Time	Parole Eligibility Period	Supervision Time
Governed by:	Sentencing judge determines how much time served pre-conviction should be credited as time already served on the sentence.	Statute governs minimum time served for people convicted of dangerous felonies (556.061) and repeated felony commitments (558.019). Parole board guidelines establish "regulatory" minimums in all other cases.	Parole Blue Book requires a risk assessment and hearing to determine when to release.	Most sentences are subject to conditional release where a portion of the sentence is to be served under supervision in the community.
Range:	Depends on the individual case, judge, and pre-trial factors	See chart above for relevant minimum.		1/3 of sentences of 9 years or less; 3 years for sentences between 9 and 15 years; and 5 years for sentences over 15 years. Conditional release may be delayed for serious misconduct in prison or failure to complete sex offender treatment.
Reference :	558.031(2)	Parole Blue Book	Parole Blue Book - chart above	558.011(4)

**Dangerous felony offense:** Anything listed in this site, per 556.061(19):

<https://revisor.mo.gov/main/OneSection.aspx?section=556.061&bid=48665&hl=>

**Prior commitment offenses:** Anything listed in this site, per 556.061(19):

<https://revisor.mo.gov/main/OneSection.aspx?section=558.019&bid=47815&hl=>. Current + prior prison commitments for new sentences into Missouri prison facility (physical intake) for these offenses can trigger higher minimum prison time to serve.

### Offenses with unique time served rules:

Topic	Minimum Prison Time	Notes	Statute
Life sentence	30 years		558.019(4)
Sentence total >75 years	75 years		558.019(4)
Sentences with a mixture of regulatory minimums and statutory minimums are not added under 75 year rule			
Offense before age 18	25 years		558.047
1st Degree Murder	LWOP		565.020
Persistent Sexual Offender	LWOP		566.125(3)
Predatory Sexual Offender	Min 15 or 30, set by judge	Life with parole	566.125(7)
Armed Criminal Action	3, 5, and 7 years for 1st, 2nd, 3rd ACA		571.015

## Calculation logic

*Note: For easier reference in the rest of the doc, variables will be used to indicate the inputs:*

- “MSO” = “Most Serious Offense”
- “SI” = “Sentence Imposed by Court”
- “JT” = “Jail Time Credited”
- “CRT” = “Conditional Release Term per Statute”
- “OT” = “Offense Type”
- “FC” = “Felony Class”

### Most Serious Offense (MSO)

Selection options: All **MO Offense Codes** in column A of the “[conditions tab](#)”

For purposes of multiple offenses, the most serious offense is the one with the longest term before minimum parole eligibility, which may not be the one with the longest maximum.

### **Felony Class and corresponding sentence ranges (FC)**

- A: 10 to 30 years
- B: 5 to 15 years
- C: 3 to 10 years
- D: 1 to 7 years
- E: 1 to 4 years
- U: N/A

### **Offense Type (OT)**

- If NVI, display: "Nonviolent"
- If VIO, display: "Violent"
- If DRG, display: "Drug"
- If DWI, display: "DWI"
- If SEX, display: "Sex"

**Sentence remaining to serve** = Sentence imposed \* 12 - jail time (in months)

### **Percent of total sentence to be served incarcerated**

- **Minimum** =
  - If MSO code is on the "[dangerous felony list](#)" tab: 85%
  - If OT is 'VIO' or 'SEX': 33%
  - Else: The minimum percent for each OT and FC pairing can be found in column C of the "[parole guidelines](#)" tab
- **Maximum** =
  - If MSO code is on the "[dangerous felony list](#)" tab: 100%
  - Else: SI - CRT
- **(CRT)** Conditional Release Term per Statute (sheets logic in cell B10 of "[calculator](#)" tab)
  - If MO Offense Code selected is listed on the "[dangerous felony list](#)" tab = "Not Applicable"
  - Else: Assuming X is the sentence imposed:  
 $(X*12) \leq 108, ((X*12)/3), (X*12) \leq 180, 36, (X*12) > 108, 60)$

**Average time served** information from MO DOC.

As a general reference, the Rules and Regulations Governing the Granting of Paroles and Conditional Releases with Appendices (Blue Book) is the appropriate guide and is [available here](#).

## Copy logic

The copy that appears for average time served and relevant statutes should vary based on the offense type and felony classes selected in the following ways:

### Relevant statutes copy logic

#### Min

- Minimum prison time determination
  - [Always] “Minimum prison time is set by [output of [#4 above](#)]”
- Minimum parole eligibility:
  - [If OT is ‘VIO’ or ‘SEX’] “People convicted of Sexual or Child Abuse and Violent offenses (all classes of offenses) may not be eligible for parole until 33% of the maximum sentence has been served; except where statute would require more time to be served.”
  - [If MSO code is on the “[dangerous felony list](#)” tab: “Any offender who has been found guilty of a dangerous felony ([556.061](#)) shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.”
  - [Else]: “People convicted of [OT] class [FC] offenses may not be eligible for parole until [[logic output here](#)] % of the maximum sentence has been served; except where statute would require more time to be served.”
- Parole eligibility definition
  - [Always] “Minimum parole eligibility is the earliest point at which someone is eligible for parole release consideration. Minimum parole eligibility in no way requires a parole release. In making release decisions, the Board considers many factors including, but not limited to, offense behavior, victim impact, criminal history, social history, institutional adjustment, including program participation, release plans and community attitude.”
- Additional prior commitments warning
  - [If MSO code is on the “[MPT List](#)” tab] “Warning! This offense may trigger minimum prison term if the person has been previously committed to the Missouri DOC for offenses listed in 558.019. One prior prison commitment for a listed offense would require 40% of this sentence to be served; 2 prior prison commitments for listed offenses would require 50% to be served; and 3+ prior prison commitments would require 80% to be served.”
  - [Else] N/A, do not display this warning

#### Max

- Maximum prison time determination
  - [Always] “Maximum prison time is set by [output of [#6 above](#)]”
- Maximum time served in prison:

- [If MSO code is on the "[dangerous felony list](#)" tab] "People convicted of offenses classified as "Dangerous Felonies" may serve up to 100% of their sentence in prison."
- [If sentence imposed is < 9 years]: The conditional release term shall be one-third (33%) for terms of nine years or less;
- [If sentence imposed is 9-15 years]: The conditional release term shall be three years for terms between nine and fifteen years.
- [If sentence imposed is >15 years]: The conditional release term shall be five years for terms more than fifteen years.
- Conditional release definition
  - [Always] "Conditional release means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole."