

COMMENTARY AMENDMENT PER HERNANDEZ

II.B.101. ". . . must have been stayed or imposed before ~~the date of~~ sentencing for the current offense. When multiple current offenses are sentenced on the same day, presumptive sentences sentencing should be computed in the order in which the offenses occurred."

III.C.04. In order to ensure that offenders are not penalized for inability to post bond, credit for time in custody between arrest and sentencing shall be computed by the Commissioner of Corrections after projected good time is subtracted from the sentence.

Commission policy is that sentencing should be neutral with respect to the economic status of felons. When credit for time spent in custody is immediately deducted from the sentence, the incongruous result is that individuals who cannot post bond are confined longer than those who post bond. In order to correct this incongruity, computation of projected good time shall be made by the Commissioner of Corrections at time of admission to prison and shall be subtracted from the sentence prior to crediting an offender for time spent in custody between arrest and sentencing.