

OFFICE OF THE ATTORNEY GENERAL

92-00115



JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

January 16, 1992

Honorable Morris L. Thigpen
Commissioner
Department of Corrections
Montgomery, AL 36130

Department of Corrections -
Prisons and Prisoners -
Sentences - Good Time Law

A prisoner who is prohibited by
statute from receiving good
time may nonetheless receive a
30-day reduction in his
sentence for donating blood to
the Red Cross.

Dear Commissioner Thigpen:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Is an inmate who is prohibited from
receiving good time under Code of Alabama
1975, Section 14-9-41, allowed to receive
the thirty-day reduction for donating blood
under Code of Alabama 1975, Section 14-9-3?

FACTS AND ANALYSIS

Section 14-9-41, Code of Alabama 1975, establishes the
inmate classification system utilized by the Department of

Honorable Morris L. Thigpen
Page 2

Corrections. It defines specified classifications, creates incentive good time, and designates circumstances under which inmates in each classification will receive or forfeit good time. In § 14-9-41(e), the legislature limits the benefits of correctional incentive time and excludes a certain category of inmates from receiving the incentive good time created by the statute.

However, the restriction of incentive good time from certain inmates does not also restrict benefits earned by inmates under other statutory provisions. The terms of § 14-9-3, Code, allowing inmates to deduct thirty days from their sentences as a reward for donating blood to the Red Cross, do not limit its provisions to certain classifications of inmates, but make the statutory benefits available to "every prisoner confined in the Alabama prison system."

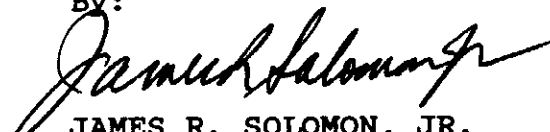
CONCLUSION

An inmate who is prohibited by statute from receiving correctional incentive time may nonetheless receive the 30-day reduction in sentence allowed under § 14-9-3, Code of Alabama 1975, for donating blood.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

JE/JLB/jho

06820