



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3170

by Rep. Mark Batinick

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1  
730 ILCS 5/3-6-3

from Ch. 38, par. 24-1  
from Ch. 38, par. 1003-6-3

Amends the Criminal Code of 2012. Increases the penalty for unlawful use of weapons by selling, manufacturing, purchasing, possessing, or carrying a machine gun, other than in the passenger compartment of a motor vehicle or on one's person if the weapon is loaded, from a Class 2 felony, with a mandatory sentence of not less than 3 years and not more than 7 years imprisonment to a Class 1 felony, with a mandatory sentence of not less than 4 years and not more than 15 years imprisonment. Amends the Unified Code of Corrections. Provides that a person serving a sentence for this violation shall receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment (rather than day for day sentence credit).

LRB101 07850 SLF 52904 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 24-1 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

7 Sec. 24-1. Unlawful use of weapons.

8 (a) A person commits the offense of unlawful use of weapons  
9 when he knowingly:

10 (1) Sells, manufactures, purchases, possesses or  
11 carries any bludgeon, black-jack, slung-shot, sand-club,  
12 sand-bag, metal knuckles or other knuckle weapon  
13 regardless of its composition, throwing star, or any knife,  
14 commonly referred to as a switchblade knife, which has a  
15 blade that opens automatically by hand pressure applied to  
16 a button, spring or other device in the handle of the  
17 knife, or a ballistic knife, which is a device that propels  
18 a knifelike blade as a projectile by means of a coil  
19 spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same  
21 unlawfully against another, a dagger, dirk, billy,  
22 dangerous knife, razor, stiletto, broken bottle or other  
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (3) Carries on or about his person or in any vehicle, a  
3 tear gas gun projector or bomb or any object containing  
4 noxious liquid gas or substance, other than an object  
5 containing a non-lethal noxious liquid gas or substance  
6 designed solely for personal defense carried by a person 18  
7 years of age or older; or

8 (4) Carries or possesses in any vehicle or concealed on  
9 or about his person except when on his land or in his own  
10 abode, legal dwelling, or fixed place of business, or on  
11 the land or in the legal dwelling of another person as an  
12 invitee with that person's permission, any pistol,  
13 revolver, stun gun or taser or other firearm, except that  
14 this subsection (a) (4) does not apply to or affect  
15 transportation of weapons that meet one of the following  
16 conditions:

17 (i) are broken down in a non-functioning state; or

18 (ii) are not immediately accessible; or

19 (iii) are unloaded and enclosed in a case, firearm  
20 carrying box, shipping box, or other container by a  
21 person who has been issued a currently valid Firearm  
22 Owner's Identification Card; or

23 (iv) are carried or possessed in accordance with  
24 the Firearm Concealed Carry Act by a person who has  
25 been issued a currently valid license under the Firearm  
26 Concealed Carry Act; or

1 (5) Sets a spring gun; or

2 (6) Possesses any device or attachment of any kind  
3 designed, used or intended for use in silencing the report  
4 of any firearm; or

5 (7) Sells, manufactures, purchases, possesses or  
6 carries:

7 (i) a machine gun, which shall be defined for the  
8 purposes of this subsection as any weapon, which  
9 shoots, is designed to shoot, or can be readily  
10 restored to shoot, automatically more than one shot  
11 without manually reloading by a single function of the  
12 trigger, including the frame or receiver of any such  
13 weapon, or sells, manufactures, purchases, possesses,  
14 or carries any combination of parts designed or  
15 intended for use in converting any weapon into a  
16 machine gun, or any combination or parts from which a  
17 machine gun can be assembled if such parts are in the  
18 possession or under the control of a person;

19 (ii) any rifle having one or more barrels less than  
20 16 inches in length or a shotgun having one or more  
21 barrels less than 18 inches in length or any weapon  
22 made from a rifle or shotgun, whether by alteration,  
23 modification, or otherwise, if such a weapon as  
24 modified has an overall length of less than 26 inches;  
25 or

26 (iii) any bomb, bomb-shell, grenade, bottle or

1 other container containing an explosive substance of  
2 over one-quarter ounce for like purposes, such as, but  
3 not limited to, black powder bombs and Molotov  
4 cocktails or artillery projectiles; or

5 (8) Carries or possesses any firearm, stun gun or taser  
6 or other deadly weapon in any place which is licensed to  
7 sell intoxicating beverages, or at any public gathering  
8 held pursuant to a license issued by any governmental body  
9 or any public gathering at which an admission is charged,  
10 excluding a place where a showing, demonstration or lecture  
11 involving the exhibition of unloaded firearms is  
12 conducted.

13 This subsection (a) (8) does not apply to any auction or  
14 raffle of a firearm held pursuant to a license or permit  
15 issued by a governmental body, nor does it apply to persons  
16 engaged in firearm safety training courses; or

17 (9) Carries or possesses in a vehicle or on or about  
18 his person any pistol, revolver, stun gun or taser or  
19 firearm or ballistic knife, when he is hooded, robed or  
20 masked in such manner as to conceal his identity; or

21 (10) Carries or possesses on or about his person, upon  
22 any public street, alley, or other public lands within the  
23 corporate limits of a city, village or incorporated town,  
24 except when an invitee thereon or therein, for the purpose  
25 of the display of such weapon or the lawful commerce in  
26 weapons, or except when on his land or in his own abode,

1 legal dwelling, or fixed place of business, or on the land  
2 or in the legal dwelling of another person as an invitee  
3 with that person's permission, any pistol, revolver, stun  
4 gun or taser or other firearm, except that this subsection  
5 (a) (10) does not apply to or affect transportation of  
6 weapons that meet one of the following conditions:

7 (i) are broken down in a non-functioning state; or

8 (ii) are not immediately accessible; or

9 (iii) are unloaded and enclosed in a case, firearm  
10 carrying box, shipping box, or other container by a  
11 person who has been issued a currently valid Firearm  
12 Owner's Identification Card; or

13 (iv) are carried or possessed in accordance with  
14 the Firearm Concealed Carry Act by a person who has  
15 been issued a currently valid license under the Firearm  
16 Concealed Carry Act.

17 A "stun gun or taser", as used in this paragraph (a)  
18 means (i) any device which is powered by electrical  
19 charging units, such as, batteries, and which fires one or  
20 several barbs attached to a length of wire and which, upon  
21 hitting a human, can send out a current capable of  
22 disrupting the person's nervous system in such a manner as  
23 to render him incapable of normal functioning or (ii) any  
24 device which is powered by electrical charging units, such  
25 as batteries, and which, upon contact with a human or  
26 clothing worn by a human, can send out current capable of

1           disrupting the person's nervous system in such a manner as  
2           to render him incapable of normal functioning; or

3           (11) Sells, manufactures or purchases any explosive  
4           bullet. For purposes of this paragraph (a) "explosive  
5           bullet" means the projectile portion of an ammunition  
6           cartridge which contains or carries an explosive charge  
7           which will explode upon contact with the flesh of a human  
8           or an animal. "Cartridge" means a tubular metal case having  
9           a projectile affixed at the front thereof and a cap or  
10          primer at the rear end thereof, with the propellant  
11          contained in such tube between the projectile and the cap;  
12          or

13          (12) (Blank); or

14          (13) Carries or possesses on or about his or her person  
15          while in a building occupied by a unit of government, a  
16          billy club, other weapon of like character, or other  
17          instrument of like character intended for use as a weapon.  
18          For the purposes of this Section, "billy club" means a  
19          short stick or club commonly carried by police officers  
20          which is either telescopic or constructed of a solid piece  
21          of wood or other man-made material.

22          (b) Sentence. A person convicted of a violation of  
23          subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
24          subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
25          Class A misdemeanor. A person convicted of a violation of  
26          subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a

1 person convicted of a violation of subsection 24-1(a)(6) or  
2 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
3 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
4 Class 1 ~~2~~ felony and shall be sentenced to a term of  
5 imprisonment of not less than 4 ~~3~~ years and not more than 15 ~~7~~  
6 years, unless the weapon is possessed in the passenger  
7 compartment of a motor vehicle as defined in Section 1-146 of  
8 the Illinois Vehicle Code, or on the person, while the weapon  
9 is loaded, in which case it shall be a Class X felony. A person  
10 convicted of a second or subsequent violation of subsection  
11 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a  
12 Class 3 felony. The possession of each weapon in violation of  
13 this Section constitutes a single and separate violation.

14 (c) Violations in specific places.

15 (1) A person who violates subsection 24-1(a)(6) or  
16 24-1(a)(7) (ii) or (iii) in any school, regardless of the  
17 time of day or the time of year, in residential property  
18 owned, operated or managed by a public housing agency or  
19 leased by a public housing agency as part of a scattered  
20 site or mixed-income development, in a public park, in a  
21 courthouse, on the real property comprising any school,  
22 regardless of the time of day or the time of year, on  
23 residential property owned, operated or managed by a public  
24 housing agency or leased by a public housing agency as part  
25 of a scattered site or mixed-income development, on the  
26 real property comprising any public park, on the real



1 property comprising any courthouse, in any conveyance  
2 owned, leased or contracted by a school to transport  
3 students to or from school or a school related activity, in  
4 any conveyance owned, leased, or contracted by a public  
5 transportation agency, or on any public way within 1,000  
6 feet of the real property comprising any school, public  
7 park, courthouse, public transportation facility, or  
8 residential property owned, operated, or managed by a  
9 public housing agency or leased by a public housing agency  
10 as part of a scattered site or mixed-income development  
11 commits a Class 2 felony and shall be sentenced to a term  
12 of imprisonment of not less than 3 years and not more than  
13 7 years.

14 (1.5) A person who violates subsection 24-1(a)(4),  
15 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
16 time of day or the time of year, in residential property  
17 owned, operated, or managed by a public housing agency or  
18 leased by a public housing agency as part of a scattered  
19 site or mixed-income development, in a public park, in a  
20 courthouse, on the real property comprising any school,  
21 regardless of the time of day or the time of year, on  
22 residential property owned, operated, or managed by a  
23 public housing agency or leased by a public housing agency  
24 as part of a scattered site or mixed-income development, on  
25 the real property comprising any public park, on the real  
26 property comprising any courthouse, in any conveyance

1 owned, leased, or contracted by a school to transport  
2 students to or from school or a school related activity, in  
3 any conveyance owned, leased, or contracted by a public  
4 transportation agency, or on any public way within 1,000  
5 feet of the real property comprising any school, public  
6 park, courthouse, public transportation facility, or  
7 residential property owned, operated, or managed by a  
8 public housing agency or leased by a public housing agency  
9 as part of a scattered site or mixed-income development  
10 commits a Class 3 felony.

11 (2) A person who violates subsection 24-1(a)(1),  
12 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
13 time of day or the time of year, in residential property  
14 owned, operated or managed by a public housing agency or  
15 leased by a public housing agency as part of a scattered  
16 site or mixed-income development, in a public park, in a  
17 courthouse, on the real property comprising any school,  
18 regardless of the time of day or the time of year, on  
19 residential property owned, operated or managed by a public  
20 housing agency or leased by a public housing agency as part  
21 of a scattered site or mixed-income development, on the  
22 real property comprising any public park, on the real  
23 property comprising any courthouse, in any conveyance  
24 owned, leased or contracted by a school to transport  
25 students to or from school or a school related activity, in  
26 any conveyance owned, leased, or contracted by a public

1 transportation agency, or on any public way within 1,000  
2 feet of the real property comprising any school, public  
3 park, courthouse, public transportation facility, or  
4 residential property owned, operated, or managed by a  
5 public housing agency or leased by a public housing agency  
6 as part of a scattered site or mixed-income development  
7 commits a Class 4 felony. "Courthouse" means any building  
8 that is used by the Circuit, Appellate, or Supreme Court of  
9 this State for the conduct of official business.

10 (3) Paragraphs (1), (1.5), and (2) of this subsection  
11 (c) shall not apply to law enforcement officers or security  
12 officers of such school, college, or university or to  
13 students carrying or possessing firearms for use in  
14 training courses, parades, hunting, target shooting on  
15 school ranges, or otherwise with the consent of school  
16 authorities and which firearms are transported unloaded  
17 enclosed in a suitable case, box, or transportation  
18 package.

19 (4) For the purposes of this subsection (c), "school"  
20 means any public or private elementary or secondary school,  
21 community college, college, or university.

22 (5) For the purposes of this subsection (c), "public  
23 transportation agency" means a public or private agency  
24 that provides for the transportation or conveyance of  
25 persons by means available to the general public, except  
26 for transportation by automobiles not used for conveyance

1 of the general public as passengers; and "public  
2 transportation facility" means a terminal or other place  
3 where one may obtain public transportation.

4 (d) The presence in an automobile other than a public  
5 omnibus of any weapon, instrument or substance referred to in  
6 subsection (a) (7) is prima facie evidence that it is in the  
7 possession of, and is being carried by, all persons occupying  
8 such automobile at the time such weapon, instrument or  
9 substance is found, except under the following circumstances:  
10 (i) if such weapon, instrument or instrumentality is found upon  
11 the person of one of the occupants therein; or (ii) if such  
12 weapon, instrument or substance is found in an automobile  
13 operated for hire by a duly licensed driver in the due, lawful  
14 and proper pursuit of his trade, then such presumption shall  
15 not apply to the driver.

16 (e) Exemptions.

17 (1) Crossbows, Common or Compound bows and Underwater  
18 Spearguns are exempted from the definition of ballistic  
19 knife as defined in paragraph (1) of subsection (a) of this  
20 Section.

21 (2) The provision of paragraph (1) of subsection (a) of  
22 this Section prohibiting the sale, manufacture, purchase,  
23 possession, or carrying of any knife, commonly referred to  
24 as a switchblade knife, which has a blade that opens  
25 automatically by hand pressure applied to a button, spring  
26 or other device in the handle of the knife, does not apply

1 to a person who possesses a currently valid Firearm Owner's  
2 Identification Card previously issued in his or her name by  
3 the Department of State Police or to a person or an entity  
4 engaged in the business of selling or manufacturing  
5 switchblade knives.

6 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

7 Section 10. The Unified Code of Corrections is amended by  
8 changing Section 3-6-3 as follows:

9 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

10 Sec. 3-6-3. Rules and regulations for sentence credit.

11 (a) (1) The Department of Corrections shall prescribe rules  
12 and regulations for awarding and revoking sentence credit for  
13 persons committed to the Department which shall be subject to  
14 review by the Prisoner Review Board.

15 (1.5) As otherwise provided by law, sentence credit may be  
16 awarded for the following:

17 (A) successful completion of programming while in  
18 custody of the Department or while in custody prior to  
19 sentencing;

20 (B) compliance with the rules and regulations of the  
21 Department; or

22 (C) service to the institution, service to a community,  
23 or service to the State.

24 (2) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit  
2 shall provide, with respect to offenses listed in clause (i),  
3 (ii), or (iii) of this paragraph (2) committed on or after June  
4 19, 1998 or with respect to the offense listed in clause (iv)  
5 of this paragraph (2) committed on or after June 23, 2005 (the  
6 effective date of Public Act 94-71) or with respect to offense  
7 listed in clause (vi) committed on or after June 1, 2008 (the  
8 effective date of Public Act 95-625) or with respect to the  
9 offense of being an armed habitual criminal committed on or  
10 after August 2, 2005 (the effective date of Public Act 94-398)  
11 or with respect to the offenses listed in clause (v) of this  
12 paragraph (2) committed on or after August 13, 2007 (the  
13 effective date of Public Act 95-134) or with respect to the  
14 offense of aggravated domestic battery committed on or after  
15 July 23, 2010 (the effective date of Public Act 96-1224) or  
16 with respect to the offense of attempt to commit terrorism  
17 committed on or after January 1, 2013 (the effective date of  
18 Public Act 97-990) or with respect to the offense of unlawful  
19 use of weapons under subparagraph (i) of paragraph (7) of  
20 subsection (a) of Section 24-1 of the Criminal Code of 2012  
21 committed on or after the effective date of this amendatory Act  
22 of the 101st General Assembly, the following:

23 (i) that a prisoner who is serving a term of  
24 imprisonment for first degree murder or for the offense of  
25 terrorism shall receive no sentence credit and shall serve  
26 the entire sentence imposed by the court;

1           (ii) that a prisoner serving a sentence for attempt to  
2           commit terrorism, attempt to commit first degree murder,  
3           solicitation of murder, solicitation of murder for hire,  
4           intentional homicide of an unborn child, predatory  
5           criminal sexual assault of a child, aggravated criminal  
6           sexual assault, criminal sexual assault, aggravated  
7           kidnapping, aggravated battery with a firearm as described  
8           in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or  
9           (e) (4) of Section 12-3.05, heinous battery as described in  
10          Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,  
11          being an armed habitual criminal, aggravated battery of a  
12          senior citizen as described in Section 12-4.6 or  
13          subdivision (a) (4) of Section 12-3.05, or aggravated  
14          battery of a child as described in Section 12-4.3 or  
15          subdivision (b) (1) of Section 12-3.05 shall receive no more  
16          than 4.5 days of sentence credit for each month of his or  
17          her sentence of imprisonment;

18          (iii) that a prisoner serving a sentence for home  
19          invasion, armed robbery, aggravated vehicular hijacking,  
20          aggravated discharge of a firearm, or armed violence with a  
21          category I weapon or category II weapon, when the court has  
22          made and entered a finding, pursuant to subsection (c-1) of  
23          Section 5-4-1 of this Code, that the conduct leading to  
24          conviction for the enumerated offense resulted in great  
25          bodily harm to a victim, shall receive no more than 4.5  
26          days of sentence credit for each month of his or her

1 sentence of imprisonment;

2 (iv) that a prisoner serving a sentence for aggravated  
3 discharge of a firearm, whether or not the conduct leading  
4 to conviction for the offense resulted in great bodily harm  
5 to the victim, shall receive no more than 4.5 days of  
6 sentence credit for each month of his or her sentence of  
7 imprisonment;

8 (v) that a person serving a sentence for unlawful use  
9 of weapons under subparagraph (i) of paragraph (7) of  
10 subsection (a) of Section 24-1 of the Criminal Code of  
11 2012, gunrunning, narcotics racketeering, controlled  
12 substance trafficking, methamphetamine trafficking,  
13 drug-induced homicide, aggravated methamphetamine-related  
14 child endangerment, money laundering pursuant to clause  
15 (c) (4) or (5) of Section 29B-1 of the Criminal Code of  
16 1961 or the Criminal Code of 2012, or a Class X felony  
17 conviction for delivery of a controlled substance,  
18 possession of a controlled substance with intent to  
19 manufacture or deliver, calculated criminal drug  
20 conspiracy, criminal drug conspiracy, street gang criminal  
21 drug conspiracy, participation in methamphetamine  
22 manufacturing, aggravated participation in methamphetamine  
23 manufacturing, delivery of methamphetamine, possession  
24 with intent to deliver methamphetamine, aggravated  
25 delivery of methamphetamine, aggravated possession with  
26 intent to deliver methamphetamine, methamphetamine



1 conspiracy when the substance containing the controlled  
2 substance or methamphetamine is 100 grams or more shall  
3 receive no more than 7.5 days sentence credit for each  
4 month of his or her sentence of imprisonment;

5 (vi) that a prisoner serving a sentence for a second or  
6 subsequent offense of luring a minor shall receive no more  
7 than 4.5 days of sentence credit for each month of his or  
8 her sentence of imprisonment; and

9 (vii) that a prisoner serving a sentence for aggravated  
10 domestic battery shall receive no more than 4.5 days of  
11 sentence credit for each month of his or her sentence of  
12 imprisonment.

13 (2.1) For all offenses, other than those enumerated in  
14 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
15 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
16 June 23, 2005 (the effective date of Public Act 94-71) or  
17 subdivision (a)(2)(v) committed on or after August 13, 2007  
18 (the effective date of Public Act 95-134) (other than the  
19 offense of unlawful use of weapons under subparagraph (i) of  
20 paragraph (7) of subsection (a) of Section 24-1 of the Criminal  
21 Code of 2012) or subdivision (a)(2)(vi) committed on or after  
22 June 1, 2008 (the effective date of Public Act 95-625) or  
23 subdivision (a)(2)(vii) committed on or after July 23, 2010  
24 (the effective date of Public Act 96-1224), and other than the  
25 offense of aggravated driving under the influence of alcohol,  
26 other drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof as defined in subparagraph (F) of  
2 paragraph (1) of subsection (d) of Section 11-501 of the  
3 Illinois Vehicle Code, and other than the offense of aggravated  
4 driving under the influence of alcohol, other drug or drugs, or  
5 intoxicating compound or compounds, or any combination thereof  
6 as defined in subparagraph (C) of paragraph (1) of subsection  
7 (d) of Section 11-501 of the Illinois Vehicle Code committed on  
8 or after January 1, 2011 (the effective date of Public Act  
9 96-1230), and other than the offense of unlawful use of weapons  
10 under subparagraph (i) of paragraph (7) of subsection (a) of  
11 Section 24-1 of the Criminal Code of 2012 committed on or after  
12 the effective date of this amendatory Act of the 101st General  
13 Assembly, the rules and regulations shall provide that a  
14 prisoner who is serving a term of imprisonment shall receive  
15 one day of sentence credit for each day of his or her sentence  
16 of imprisonment or recommitment under Section 3-3-9. Each day  
17 of sentence credit shall reduce by one day the prisoner's  
18 period of imprisonment or recommitment under Section 3-3-9.

19 (2.2) A prisoner serving a term of natural life  
20 imprisonment or a prisoner who has been sentenced to death  
21 shall receive no sentence credit.

22 (2.3) Except as provided in paragraph (4.7) of this  
23 subsection (a), the rules and regulations on sentence credit  
24 shall provide that a prisoner who is serving a sentence for  
25 aggravated driving under the influence of alcohol, other drug  
26 or drugs, or intoxicating compound or compounds, or any

1 combination thereof as defined in subparagraph (F) of paragraph  
2 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
3 Code, shall receive no more than 4.5 days of sentence credit  
4 for each month of his or her sentence of imprisonment.

5 (2.4) Except as provided in paragraph (4.7) of this  
6 subsection (a), the rules and regulations on sentence credit  
7 shall provide with respect to the offenses of aggravated  
8 battery with a machine gun or a firearm equipped with any  
9 device or attachment designed or used for silencing the report  
10 of a firearm or aggravated discharge of a machine gun or a  
11 firearm equipped with any device or attachment designed or used  
12 for silencing the report of a firearm, committed on or after  
13 July 15, 1999 (the effective date of Public Act 91-121), that a  
14 prisoner serving a sentence for any of these offenses shall  
15 receive no more than 4.5 days of sentence credit for each month  
16 of his or her sentence of imprisonment.

17 (2.5) Except as provided in paragraph (4.7) of this  
18 subsection (a), the rules and regulations on sentence credit  
19 shall provide that a prisoner who is serving a sentence for  
20 aggravated arson committed on or after July 27, 2001 (the  
21 effective date of Public Act 92-176) shall receive no more than  
22 4.5 days of sentence credit for each month of his or her  
23 sentence of imprisonment.

24 (2.6) Except as provided in paragraph (4.7) of this  
25 subsection (a), the rules and regulations on sentence credit  
26 shall provide that a prisoner who is serving a sentence for

1 aggravated driving under the influence of alcohol, other drug  
2 or drugs, or intoxicating compound or compounds or any  
3 combination thereof as defined in subparagraph (C) of paragraph  
4 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
5 Code committed on or after January 1, 2011 (the effective date  
6 of Public Act 96-1230) shall receive no more than 4.5 days of  
7 sentence credit for each month of his or her sentence of  
8 imprisonment.

9 (3) In addition to the sentence credits earned under  
10 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),  
11 the rules and regulations shall also provide that the Director  
12 may award up to 180 days of earned sentence credit for good  
13 conduct in specific instances as the Director deems proper. The  
14 good conduct may include, but is not limited to, compliance  
15 with the rules and regulations of the Department, service to  
16 the Department, service to a community, or service to the  
17 State.

18 Eligible inmates for an award of earned sentence credit  
19 under this paragraph (3) may be selected to receive the credit  
20 at the Director's or his or her designee's sole discretion.  
21 Eligibility for the additional earned sentence credit under  
22 this paragraph (3) shall be based on, but is not limited to,  
23 the results of any available risk/needs assessment or other  
24 relevant assessments or evaluations administered by the  
25 Department using a validated instrument, the circumstances of  
26 the crime, any history of conviction for a forcible felony

1 enumerated in Section 2-8 of the Criminal Code of 2012, the  
2 inmate's behavior and disciplinary history while incarcerated,  
3 and the inmate's commitment to rehabilitation, including  
4 participation in programming offered by the Department.

5 The Director shall not award sentence credit under this  
6 paragraph (3) to an inmate unless the inmate has served a  
7 minimum of 60 days of the sentence; except nothing in this  
8 paragraph shall be construed to permit the Director to extend  
9 an inmate's sentence beyond that which was imposed by the  
10 court. Prior to awarding credit under this paragraph (3), the  
11 Director shall make a written determination that the inmate:

12 (A) is eligible for the earned sentence credit;

13 (B) has served a minimum of 60 days, or as close to 60  
14 days as the sentence will allow;

15 (B-1) has received a risk/needs assessment or other  
16 relevant evaluation or assessment administered by the  
17 Department using a validated instrument; and

18 (C) has met the eligibility criteria established by  
19 rule for earned sentence credit.

20 The Director shall determine the form and content of the  
21 written determination required in this subsection.

22 (3.5) The Department shall provide annual written reports  
23 to the Governor and the General Assembly on the award of earned  
24 sentence credit no later than February 1 of each year. The  
25 Department must publish both reports on its website within 48  
26 hours of transmitting the reports to the Governor and the

1 General Assembly. The reports must include:

2 (A) the number of inmates awarded earned sentence  
3 credit;

4 (B) the average amount of earned sentence credit  
5 awarded;

6 (C) the holding offenses of inmates awarded earned  
7 sentence credit; and

8 (D) the number of earned sentence credit revocations.

9 (4) Except as provided in paragraph (4.7) of this  
10 subsection (a), the rules and regulations shall also provide  
11 that the sentence credit accumulated and retained under  
12 paragraph (2.1) of subsection (a) of this Section by any inmate  
13 during specific periods of time in which such inmate is engaged  
14 full-time in substance abuse programs, correctional industry  
15 assignments, educational programs, behavior modification  
16 programs, life skills courses, or re-entry planning provided by  
17 the Department under this paragraph (4) and satisfactorily  
18 completes the assigned program as determined by the standards  
19 of the Department, shall be multiplied by a factor of 1.25 for  
20 program participation before August 11, 1993 and 1.50 for  
21 program participation on or after that date. The rules and  
22 regulations shall also provide that sentence credit, subject to  
23 the same offense limits and multiplier provided in this  
24 paragraph, may be provided to an inmate who was held in  
25 pre-trial detention prior to his or her current commitment to  
26 the Department of Corrections and successfully completed a

1 full-time, 60-day or longer substance abuse program,  
2 educational program, behavior modification program, life  
3 skills course, or re-entry planning provided by the county  
4 department of corrections or county jail. Calculation of this  
5 county program credit shall be done at sentencing as provided  
6 in Section 5-4.5-100 of this Code and shall be included in the  
7 sentencing order. However, no inmate shall be eligible for the  
8 additional sentence credit under this paragraph (4) or (4.1) of  
9 this subsection (a) while assigned to a boot camp or electronic  
10 detention.

11 Educational, vocational, substance abuse, behavior  
12 modification programs, life skills courses, re-entry planning,  
13 and correctional industry programs under which sentence credit  
14 may be increased under this paragraph (4) and paragraph (4.1)  
15 of this subsection (a) shall be evaluated by the Department on  
16 the basis of documented standards. The Department shall report  
17 the results of these evaluations to the Governor and the  
18 General Assembly by September 30th of each year. The reports  
19 shall include data relating to the recidivism rate among  
20 program participants.

21 Availability of these programs shall be subject to the  
22 limits of fiscal resources appropriated by the General Assembly  
23 for these purposes. Eligible inmates who are denied immediate  
24 admission shall be placed on a waiting list under criteria  
25 established by the Department. The inability of any inmate to  
26 become engaged in any such programs by reason of insufficient

1 program resources or for any other reason established under the  
2 rules and regulations of the Department shall not be deemed a  
3 cause of action under which the Department or any employee or  
4 agent of the Department shall be liable for damages to the  
5 inmate.

6 (4.1) Except as provided in paragraph (4.7) of this  
7 subsection (a), the rules and regulations shall also provide  
8 that an additional 90 days of sentence credit shall be awarded  
9 to any prisoner who passes high school equivalency testing  
10 while the prisoner is committed to the Department of  
11 Corrections. The sentence credit awarded under this paragraph  
12 (4.1) shall be in addition to, and shall not affect, the award  
13 of sentence credit under any other paragraph of this Section,  
14 but shall also be pursuant to the guidelines and restrictions  
15 set forth in paragraph (4) of subsection (a) of this Section.  
16 The sentence credit provided for in this paragraph shall be  
17 available only to those prisoners who have not previously  
18 earned a high school diploma or a high school equivalency  
19 certificate. If, after an award of the high school equivalency  
20 testing sentence credit has been made, the Department  
21 determines that the prisoner was not eligible, then the award  
22 shall be revoked. The Department may also award 90 days of  
23 sentence credit to any committed person who passed high school  
24 equivalency testing while he or she was held in pre-trial  
25 detention prior to the current commitment to the Department of  
26 Corrections.



1           (4.5) The rules and regulations on sentence credit shall  
2 also provide that when the court's sentencing order recommends  
3 a prisoner for substance abuse treatment and the crime was  
4 committed on or after September 1, 2003 (the effective date of  
5 Public Act 93-354), the prisoner shall receive no sentence  
6 credit awarded under clause (3) of this subsection (a) unless  
7 he or she participates in and completes a substance abuse  
8 treatment program. The Director may waive the requirement to  
9 participate in or complete a substance abuse treatment program  
10 in specific instances if the prisoner is not a good candidate  
11 for a substance abuse treatment program for medical,  
12 programming, or operational reasons. Availability of substance  
13 abuse treatment shall be subject to the limits of fiscal  
14 resources appropriated by the General Assembly for these  
15 purposes. If treatment is not available and the requirement to  
16 participate and complete the treatment has not been waived by  
17 the Director, the prisoner shall be placed on a waiting list  
18 under criteria established by the Department. The Director may  
19 allow a prisoner placed on a waiting list to participate in and  
20 complete a substance abuse education class or attend substance  
21 abuse self-help meetings in lieu of a substance abuse treatment  
22 program. A prisoner on a waiting list who is not placed in a  
23 substance abuse program prior to release may be eligible for a  
24 waiver and receive sentence credit under clause (3) of this  
25 subsection (a) at the discretion of the Director.

26           (4.6) The rules and regulations on sentence credit shall

1 also provide that a prisoner who has been convicted of a sex  
2 offense as defined in Section 2 of the Sex Offender  
3 Registration Act shall receive no sentence credit unless he or  
4 she either has successfully completed or is participating in  
5 sex offender treatment as defined by the Sex Offender  
6 Management Board. However, prisoners who are waiting to receive  
7 treatment, but who are unable to do so due solely to the lack  
8 of resources on the part of the Department, may, at the  
9 Director's sole discretion, be awarded sentence credit at a  
10 rate as the Director shall determine.

11 (4.7) On or after the effective date of this amendatory Act  
12 of the 100th General Assembly, sentence credit under paragraph  
13 (3), (4), or (4.1) of this subsection (a) may be awarded to a  
14 prisoner who is serving a sentence for an offense described in  
15 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
16 on or after the effective date of this amendatory Act of the  
17 100th General Assembly; provided, the award of the credits  
18 under this paragraph (4.7) shall not reduce the sentence of the  
19 prisoner to less than the following amounts:

20 (i) 85% of his or her sentence if the prisoner is  
21 required to serve 85% of his or her sentence; or

22 (ii) 60% of his or her sentence if the prisoner is  
23 required to serve 75% of his or her sentence, except if the  
24 prisoner is serving a sentence for gunrunning his or her  
25 sentence shall not be reduced to less than 75%.

26 This paragraph (4.7) shall not apply to a prisoner serving

1 a sentence for an offense described in subparagraph (i) of  
2 paragraph (2) of this subsection (a).

3 (5) Whenever the Department is to release any inmate  
4 earlier than it otherwise would because of a grant of earned  
5 sentence credit under paragraph (3) of subsection (a) of this  
6 Section given at any time during the term, the Department shall  
7 give reasonable notice of the impending release not less than  
8 14 days prior to the date of the release to the State's  
9 Attorney of the county where the prosecution of the inmate took  
10 place, and if applicable, the State's Attorney of the county  
11 into which the inmate will be released. The Department must  
12 also make identification information and a recent photo of the  
13 inmate being released accessible on the Internet by means of a  
14 hyperlink labeled "Community Notification of Inmate Early  
15 Release" on the Department's World Wide Web homepage. The  
16 identification information shall include the inmate's: name,  
17 any known alias, date of birth, physical characteristics,  
18 commitment offense and county where conviction was imposed. The  
19 identification information shall be placed on the website  
20 within 3 days of the inmate's release and the information may  
21 not be removed until either: completion of the first year of  
22 mandatory supervised release or return of the inmate to custody  
23 of the Department.

24 (b) Whenever a person is or has been committed under  
25 several convictions, with separate sentences, the sentences  
26 shall be construed under Section 5-8-4 in granting and

1 forfeiting of sentence credit.

2 (c) The Department shall prescribe rules and regulations  
3 for revoking sentence credit, including revoking sentence  
4 credit awarded under paragraph (3) of subsection (a) of this  
5 Section. The Department shall prescribe rules and regulations  
6 for suspending or reducing the rate of accumulation of sentence  
7 credit for specific rule violations, during imprisonment.  
8 These rules and regulations shall provide that no inmate may be  
9 penalized more than one year of sentence credit for any one  
10 infraction.

11 When the Department seeks to revoke, suspend or reduce the  
12 rate of accumulation of any sentence credits for an alleged  
13 infraction of its rules, it shall bring charges therefor  
14 against the prisoner sought to be so deprived of sentence  
15 credits before the Prisoner Review Board as provided in  
16 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
17 amount of credit at issue exceeds 30 days or when during any 12  
18 month period, the cumulative amount of credit revoked exceeds  
19 30 days except where the infraction is committed or discovered  
20 within 60 days of scheduled release. In those cases, the  
21 Department of Corrections may revoke up to 30 days of sentence  
22 credit. The Board may subsequently approve the revocation of  
23 additional sentence credit, if the Department seeks to revoke  
24 sentence credit in excess of 30 days. However, the Board shall  
25 not be empowered to review the Department's decision with  
26 respect to the loss of 30 days of sentence credit within any

1 calendar year for any prisoner or to increase any penalty  
2 beyond the length requested by the Department.

3 The Director of the Department of Corrections, in  
4 appropriate cases, may restore up to 30 days of sentence  
5 credits which have been revoked, suspended or reduced. Any  
6 restoration of sentence credits in excess of 30 days shall be  
7 subject to review by the Prisoner Review Board. However, the  
8 Board may not restore sentence credit in excess of the amount  
9 requested by the Director.

10 Nothing contained in this Section shall prohibit the  
11 Prisoner Review Board from ordering, pursuant to Section  
12 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
13 sentence imposed by the court that was not served due to the  
14 accumulation of sentence credit.

15 (d) If a lawsuit is filed by a prisoner in an Illinois or  
16 federal court against the State, the Department of Corrections,  
17 or the Prisoner Review Board, or against any of their officers  
18 or employees, and the court makes a specific finding that a  
19 pleading, motion, or other paper filed by the prisoner is  
20 frivolous, the Department of Corrections shall conduct a  
21 hearing to revoke up to 180 days of sentence credit by bringing  
22 charges against the prisoner sought to be deprived of the  
23 sentence credits before the Prisoner Review Board as provided  
24 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the  
25 prisoner has not accumulated 180 days of sentence credit at the  
26 time of the finding, then the Prisoner Review Board may revoke

1 all sentence credit accumulated by the prisoner.

2 For purposes of this subsection (d):

3 (1) "Frivolous" means that a pleading, motion, or other  
4 filing which purports to be a legal document filed by a  
5 prisoner in his or her lawsuit meets any or all of the  
6 following criteria:

7 (A) it lacks an arguable basis either in law or in  
8 fact;

9 (B) it is being presented for any improper purpose,  
10 such as to harass or to cause unnecessary delay or  
11 needless increase in the cost of litigation;

12 (C) the claims, defenses, and other legal  
13 contentions therein are not warranted by existing law  
14 or by a nonfrivolous argument for the extension,  
15 modification, or reversal of existing law or the  
16 establishment of new law;

17 (D) the allegations and other factual contentions  
18 do not have evidentiary support or, if specifically so  
19 identified, are not likely to have evidentiary support  
20 after a reasonable opportunity for further  
21 investigation or discovery; or

22 (E) the denials of factual contentions are not  
23 warranted on the evidence, or if specifically so  
24 identified, are not reasonably based on a lack of  
25 information or belief.

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

1 of the Code of Criminal Procedure of 1963, a habeas corpus  
2 action under Article X of the Code of Civil Procedure or  
3 under federal law (28 U.S.C. 2254), a petition for claim  
4 under the Court of Claims Act, an action under the federal  
5 Civil Rights Act (42 U.S.C. 1983), or a second or  
6 subsequent petition for post-conviction relief under  
7 Article 122 of the Code of Criminal Procedure of 1963  
8 whether filed with or without leave of court or a second or  
9 subsequent petition for relief from judgment under Section  
10 2-1401 of the Code of Civil Procedure.

11 (e) Nothing in Public Act 90-592 or 90-593 affects the  
12 validity of Public Act 89-404.

13 (f) Whenever the Department is to release any inmate who  
14 has been convicted of a violation of an order of protection  
15 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012, earlier than it otherwise would  
17 because of a grant of sentence credit, the Department, as a  
18 condition of release, shall require that the person, upon  
19 release, be placed under electronic surveillance as provided in  
20 Section 5-8A-7 of this Code.

21 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,  
22 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,  
23 eff. 1-8-18.)