



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4103

Introduced 10/15/2025, by Rep. Tom Weber

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-5	from Ch. 38, par. 110-5
730 ILCS 5/5-4.5-20	
730 ILCS 5/5-4.5-25	
730 ILCS 5/5-4.5-30	
730 ILCS 5/5-4.5-35	
730 ILCS 5/5-4.5-40	
730 ILCS 5/5-4.5-45	
730 ILCS 5/5-4.5-55	
730 ILCS 5/5-4.5-60	
730 ILCS 5/5-4.5-100	
730 ILCS 5/5-8A-2	from Ch. 38, par. 1005-8A-2

Amends the Unified Code of Corrections. Deletes the following provisions of existing law: (1) the trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration; (2) home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement; and (3) electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit. Amends the Code of Criminal Procedure of 1963 to make conforming changes.

LRB104 14621 RLC 27763 b

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 Code of Criminal Procedure of 1963 is  
5 amended by changing Section 110-5 as follows:

6 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

7 Sec. 110-5. Determining the amount of bail and conditions  
8 of release.

9 (a) In determining which conditions of pretrial release,  
10 if any, will reasonably ensure the appearance of a defendant  
11 as required or the safety of any other person or the community  
12 and the likelihood of compliance by the defendant with all the  
13 conditions of pretrial release, the court shall, on the basis  
14 of available information, take into account such matters as:

15 (1) the nature and circumstances of the offense  
16 charged;

17 (2) the weight of the evidence against the defendant,  
18 except that the court may consider the admissibility of  
19 any evidence sought to be excluded;

20 (3) the history and characteristics of the defendant,  
21 including:

22 (A) the defendant's character, physical and mental  
23 condition, family ties, employment, financial

1 resources, length of residence in the community,  
2 community ties, past relating to drug or alcohol  
3 abuse, conduct, history criminal history, and record  
4 concerning appearance at court proceedings; and

5 (B) whether, at the time of the current offense or  
6 arrest, the defendant was on probation, parole, or on  
7 other release pending trial, sentencing, appeal, or  
8 completion of sentence for an offense under federal  
9 law, or the law of this or any other state;

10 (4) the nature and seriousness of the real and present  
11 threat to the safety of any person or persons or the  
12 community, based on the specific articulable facts of the  
13 case, that would be posed by the defendant's release, if  
14 applicable, as required under paragraph (7.5) of Section 4  
15 of the Rights of Crime Victims and Witnesses Act;

16 (5) the nature and seriousness of the risk of  
17 obstructing or attempting to obstruct the criminal justice  
18 process that would be posed by the defendant's release, if  
19 applicable;

20 (6) when a person is charged with a violation of a  
21 protective order, domestic battery, aggravated domestic  
22 battery, kidnapping, aggravated kidnaping, unlawful  
23 restraint, aggravated unlawful restraint, cyberstalking,  
24 harassment by telephone, harassment through electronic  
25 communications, or an attempt to commit first degree  
26 murder committed against a spouse or a current or former

1 partner in a cohabitation or dating relationship,  
2 regardless of whether an order of protection has been  
3 issued against the person, the court may consider the  
4 following additional factors:

5 (A) whether the alleged incident involved  
6 harassment or abuse, as defined in the Illinois  
7 Domestic Violence Act of 1986;

8 (B) whether the person has a history of domestic  
9 violence, as defined in the Illinois Domestic Violence  
10 Act of 1986, or a history of other criminal acts;

11 (C) the mental health of the person;

12 (D) whether the person has a history of violating  
13 the orders of any court or governmental entity;

14 (E) whether the person has been, or is,  
15 potentially a threat to any other person;

16 (F) whether the person has access to deadly  
17 weapons or a history of using deadly weapons;

18 (G) whether the person has a history of abusing  
19 alcohol or any controlled substance;

20 (H) the severity of the alleged incident that is  
21 the basis of the alleged offense, including, but not  
22 limited to, the duration of the current incident, and  
23 whether the alleged incident involved the use of a  
24 weapon, physical injury, sexual assault,  
25 strangulation, abuse during the alleged victim's  
26 pregnancy, abuse of pets, or forcible entry to gain

1 access to the alleged victim;

2 (I) whether a separation of the person from the  
3 victim of abuse or a termination of the relationship  
4 between the person and the victim of abuse has  
5 recently occurred or is pending;

6 (J) whether the person has exhibited obsessive or  
7 controlling behaviors toward the victim of abuse,  
8 including, but not limited to, stalking, surveillance,  
9 or isolation of the victim of abuse or the victim's  
10 family member or members;

11 (K) whether the person has expressed suicidal or  
12 homicidal ideations; and

13 (L) any other factors deemed by the court to have a  
14 reasonable bearing upon the defendant's propensity or  
15 reputation for violent, abusive, or assaultive  
16 behavior, or lack of that behavior.

17 (7) in cases of stalking or aggravated stalking under  
18 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the  
19 court may consider the factors listed in paragraph (6) and  
20 the following additional factors:

21 (A) any evidence of the defendant's prior criminal  
22 history indicative of violent, abusive or assaultive  
23 behavior, or lack of that behavior; the evidence may  
24 include testimony or documents received in juvenile  
25 proceedings, criminal, quasi-criminal, civil  
26 commitment, domestic relations, or other proceedings;

1 (B) any evidence of the defendant's psychological,  
2 psychiatric, or other similar social history that  
3 tends to indicate a violent, abusive, or assaultive  
4 nature, or lack of any such history;

5 (C) the nature of the threat that is the basis of  
6 the charge against the defendant;

7 (D) any statements made by, or attributed to, the  
8 defendant, together with the circumstances surrounding  
9 them;

10 (E) the age and physical condition of any person  
11 allegedly assaulted by the defendant;

12 (F) whether the defendant is known to possess or  
13 have access to any weapon or weapons; and

14 (G) any other factors deemed by the court to have a  
15 reasonable bearing upon the defendant's propensity or  
16 reputation for violent, abusive, or assaultive  
17 behavior, or lack of that behavior.

18 (b) The court may use a regularly validated risk  
19 assessment tool to aid its determination of appropriate  
20 conditions of release as provided under Section 110-6.4. If a  
21 risk assessment tool is used, the defendant's counsel shall be  
22 provided with the information and scoring system of the risk  
23 assessment tool used to arrive at the determination. The  
24 defendant retains the right to challenge the validity of a  
25 risk assessment tool used by the court and to present evidence  
26 relevant to the defendant's challenge.

1           (c) The court shall impose any conditions that are  
2 mandatory under subsection (a) of Section 110-10. The court  
3 may impose any conditions that are permissible under  
4 subsection (b) of Section 110-10. The conditions of release  
5 imposed shall be the least restrictive conditions or  
6 combination of conditions necessary to reasonably ensure the  
7 appearance of the defendant as required or the safety of any  
8 other person or persons or the community.

9           (d) When a person is charged with a violation of a  
10 protective order, the court may order the defendant placed  
11 under electronic surveillance as a condition of pretrial  
12 release, as provided in Section 5-8A-7 of the Unified Code of  
13 Corrections, based on the information collected under  
14 paragraph (6) of subsection (a) of this Section, the results  
15 of any assessment conducted, or other circumstances of the  
16 violation.

17           (e) If a person remains in pretrial detention 48 hours  
18 after having been ordered released with pretrial conditions,  
19 the court shall hold a hearing to determine the reason for  
20 continued detention. If the reason for continued detention is  
21 due to the unavailability or the defendant's ineligibility for  
22 one or more pretrial conditions previously ordered by the  
23 court or directed by a pretrial services agency, the court  
24 shall reopen the conditions of release hearing to determine  
25 what available pretrial conditions exist that will reasonably  
26 ensure the appearance of a defendant as required, the safety

1 of any other person, and the likelihood of compliance by the  
2 defendant with all the conditions of pretrial release. The  
3 inability of the defendant to pay for a condition of release or  
4 any other ineligibility for a condition of pretrial release  
5 shall not be used as a justification for the pretrial  
6 detention of that defendant.

7 (f) Prior to the defendant's first appearance, and with  
8 sufficient time for meaningful attorney-client contact to  
9 gather information in order to advocate effectively for the  
10 defendant's pretrial release, the court shall appoint the  
11 public defender or a licensed attorney at law of this State to  
12 represent the defendant for purposes of that hearing, unless  
13 the defendant has obtained licensed counsel. Defense counsel  
14 shall have access to the same documentary information relied  
15 upon by the prosecution and presented to the court.

16 (f-5) At each subsequent appearance of the defendant  
17 before the court, the judge must find that the current  
18 conditions imposed are necessary to reasonably ensure the  
19 appearance of the defendant as required, the safety of any  
20 other person, and the compliance of the defendant with all the  
21 conditions of pretrial release. The court is not required to  
22 be presented with new information or a change in circumstance  
23 to remove pretrial conditions.

24 (g) Electronic monitoring, GPS monitoring, or home  
25 confinement can only be imposed as a condition of pretrial  
26 release if a no less restrictive condition of release or



1 combination of less restrictive condition of release would  
2 reasonably ensure the appearance of the defendant for later  
3 hearings or protect an identifiable person or persons from  
4 imminent threat of serious physical harm.

5 (h) If the court imposes electronic monitoring, GPS  
6 monitoring, or home confinement, the court shall set forth in  
7 the record the basis for its finding. ~~A defendant shall be~~  
8 ~~given custodial credit for each day he or she was subjected to~~  
9 ~~home confinement, at the same rate described in subsection (b)~~  
10 ~~of Section 5-4.5-100 of the Unified Code of Corrections.~~ The  
11 court may give custodial credit to a defendant for each day the  
12 defendant was subjected to GPS monitoring without home  
13 confinement or electronic monitoring without home confinement.

14 (i) If electronic monitoring, GPS monitoring, or home  
15 confinement is imposed, the court shall determine every 60  
16 days if no less restrictive condition of release or  
17 combination of less restrictive conditions of release would  
18 reasonably ensure the appearance, or continued appearance, of  
19 the defendant for later hearings or protect an identifiable  
20 person or persons from imminent threat of serious physical  
21 harm. If the court finds that there are less restrictive  
22 conditions of release, the court shall order that the  
23 condition be removed. This subsection takes effect January 1,  
24 2022.

25 (j) Crime Victims shall be given notice by the State's  
26 Attorney's office of this hearing as required in paragraph (1)

1 of subsection (b) of Section 4.5 of the Rights of Crime Victims  
2 and Witnesses Act and shall be informed of their opportunity  
3 at this hearing to obtain a protective order.

4 (k) The State and defendants may appeal court orders  
5 imposing conditions of pretrial release.

6 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;  
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.  
8 1-1-23.)

9 Section 10. The Unified Code of Corrections is amended by  
10 changing Sections 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35,  
11 5-4.5-40, 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-100, and 5-8A-2  
12 as follows:

13 (730 ILCS 5/5-4.5-20)

14 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first  
15 degree murder:

16 (a) TERM. The defendant shall be sentenced to imprisonment  
17 under Section 9-1 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012. Imprisonment shall be for a determinate term,  
19 subject to Section 5-4.5-115 of this Code, of (1) not less than  
20 20 years and not more than 60 years; (2) not less than 60 years  
21 and not more than 100 years when an extended term is imposed  
22 under Section 5-8-2; or (3) natural life as provided in  
23 Section 5-8-1.

24 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment

1 shall not be imposed.

2 (c) IMPACT INCARCERATION. The impact incarceration program  
3 or the county impact incarceration program is not an  
4 authorized disposition.

5 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
6 probation or conditional discharge shall not be imposed.

7 (e) FINE. Fines may be imposed as provided in Section  
8 5-4.5-50(b).

9 (f) RESTITUTION. See Section 5-5-6 concerning restitution.

10 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
11 be concurrent or consecutive as provided in Section 5-8-4 and  
12 Section 5-4.5-50.

13 (h) DRUG COURT. Drug court is not an authorized  
14 disposition.

15 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~  
16 ~~5-4.5-100 concerning no credit for time spent in home~~  
17 ~~detention prior to judgment.~~

18 (j) SENTENCE CREDIT. See Section 3-6-3 for rules and  
19 regulations for sentence credit.

20 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic  
21 monitoring and home detention are not authorized dispositions,  
22 except in limited circumstances as provided in Section 5-8A-3.

23 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
24 provided in Section 3-3-8, the parole or mandatory supervised  
25 release term shall be 3 years upon release from imprisonment.

26 (Source: P.A. 103-51, eff. 1-1-24.)

1 (730 ILCS 5/5-4.5-25)

2 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X  
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a  
5 determinate sentence, subject to Section 5-4.5-115 of this  
6 Code, of not less than 6 years and not more than 30 years. The  
7 sentence of imprisonment for an extended term Class X felony,  
8 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to  
9 Section 5-4.5-115 of this Code, shall be not less than 30 years  
10 and not more than 60 years.

11 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
12 shall not be imposed.

13 (c) IMPACT INCARCERATION. The impact incarceration program  
14 or the county impact incarceration program is not an  
15 authorized disposition.

16 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
17 probation or conditional discharge shall not be imposed.

18 (e) FINE. Fines may be imposed as provided in Section  
19 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

20 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
21 concerning restitution.

22 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
23 be concurrent or consecutive as provided in Section 5-8-4 (730  
24 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

25 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court  
2 program.

3 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~  
4 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning no credit for time~~  
5 ~~spent in home detention prior to judgment.~~

6 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)  
7 for rules and regulations for sentence credit.

8 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
9 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
10 electronic monitoring and home detention.

11 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
12 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
13 5/5-8-1), the parole or mandatory supervised release term  
14 shall be 3 years upon release from imprisonment.

15 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
16 101-288, eff. 1-1-20.)

17 (730 ILCS 5/5-4.5-30)

18 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1  
19 felony:

20 (a) TERM. The sentence of imprisonment, other than for  
21 second degree murder, shall be a determinate sentence of not  
22 less than 4 years and not more than 15 years, subject to  
23 Section 5-4.5-115 of this Code. The sentence of imprisonment  
24 for second degree murder shall be a determinate sentence of  
25 not less than 4 years and not more than 20 years, subject to

1 Section 5-4.5-115 of this Code. The sentence of imprisonment  
2 for an extended term Class 1 felony, as provided in Section  
3 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this  
4 Code, shall be a term not less than 15 years and not more than  
5 30 years.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
7 imprisonment shall be for a definite term of from 3 to 4 years,  
8 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
9 ILCS 5/5-5-3 or 5/5-7-1).

10 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
11 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
12 the impact incarceration program or the county impact  
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
15 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
16 period of probation or conditional discharge shall not exceed  
17 4 years. The court shall specify the conditions of probation  
18 or conditional discharge as set forth in Section 5-6-3 (730  
19 ILCS 5/5-6-3). In no case shall an offender be eligible for a  
20 disposition of probation or conditional discharge for a Class  
21 1 felony committed while he or she was serving a term of  
22 probation or conditional discharge for a felony.

23 (e) FINE. Fines may be imposed as provided in Section  
24 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

25 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
26 concerning restitution.

1 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
2 be concurrent or consecutive as provided in Section 5-8-4 (730  
3 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

4 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
5 Act (730 ILCS 166/20) concerning eligibility for a drug court  
6 program.

7 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~  
8 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~  
9 ~~spent in home detention prior to judgment.~~

10 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
11 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
12 (730 ILCS 130/) for rules and regulations for sentence credit.

13 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
14 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
15 electronic monitoring and home detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
17 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
18 5/5-8-1), the parole or mandatory supervised release term  
19 shall be 2 years upon release from imprisonment.

20 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
21 101-288, eff. 1-1-20.)

22 (730 ILCS 5/5-4.5-35)

23 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2  
24 felony:

25 (a) TERM. The sentence of imprisonment shall be a

1 determinate sentence of not less than 3 years and not more than  
2 7 years. The sentence of imprisonment for an extended term  
3 Class 2 felony, as provided in Section 5-8-2 (730 ILCS  
4 5/5-8-2), shall be a term not less than 7 years and not more  
5 than 14 years.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
7 imprisonment shall be for a definite term of from 18 to 30  
8 months, except as otherwise provided in Section 5-5-3 or 5-7-1  
9 (730 ILCS 5/5-5-3 or 5/5-7-1).

10 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
11 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
12 the impact incarceration program or the county impact  
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
15 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
16 period of probation or conditional discharge shall not exceed  
17 4 years. The court shall specify the conditions of probation  
18 or conditional discharge as set forth in Section 5-6-3 (730  
19 ILCS 5/5-6-3).

20 (e) FINE. Fines may be imposed as provided in Section  
21 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

22 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
25 be concurrent or consecutive as provided in Section 5-8-4 (730  
26 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).



1 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
2 Act (730 ILCS 166/20) concerning eligibility for a drug court  
3 program.

4 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~  
5 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~  
6 ~~spent in home detention prior to judgment.~~

7 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
8 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
9 (730 ILCS 130/) for rules and regulations for sentence credit.

10 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
11 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
12 electronic monitoring and home detention.

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
14 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
15 5/5-8-1), the parole or mandatory supervised release term  
16 shall be 2 years upon release from imprisonment.

17 (Source: P.A. 100-431, eff. 8-25-17.)

18 (730 ILCS 5/5-4.5-40)

19 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3  
20 felony:

21 (a) TERM. The sentence of imprisonment shall be a  
22 determinate sentence of not less than 2 years and not more than  
23 5 years. The sentence of imprisonment for an extended term  
24 Class 3 felony, as provided in Section 5-8-2 (730 ILCS  
25 5/5-8-2), shall be a term not less than 5 years and not more

1 than 10 years.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
3 imprisonment shall be for a definite term of up to 18 months,  
4 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
5 ILCS 5/5-5-3 or 5/5-7-1).

6 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
7 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
8 the impact incarceration program or the county impact  
9 incarceration program.

10 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
11 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
12 period of probation or conditional discharge shall not exceed  
13 30 months. The court shall specify the conditions of probation  
14 or conditional discharge as set forth in Section 5-6-3 (730  
15 ILCS 5/5-6-3).

16 (e) FINE. Fines may be imposed as provided in Section  
17 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

18 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
19 concerning restitution.

20 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
21 be concurrent or consecutive as provided in Section 5-8-4 (730  
22 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

23 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
24 Act (730 ILCS 166/20) concerning eligibility for a drug court  
25 program.

26 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~

~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.~~

(j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for sentence credit.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.

(l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be one year upon release from imprisonment.

(Source: P.A. 100-431, eff. 8-25-17.)

(730 ILCS 5/5-4.5-45)

Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4 felony:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of not less than one year and not more than 3 years. The sentence of imprisonment for an extended term Class 4 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less than 3 years and not more than 6 years.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of up to 18 months, except as otherwise provided in Section 5-5-3 or 5-7-1 (730

1 ILCS 5/5-5-3 or 5/5-7-1).

2 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
3 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
4 the impact incarceration program or the county impact  
5 incarceration program.

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
7 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
8 period of probation or conditional discharge shall not exceed  
9 30 months. The court shall specify the conditions of probation  
10 or conditional discharge as set forth in Section 5-6-3 (730  
11 ILCS 5/5-6-3).

12 (e) FINE. Fines may be imposed as provided in Section  
13 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

14 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
15 concerning restitution.

16 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
17 be concurrent or consecutive as provided in Section 5-8-4 (730  
18 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

19 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
20 Act (730 ILCS 166/20) concerning eligibility for a drug court  
21 program.

22 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~  
23 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~  
24 ~~spent in home detention prior to judgment.~~

25 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
26 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act

1 (730 ILCS 130/) for rules and regulations for sentence credit.

2 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
3 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
4 electronic monitoring and home detention.

5 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
6 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
7 5/5-8-1), the parole or mandatory supervised release term  
8 shall be one year upon release from imprisonment.

9 (Source: P.A. 100-431, eff. 8-25-17.)

10 (730 ILCS 5/5-4.5-55)

11 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class  
12 A misdemeanor:

13 (a) TERM. The sentence of imprisonment shall be a  
14 determinate sentence of less than one year.

15 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
16 imprisonment shall be for a definite term of less than one  
17 year, except as otherwise provided in Section 5-5-3 or 5-7-1  
18 (730 ILCS 5/5-5-3 or 5/5-7-1).

19 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
20 5/5-8-1.2) concerning eligibility for the county impact  
21 incarceration program.

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
24 period of probation or conditional discharge shall not exceed  
25 2 years. The court shall specify the conditions of probation

1 or conditional discharge as set forth in Section 5-6-3 (730  
2 ILCS 5/5-6-3).

3 (e) FINE. Unless otherwise specified by law, the minimum  
4 fine is \$75. A fine not to exceed \$2,500 for each offense or  
5 the amount specified in the offense, whichever is greater, may  
6 be imposed. A fine may be imposed in addition to a sentence of  
7 conditional discharge, probation, periodic imprisonment, or  
8 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
9 Art. 9) for imposition of additional amounts and determination  
10 of amounts and payment. If the court finds that the fine would  
11 impose an undue burden on the victim, the court may reduce or  
12 waive the fine.

13 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
14 concerning restitution.

15 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
16 be concurrent or consecutive as provided in Section 5-8-4 (730  
17 ILCS 5/5-8-4).

18 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
19 Act (730 ILCS 166/20) concerning eligibility for a drug court  
20 program.

21 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~  
22 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~  
23 ~~spent in home detention prior to judgment.~~

24 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
25 Behavior Allowance Act (730 ILCS 130/) for rules and  
26 regulations for good behavior allowance.

1 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
2 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
3 electronic monitoring and home detention.

4 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19;  
5 100-1161, eff. 7-1-19.)

6 (730 ILCS 5/5-4.5-60)

7 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class  
8 B misdemeanor:

9 (a) TERM. The sentence of imprisonment shall be a  
10 determinate sentence of not more than 6 months.

11 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
12 imprisonment shall be for a definite term of up to 6 months or  
13 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
15 5/5-8-1.2) concerning eligibility for the county impact  
16 incarceration program.

17 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
18 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation  
19 or conditional discharge shall not exceed 2 years. The court  
20 shall specify the conditions of probation or conditional  
21 discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

22 (e) FINE. Unless otherwise specified by law, the minimum  
23 fine is \$75. A fine not to exceed \$1,500 for each offense or  
24 the amount specified in the offense, whichever is greater, may  
25 be imposed. A fine may be imposed in addition to a sentence of

1 conditional discharge, probation, periodic imprisonment, or  
2 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
3 Art. 9) for imposition of additional amounts and determination  
4 of amounts and payment. If the court finds that the fine would  
5 impose an undue burden on the victim, the court may reduce or  
6 waive the fine.

7 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
8 concerning restitution.

9 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
10 be concurrent or consecutive as provided in Section 5-8-4 (730  
11 ILCS 5/5-8-4).

12 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
13 Act (730 ILCS 166/20) concerning eligibility for a drug court  
14 program.

15 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~  
16 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~  
17 ~~spent in home detention prior to judgment.~~

18 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
19 Behavior Allowance Act (730 ILCS 130/) for rules and  
20 regulations for good behavior allowance.

21 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
22 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
23 electronic monitoring and home detention.

24 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19;  
25 100-1161, eff. 7-1-19.)



1 (730 ILCS 5/5-4.5-100)

2 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

3 (a) COMMENCEMENT. A sentence of imprisonment shall  
4 commence on the date on which the offender is received by the  
5 Department or the institution at which the sentence is to be  
6 served.

7 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set  
8 forth in subsection (e), the offender shall be given credit on  
9 the determinate sentence or maximum term and the minimum  
10 period of imprisonment for the number of days spent in custody  
11 as a result of the offense for which the sentence was imposed.  
12 The Department shall calculate the credit at the rate  
13 specified in Section 3-6-3 (730 ILCS 5/3-6-3). ~~The trial court~~  
14 ~~shall give credit to the defendant for time spent in home~~  
15 ~~detention on the same sentencing terms as incarceration as~~  
16 ~~provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). Home detention~~  
17 ~~for purposes of credit includes restrictions on liberty such~~  
18 ~~as curfews restricting movement for 12 hours or more per day~~  
19 ~~and electronic monitoring that restricts travel or movement.~~  
20 ~~Electronic monitoring is not required for home detention to be~~  
21 ~~considered custodial for purposes of sentencing credit.~~ The  
22 trial court may give credit to the defendant for the number of  
23 days spent confined for psychiatric or substance abuse  
24 treatment prior to judgment, if the court finds that the  
25 detention or confinement was custodial.

26 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender

1 arrested on one charge and prosecuted on another charge for  
2 conduct that occurred prior to his or her arrest shall be given  
3 credit on the determinate sentence or maximum term and the  
4 minimum term of imprisonment for time spent in custody under  
5 the former charge not credited against another sentence.

6 (c-5) CREDIT; PROGRAMMING. The trial court shall give the  
7 defendant credit for successfully completing county  
8 programming while in custody prior to imposition of sentence  
9 at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For  
10 the purposes of this subsection, "custody" includes time spent  
11 in home detention.

12 (d) (Blank).

13 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
14 RELEASE, OR PROBATION. An offender charged with the commission  
15 of an offense committed while on parole, mandatory supervised  
16 release, or probation shall not be given credit for time spent  
17 in custody under subsection (b) for that offense for any time  
18 spent in custody as a result of a revocation of parole,  
19 mandatory supervised release, or probation where such  
20 revocation is based on a sentence imposed for a previous  
21 conviction, regardless of the facts upon which the revocation  
22 of parole, mandatory supervised release, or probation is  
23 based, unless both the State and the defendant agree that the  
24 time served for a violation of mandatory supervised release,  
25 parole, or probation shall be credited towards the sentence  
26 for the current offense.

1 (Source: P.A. 101-652, eff. 7-1-21.)

2 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

3 Sec. 5-8A-2. Definitions. As used in this Article:

4 (A) "Approved electronic monitoring device" means a device  
5 approved by the supervising authority which is primarily  
6 intended to record or transmit information as to the  
7 defendant's presence or nonpresence in the home, consumption  
8 of alcohol, consumption of drugs, location as determined  
9 through GPS, cellular triangulation, Wi-Fi, or other  
10 electronic means.

11 An approved electronic monitoring device may record or  
12 transmit: oral or wire communications or an auditory sound;  
13 visual images; or information regarding the offender's  
14 activities while inside the offender's home. These devices are  
15 subject to the required consent as set forth in Section 5-8A-5  
16 of this Article.

17 An approved electronic monitoring device may be used to  
18 record a conversation between the participant and the  
19 monitoring device, or the participant and the person  
20 supervising the participant solely for the purpose of  
21 identification and not for the purpose of eavesdropping or  
22 conducting any other illegally intrusive monitoring.

23 (A-10) "Department" means the Department of Corrections or  
24 the Department of Juvenile Justice.

25 (A-20) "Electronic monitoring" means the monitoring of an

1 inmate, person, or offender with an electronic device both  
2 within and outside of their home under the terms and  
3 conditions established by the supervising authority.

4 (B) "Excluded offenses" means first degree murder, escape,  
5 predatory criminal sexual assault of a child, aggravated  
6 criminal sexual assault, criminal sexual assault, aggravated  
7 battery with a firearm as described in Section 12-4.2 or  
8 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section  
9 12-3.05, bringing or possessing a firearm, ammunition or  
10 explosive in a penal institution, any "Super-X" drug offense  
11 or calculated criminal drug conspiracy or streetgang criminal  
12 drug conspiracy, or any predecessor or successor offenses with  
13 the same or substantially the same elements, or any inchoate  
14 offenses relating to the foregoing offenses.

15 (B-10) "GPS" means a device or system which utilizes the  
16 Global Positioning Satellite system for determining the  
17 location of a person, inmate or offender.

18 (C) "Home detention" means the confinement of a person  
19 convicted or charged with an offense to his or her place of  
20 residence under the terms and conditions established by the  
21 supervising authority. Confinement need not be 24 hours per  
22 day to qualify as home detention, and significant restrictions  
23 on liberty such as 7pm to 7am curfews shall qualify. Home  
24 confinement may or may not be accompanied by electronic  
25 monitoring, ~~and electronic monitoring is not required for~~  
26 ~~purposes of sentencing credit.~~

1           (D) "Participant" means an inmate or offender placed into  
2 an electronic monitoring program.

3           (E) "Supervising authority" means the Department of  
4 Corrections, the Department of Juvenile Justice, probation  
5 department, a Chief Judge's office, pretrial services division  
6 or department, sheriff, superintendent of municipal house of  
7 corrections or any other officer or agency charged with  
8 authorizing and supervising electronic monitoring and home  
9 detention.

10          (F) "Super-X drug offense" means a violation of Section  
11 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);  
12 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
13 (C), or (D) of the Illinois Controlled Substances Act.

14          (G) "Wi-Fi" or "WiFi" means a device or system which  
15 utilizes a wireless local area network for determining the  
16 location of a person, inmate or offender.

17       (Source: P.A. 101-652, eff. 7-1-21.)