



Sen. Kimberly A. Lightford

Filed: 3/17/2020

10100SB2054sam002

LRB101 11031 RLC 71479 a

1 AMENDMENT TO SENATE BILL 2054

2 AMENDMENT NO. _____. Amend Senate Bill 2054 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 as follows:

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

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

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

12 (1.5) As otherwise provided by law, sentence credit may be
13 awarded for the following:

14 (A) successful completion of programming while in
15 custody of the Department or while in custody prior to
16 sentencing;

1 (B) compliance with the rules and regulations of the
2 Department; or

3 (C) service to the institution, service to a community,
4 or service to the State.

5 (2) 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 offenses listed in clause (i),
8 (ii), or (iii) of this paragraph (2) committed on or after June
9 19, 1998 or with respect to the offense listed in clause (iv)
10 of this paragraph (2) committed on or after June 23, 2005 (the
11 effective date of Public Act 94-71) or with respect to offense
12 listed in clause (vi) committed on or after June 1, 2008 (the
13 effective date of Public Act 95-625) or with respect to the
14 offense of being an armed habitual criminal committed on or
15 after August 2, 2005 (the effective date of Public Act 94-398)
16 or with respect to the offenses listed in clause (v) of this
17 paragraph (2) committed on or after August 13, 2007 (the
18 effective date of Public Act 95-134) or with respect to the
19 offense of aggravated domestic battery committed on or after
20 July 23, 2010 (the effective date of Public Act 96-1224) or
21 with respect to the offense of attempt to commit terrorism
22 committed on or after January 1, 2013 (the effective date of
23 Public Act 97-990), the following:

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

1 the entire sentence imposed by the court;

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

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

1 days of sentence credit for each month of his or her
2 sentence of imprisonment;

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

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

1 methamphetamine is 100 grams or more shall receive no more
2 than 7.5 days sentence credit for each month of his or her
3 sentence of imprisonment;

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

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

12 (2.1) For all offenses, other than those enumerated in
13 subdivision (a)(2)(i), (ii), or (iii) committed on or after
14 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
15 June 23, 2005 (the effective date of Public Act 94-71) or
16 subdivision (a)(2)(v) committed on or after August 13, 2007
17 (the effective date of Public Act 95-134) or subdivision
18 (a)(2)(vi) committed on or after June 1, 2008 (the effective
19 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
20 on or after July 23, 2010 (the effective date of Public Act
21 96-1224), and other than the offense of aggravated driving
22 under the influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds, or any combination thereof
24 as defined in subparagraph (F) of paragraph (1) of subsection
25 (d) of Section 11-501 of the Illinois Vehicle Code, and other
26 than the offense of aggravated driving under the influence of

1 alcohol, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof as defined in
3 subparagraph (C) of paragraph (1) of subsection (d) of Section
4 11-501 of the Illinois Vehicle Code committed on or after
5 January 1, 2011 (the effective date of Public Act 96-1230), the
6 rules and regulations shall provide that a prisoner who is
7 serving a term of imprisonment shall receive one day of
8 sentence credit for each day of his or her sentence of
9 imprisonment or recommitment under Section 3-3-9. Each day of
10 sentence credit shall reduce by one day the prisoner's period
11 of imprisonment or recommitment under Section 3-3-9.

12 (2.2) A prisoner serving a term of natural life
13 imprisonment or a prisoner who has been sentenced to death
14 shall receive no sentence credit.

15 (2.3) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide that a prisoner who is serving a sentence for
18 aggravated driving under the influence of alcohol, other drug
19 or drugs, or intoxicating compound or compounds, or any
20 combination thereof as defined in subparagraph (F) of paragraph
21 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
22 Code, shall receive no more than 4.5 days of sentence credit
23 for each month of his or her sentence of imprisonment.

24 (2.4) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations on sentence credit
26 shall provide with respect to the offenses of aggravated

1 battery with a machine gun or a firearm equipped with any
2 device or attachment designed or used for silencing the report
3 of a firearm or aggravated discharge of a machine gun or a
4 firearm equipped with any device or attachment designed or used
5 for silencing the report of a firearm, committed on or after
6 July 15, 1999 (the effective date of Public Act 91-121), that a
7 prisoner serving a sentence for any of these offenses shall
8 receive no more than 4.5 days of sentence credit for each month
9 of his or her sentence of imprisonment.

10 (2.5) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations on sentence credit
12 shall provide that a prisoner who is serving a sentence for
13 aggravated arson committed on or after July 27, 2001 (the
14 effective date of Public Act 92-176) shall receive no more than
15 4.5 days of sentence credit for each month of his or her
16 sentence of imprisonment.

17 (2.6) 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 driving under the influence of alcohol, other drug
21 or drugs, or intoxicating compound or compounds or any
22 combination thereof as defined in subparagraph (C) of paragraph
23 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
24 Code committed on or after January 1, 2011 (the effective date
25 of Public Act 96-1230) shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment.

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

11 Eligible inmates for an award of earned sentence credit
12 under this paragraph (3) may be selected to receive the credit
13 at the Director's or his or her designee's sole discretion.
14 Eligibility for the additional earned sentence credit under
15 this paragraph (3) shall be based on, but is not limited to,
16 the results of any available risk/needs assessment or other
17 relevant assessments or evaluations administered by the
18 Department using a validated instrument, the circumstances of
19 the crime, any history of conviction for a forcible felony
20 enumerated in Section 2-8 of the Criminal Code of 2012, the
21 inmate's behavior and disciplinary history while incarcerated,
22 and the inmate's commitment to rehabilitation, including
23 participation in programming offered by the Department.

24 The Director shall not award sentence credit under this
25 paragraph (3) to an inmate unless the inmate has served a
26 minimum of 60 days of the sentence; except nothing in this

1 paragraph shall be construed to permit the Director to extend
2 an inmate's sentence beyond that which was imposed by the
3 court. Prior to awarding credit under this paragraph (3), the
4 Director shall make a written determination that the inmate:

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

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

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

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

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

15 (3.5) The Department shall provide annual written reports
16 to the Governor and the General Assembly on the award of earned
17 sentence credit no later than February 1 of each year. The
18 Department must publish both reports on its website within 48
19 hours of transmitting the reports to the Governor and the
20 General Assembly. The reports must include:

21 (A) the number of inmates awarded earned sentence
22 credit;

23 (B) the average amount of earned sentence credit
24 awarded;

25 (C) the holding offenses of inmates awarded earned
26 sentence credit; and

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

2 (4) (A) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations shall also provide
4 that the sentence credit accumulated and retained under
5 paragraph (2.1) of subsection (a) of this Section by any inmate
6 during specific periods of time in which such inmate is engaged
7 full-time in substance abuse programs, correctional industry
8 assignments, educational programs, behavior modification
9 programs, life skills courses, or re-entry planning provided by
10 the Department under this paragraph (4) and satisfactorily
11 completes the assigned program as determined by the standards
12 of the Department, shall be multiplied by a factor of 1.25 for
13 program participation before August 11, 1993 and 1.50 for
14 program participation on or after that date. The rules and
15 regulations shall also provide that sentence credit, subject to
16 the same offense limits and multiplier provided in this
17 paragraph, may be provided to an inmate who was held in
18 pre-trial detention prior to his or her current commitment to
19 the Department of Corrections and successfully completed a
20 full-time, 60-day or longer substance abuse program,
21 educational program, behavior modification program, life
22 skills course, or re-entry planning provided by the county
23 department of corrections or county jail. Calculation of this
24 county program credit shall be done at sentencing as provided
25 in Section 5-4.5-100 of this Code and shall be included in the
26 sentencing order. However, no inmate shall be eligible for the

1 additional sentence credit under this paragraph (4) or (4.1) of
2 this subsection (a) while assigned to a boot camp or electronic
3 detention.

4 (B) The Department shall award sentence credit under this
5 paragraph (4) accumulated prior to the effective date of this
6 amendatory Act of the 101st General Assembly in an amount
7 specified in subparagraph (C) of this paragraph (4) to an
8 inmate serving a sentence for an offense committed prior to
9 June 19, 1998, if the Department determines that the inmate is
10 entitled to this sentence credit, based upon:

11 (i) documentation provided by the Department that the
12 inmate engaged in any full-time substance abuse programs,
13 correctional industry assignments, educational programs,
14 behavior modification programs, life skills courses, or
15 re-entry planning provided by the Department under this
16 paragraph (4) and satisfactorily completed the assigned
17 program as determined by the standards of the Department
18 during the inmate's current term of incarceration; or

19 (ii) the inmate's own testimony in the form of an
20 affidavit or documentation, or a third party's
21 documentation or testimony in the form of an affidavit that
22 the inmate likely engaged in any full-time substance abuse
23 programs, correctional industry assignments, educational
24 programs, behavior modification programs, life skills
25 courses, or re-entry planning provided by the Department
26 under paragraph (4) and satisfactorily completed the

1 assigned program as determined by the standards of the
2 Department during the inmate's current term of
3 incarceration.

4 (C) If the inmate can provide documentation that he or she
5 is entitled to sentence credit under subparagraph (B) in excess
6 of 45 days of participation in those programs, the inmate shall
7 receive 90 days of sentence credit. If the inmate cannot
8 provide documentation of more than 45 days of participation
9 those programs, the inmate shall receive 45 days of sentence
10 credit. In the event of a disagreement between the Department
11 and the inmate as to the amount of credit accumulated under
12 subparagraph (B), if the Department provides documented proof
13 of a lesser amount of days of participation in those programs,
14 that proof shall control. If the Department provides no
15 documentary proof, the inmate's proof as set forth in clause
16 (ii) of subparagraph (B) shall control as to the amount of
17 sentence credit provided.

18 (D) If the inmate has been convicted of a sex offense as
19 defined in Section 2 of the Sex Offender Registration Act,
20 sentencing credits under subparagraph (B) of this paragraph (4)
21 shall be awarded by the Department only if the conditions set
22 forth in paragraph (4.6) of subsection (a) are satisfied. No
23 inmate serving a term of natural life imprisonment shall
24 receive sentence credit under subparagraph (B) of this
25 paragraph (4).

26 Educational, vocational, substance abuse, behavior

1 modification programs, life skills courses, re-entry planning,
2 and correctional industry programs under which sentence credit
3 may be increased under this paragraph (4) and paragraph (4.1)
4 of this subsection (a) shall be evaluated by the Department on
5 the basis of documented standards. The Department shall report
6 the results of these evaluations to the Governor and the
7 General Assembly by September 30th of each year. The reports
8 shall include data relating to the recidivism rate among
9 program participants.

10 Availability of these programs shall be subject to the
11 limits of fiscal resources appropriated by the General Assembly
12 for these purposes. Eligible inmates who are denied immediate
13 admission shall be placed on a waiting list under criteria
14 established by the Department. The inability of any inmate to
15 become engaged in any such programs by reason of insufficient
16 program resources or for any other reason established under the
17 rules and regulations of the Department shall not be deemed a
18 cause of action under which the Department or any employee or
19 agent of the Department shall be liable for damages to the
20 inmate.

21 (4.1) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall also provide
23 that an additional 90 days of sentence credit shall be awarded
24 to any prisoner who passes high school equivalency testing
25 while the prisoner is committed to the Department of
26 Corrections. The sentence credit awarded under this paragraph

1 (4.1) shall be in addition to, and shall not affect, the award
2 of sentence credit under any other paragraph of this Section,
3 but shall also be pursuant to the guidelines and restrictions
4 set forth in paragraph (4) of subsection (a) of this Section.
5 The sentence credit provided for in this paragraph shall be
6 available only to those prisoners who have not previously
7 earned a high school diploma or a high school equivalency
8 certificate. If, after an award of the high school equivalency
9 testing sentence credit has been made, the Department
10 determines that the prisoner was not eligible, then the award
11 shall be revoked. The Department may also award 90 days of
12 sentence credit to any committed person who passed high school
13 equivalency testing while he or she was held in pre-trial
14 detention prior to the current commitment to the Department of
15 Corrections.

16 Except as provided in paragraph (4.7) of this subsection
17 (a), the rules and regulations shall provide that an additional
18 180 days of sentence credit shall be awarded to any prisoner
19 who obtains a bachelor's degree while the prisoner is committed
20 to the Department of Corrections. The sentence credit awarded
21 under this paragraph (4.1) shall be in addition to, and shall
22 not affect, the award of sentence credit under any other
23 paragraph of this Section, but shall also be under the
24 guidelines and restrictions set forth in paragraph (4) of this
25 subsection (a). The sentence credit provided for in this
26 paragraph shall be available only to those prisoners who have

1 not earned a bachelor's degree prior to the current commitment
2 to the Department of Corrections. If, after an award of the
3 bachelor's degree sentence credit has been made, the Department
4 determines that the prisoner was not eligible, then the award
5 shall be revoked. The Department may also award 180 days of
6 sentence credit to any committed person who earned a bachelor's
7 degree while he or she was held in pre-trial detention prior to
8 the current commitment to the Department of Corrections.

9 Except as provided in paragraph (4.7) of this subsection
10 (a), the rules and regulations shall provide that an additional
11 180 days of sentence credit shall be awarded to any prisoner
12 who obtains a master's or professional degree while the
13 prisoner is committed to the Department of Corrections. The
14 sentence credit awarded under this paragraph (4.1) shall be in
15 addition to, and shall not affect, the award of sentence credit
16 under any other paragraph of this Section, but shall also be
17 under the guidelines and restrictions set forth in paragraph
18 (4) of this subsection (a). The sentence credit provided for in
19 this paragraph shall be available only to those prisoners who
20 have not previously earned a master's or professional degree
21 prior to the current commitment to the Department of
22 Corrections. If, after an award of the master's or professional
23 degree sentence credit has been made, the Department determines
24 that the prisoner was not eligible, then the award shall be
25 revoked. The Department may also award 180 days of sentence
26 credit to any committed person who earned a master's or

1 professional degree while he or she was held in pre-trial
2 detention prior to the current commitment to the Department of
3 Corrections.

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

1 waiver and receive sentence credit under clause (3) of this
2 subsection (a) at the discretion of the Director.

3 (4.6) The rules and regulations on sentence credit shall
4 also provide that a prisoner who has been convicted of a sex
5 offense as defined in Section 2 of the Sex Offender
6 Registration Act shall receive no sentence credit unless he or
7 she either has successfully completed or is participating in
8 sex offender treatment as defined by the Sex Offender
9 Management Board. However, prisoners who are waiting to receive
10 treatment, but who are unable to do so due solely to the lack
11 of resources on the part of the Department, may, at the
12 Director's sole discretion, be awarded sentence credit at a
13 rate as the Director shall determine.

14 (4.7) On or after January 1, 2018 (the effective date of
15 Public Act 100-3) and before the effective date of this
16 amendatory Act of the 101st General Assembly ~~this amendatory~~
17 ~~Act of the 100th General Assembly~~, sentence credit under
18 paragraph (3), (4), or (4.1) of this subsection (a) may be
19 awarded to a prisoner who is serving a sentence for an offense
20 described in paragraph (2), (2.3), (2.4), (2.5), or (2.6) for
21 credit earned on or after the effective date of this amendatory
22 Act of the 100th General Assembly; provided, the award of the
23 credits under this paragraph (4.7) shall not reduce the
24 sentence of the prisoner to less than the following amounts:

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

1 (ii) 60% of his or her sentence if the prisoner is
2 required to serve 75% of his or her sentence, except if the
3 prisoner is serving a sentence for gunrunning his or her
4 sentence shall not be reduced to less than 75%.

5 (iii) 100% of his or her sentence if the prisoner is
6 required to serve 100% of his or her sentence.

7 (4.8) On or after the effective date of this amendatory Act
8 of the 101st General Assembly, sentence credit under paragraph
9 (3), (4), or (4.1) of this subsection (a) may be awarded to a
10 prisoner for credit earned on or after the effective date of
11 this amendatory Act of the 101st General Assembly; provided,
12 the award of the credits under this paragraph (4.7) shall not
13 reduce the sentence of the prisoner to less than the following
14 amounts:

15 (i) 75% of his or her sentence if the prisoner is
16 required to serve 85% of his or her sentence;

17 (ii) 60% of his or her sentence if the prisoner is
18 required to serve 75% of his or her sentence, except if the
19 prisoner is serving a sentence for gunrunning his or her
20 sentence shall not be reduced to less than 75; or

21 (iii) 90% of his or her sentence if the prisoner is
22 required to serve 100% of his or her sentence.

23 A person serving a term of natural life imprisonment may
24 not earn sentence credit.

25 (5) Whenever the Department is to release any inmate
26 earlier than it otherwise would because of a grant of earned

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

20 (b) Whenever a person is or has been committed under
21 several convictions, with separate sentences, the sentences
22 shall be construed under Section 5-8-4 in granting and
23 forfeiting of sentence credit.

24 (c) The Department shall prescribe rules and regulations
25 for revoking sentence credit, including revoking sentence
26 credit awarded under paragraph (3) of subsection (a) of this

1 Section. The Department shall prescribe rules and regulations
2 for suspending or reducing the rate of accumulation of sentence
3 credit for specific rule violations, during imprisonment.
4 These rules and regulations shall provide that no inmate may be
5 penalized more than one year of sentence credit for any one
6 infraction.

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

25 The Director of the Department of Corrections, in
26 appropriate cases, may restore up to 30 days of sentence

1 credits which have been revoked, suspended or reduced. Any
2 restoration of sentence credits in excess of 30 days shall be
3 subject to review by the Prisoner Review Board. However, the
4 Board may not restore sentence credit in excess of the amount
5 requested by the Director.

6 Nothing contained in this Section shall prohibit the
7 Prisoner Review Board from ordering, pursuant to Section
8 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
9 sentence imposed by the court that was not served due to the
10 accumulation of sentence credit.

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

24 For purposes of this subsection (d):

25 (1) "Frivolous" means that a pleading, motion, or other
26 filing which purports to be a legal document filed by a

1 prisoner in his or her lawsuit meets any or all of the
2 following criteria:

3 (A) it lacks an arguable basis either in law or in
4 fact;

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

8 (C) the claims, defenses, and other legal
9 contentions therein are not warranted by existing law
10 or by a nonfrivolous argument for the extension,
11 modification, or reversal of existing law or the
12 establishment of new law;

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

18 (E) the denials of factual contentions are not
19 warranted on the evidence, or if specifically so
20 identified, are not reasonably based on a lack of
21 information or belief.

22 (2) "Lawsuit" means a motion pursuant to Section 116-3
23 of the Code of Criminal Procedure of 1963, a habeas corpus
24 action under Article X of the Code of Civil Procedure or
25 under federal law (28 U.S.C. 2254), a petition for claim
26 under the Court of Claims Act, an action under the federal

1 Civil Rights Act (42 U.S.C. 1983), or a second or
2 subsequent petition for post-conviction relief under
3 Article 122 of the Code of Criminal Procedure of 1963
4 whether filed with or without leave of court or a second or
5 subsequent petition for relief from judgment under Section
6 2-1401 of the Code of Civil Procedure.

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

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

17 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
18 101-440, eff. 1-1-20.)".