



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3785

by Rep. Ann Williams

SYNOPSIS AS INTRODUCED:

730 ILCS 130/2
730 ILCS 130/3.1

from Ch. 75, par. 31
from Ch. 75, par. 32.1

Amends the County Jail Good Behavior Allowance Act. Adds definition of "committed person" to the Act. Provides that "committed person" means a person confined in a county jail whether serving a term of imprisonment or confined pending trial or sentencing. Provides that "good behavior" means the compliance by a person with all rules and regulations of the institution and all laws of the State while confined in a county jail whether serving a sentence of imprisonment or confined in the county jail pending trial or sentencing. Provides that no committed person may be penalized more than 30 days of good behavior allowance for any one infraction unless the infraction is the second or subsequent infraction within any 30-day period in which case the committed person may not be penalized more than 60 days of good behavior allowance.

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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 County Jail Good Behavior Allowance Act is
5 amended by changing Sections 2 and 3.1 as follows:

6 (730 ILCS 130/2) (from Ch. 75, par. 31)

7 Sec. 2. For the purposes of this Act:

8 "Committed person" means a person confined in a county jail
9 whether serving a term of imprisonment or confined pending
10 trial or sentencing.

11 "Good behavior" means the compliance by a person with all
12 rules and regulations of the institution and all laws of the
13 State while confined in a county jail whether serving a
14 sentence of imprisonment or confined in the county jail pending
15 trial or sentencing.

16 "Good behavior allowance" means the number of days awarded
17 in diminution of sentence as a reward for good behavior.

18 "Date of sentence" means and includes the date of the
19 calendar month on which the person commences to serve the
20 sentence. If the sentence commences at midnight, date of
21 sentence shall be the date of the day occurring one minute
22 after midnight.

23 "Warden" means any sheriff or other police official charged

1 with the duty of supervising and maintaining the confinement of
2 prisoners.

3 (Source: P.A. 85-836.)

4 (730 ILCS 130/3.1) (from Ch. 75, par. 32.1)

5 Sec. 3.1. (a) Within 3 months after the effective date of
6 this amendatory Act of 1986, the wardens who supervise
7 institutions under this Act shall meet and agree upon uniform
8 rules and regulations for behavior and conduct, penalties, and
9 the awarding, denying and revocation of good behavior
10 allowance, in such institutions; and such rules and regulations
11 shall be immediately promulgated and consistent with the
12 provisions of this Act. Interim rules shall be provided by each
13 warden consistent with the provision of this Act and shall be
14 effective until the promulgation of uniform rules. All
15 disciplinary action shall be consistent with the provisions of
16 this Act. Committed persons shall be informed of rules of
17 behavior and conduct, the penalties for violation thereof, and
18 the disciplinary procedure by which such penalties may be
19 imposed. Any rules, penalties and procedures shall be posted
20 and made available to the committed persons.

21 (b) Whenever a person is alleged to have violated a rule of
22 behavior, a written report of the infraction shall be filed
23 with the warden within 72 hours of the occurrence of the
24 infraction or the discovery of it, and such report shall be
25 placed in the file of the institution or facility. No

1 disciplinary proceeding shall be commenced more than 8 days
2 after the infraction or the discovery of it, unless the
3 committed person is unable or unavailable for any reason to
4 participate in the disciplinary proceeding.

5 (c) All or any of the good behavior allowance earned may be
6 revoked by the warden, unless he initiates the charge, and in
7 that case by the disciplinary board, for violations of rules of
8 behavior at any time prior to discharge from the institution,
9 consistent with the provisions of this Act.

10 (d) In disciplinary cases that may involve the loss of good
11 behavior allowance or eligibility to earn good behavior
12 allowance, the warden shall establish disciplinary procedures
13 consistent with the following principles:

14 (1) The warden may establish one or more disciplinary
15 boards, made up of one or more persons, to hear and
16 determine charges. Any person who initiates a disciplinary
17 charge against a committed person shall not serve on the
18 disciplinary board that will determine the disposition of
19 the charge. In those cases in which the charge was
20 initiated by the warden, he shall establish a disciplinary
21 board which will have the authority to impose any
22 appropriate discipline.

23 (2) Any committed person charged with a violation of
24 rules of behavior shall be given notice of the charge,
25 including a statement of the misconduct alleged and of the
26 rules this conduct is alleged to violate, no less than 24

1 hours before the disciplinary hearing.

2 (3) Any committed person charged with a violation of
3 rules is entitled to a hearing on that charge, at which
4 time he shall have an opportunity to appear before and
5 address the warden or disciplinary board deciding the
6 charge.

7 (4) The person or persons determining the disposition
8 of the charge may also summon to testify any witnesses or
9 other persons with relevant knowledge of the incident. The
10 person charged may be permitted to question any person so
11 summoned.

12 (5) If the charge is sustained, the person charged is
13 entitled to a written statement, within 14 days after the
14 hearing, of the decision by the warden or the disciplinary
15 board which determined the disposition of the charge, and
16 the statement shall include the basis for the decision and
17 the disciplinary action, if any, to be imposed.

18 (6) The warden may impose the discipline recommended by
19 the disciplinary board, or may reduce the discipline
20 recommended; however, no committed person may be penalized
21 more than 30 days of good behavior allowance for any one
22 infraction unless the infraction is the second or
23 subsequent infraction within any 30-day period in which
24 case the committed person may not be penalized more than 60
25 days of good behavior allowance.

26 (7) The warden, in appropriate cases, may restore good

1 behavior allowance that has been revoked, suspended or
2 reduced.

3 (e) The warden, or his or her designee, may revoke the good
4 behavior allowance specified in Section 3 of this Act of an
5 inmate who is sentenced to the Illinois Department of
6 Corrections for misconduct committed by the inmate while in
7 custody of the warden. If an inmate while in custody of the
8 warden is convicted of assault or battery on a peace officer,
9 correctional employee, or another inmate, or for criminal
10 damage to property or for bringing into or possessing
11 contraband in the penal institution in violation of Section
12 31A-1.1 of the Criminal Code of 1961 or the Criminal Code of
13 2012, his or her day for day good behavior allowance shall be
14 revoked for each day such allowance was earned while the inmate
15 was in custody of the warden.

16 (Source: P.A. 96-495, eff. 1-1-10; 97-1150, eff. 1-25-13.)