



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4326

Introduced 1/14/2026, by Rep. Anne Stava

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

Amends the Unified Code of Corrections. Provides that the sentence credit for various offenses in which the prisoner could receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment shall be changed to one day of sentence credit for each day of his or her sentence of imprisonment. Provides that each day of sentence credit shall reduce by one day the prisoner's period of imprisonment or recommitment. Provides that the Department of Corrections and the Department of Juvenile Justice shall recalculate the release dates for sentences under this provision within 6 months after the effective date of the amendatory Act.

LRB104 16997 RLC 30411 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 Unified Code of Corrections is amended by
5 changing Section 3-6-3 as follows:

6 (730 ILCS 5/3-6-3)

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 of Corrections and the
11 Department of Juvenile Justice shall prescribe rules and
12 regulations for awarding and revoking sentence credit for
13 persons committed to the Department of Juvenile Justice under
14 Section 5-8-6 of the Unified Code of Corrections, which shall
15 be subject to review by the Prisoner Review Board.

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

18 (A) successful completion of programming while in
19 custody of the Department of Corrections or the Department
20 of Juvenile Justice or while in custody prior to
21 sentencing;

22 (B) compliance with the rules and regulations of the
23 Department; or

1 (C) service to the institution, service to a
2 community, or service to the State.

3 (2) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide, with respect to offenses listed in clause (i),
6 (ii), or (iii) of this paragraph (2) committed on or after June
7 19, 1998 or with respect to the offense listed in clause (iv)
8 of this paragraph (2) committed on or after June 23, 2005 (the
9 effective date of Public Act 94-71) or with respect to offense
10 listed in clause (vi) committed on or after June 1, 2008 (the
11 effective date of Public Act 95-625) or with respect to the
12 offense of unlawful possession of a firearm by a repeat felony
13 offender committed on or after August 2, 2005 (the effective
14 date of Public Act 94-398) or with respect to the offenses
15 listed in clause (v) of this paragraph (2) committed on or
16 after August 13, 2007 (the effective date of Public Act
17 95-134) or with respect to the offense of aggravated domestic
18 battery committed on or after July 23, 2010 (the effective
19 date of Public Act 96-1224) or with respect to the offense of
20 attempt to commit terrorism committed on or after January 1,
21 2013 (the effective date of Public Act 97-990), the following:

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

26 (ii) that a prisoner serving a sentence for attempt to

1 commit terrorism, attempt to commit first degree murder,
2 solicitation of murder, solicitation of murder for hire,
3 intentional homicide of an unborn child, predatory
4 criminal sexual assault of a child, aggravated criminal
5 sexual assault, criminal sexual assault, aggravated
6 kidnapping, aggravated battery with a firearm as described
7 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
8 or (e) (4) of Section 12-3.05, heinous battery as described
9 in Section 12-4.1 or subdivision (a) (2) of Section
10 12-3.05, unlawful possession of a firearm by a repeat
11 felony offender, aggravated battery of a senior citizen as
12 described in Section 12-4.6 or subdivision (a) (4) of
13 Section 12-3.05, or aggravated battery of a child as
14 described in Section 12-4.3 or subdivision (b) (1) of
15 Section 12-3.05 shall receive no more than 4.5 days of
16 sentence credit for each month of his or her sentence of
17 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
21 a category I weapon or category II weapon, when the court
22 has made and entered a finding, pursuant to subsection
23 (c-1) of Section 5-4-1 of this Code, that the conduct
24 leading to conviction for the enumerated offense resulted
25 in great bodily harm to a victim, shall receive no more
26 than 4.5 days of sentence credit for each month of his or

1 her 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
5 harm 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 gunrunning,
9 narcotics racketeering, controlled substance trafficking,
10 methamphetamine trafficking, drug-induced homicide,
11 aggravated methamphetamine-related child endangerment,
12 money laundering pursuant to clause (c) (4) or (5) of
13 Section 29B-1 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, or a Class X felony conviction for delivery
15 of a controlled substance, possession of a controlled
16 substance with intent to manufacture or deliver,
17 calculated criminal drug conspiracy, criminal drug
18 conspiracy, street gang criminal drug conspiracy,
19 participation in methamphetamine manufacturing,
20 aggravated participation in methamphetamine
21 manufacturing, delivery of methamphetamine, possession
22 with intent to deliver methamphetamine, aggravated
23 delivery of methamphetamine, aggravated possession with
24 intent to deliver methamphetamine, methamphetamine
25 conspiracy when the substance containing the controlled
26 substance or methamphetamine is 100 grams or more shall

1 receive one day of sentence credit for each day ~~no more~~
2 ~~than 7.5 days sentence credit for each month~~ of his or her
3 sentence of imprisonment. Each day of sentence credit
4 shall reduce by one day the prisoner's period of
5 imprisonment or recommitment under Section 3-3-9. The
6 Department of Corrections and the Department of Juvenile
7 Justice shall recalculate the release dates for sentences
8 under this clause (v) within 6 months after the effective
9 date of this amendatory Act of the 104th General Assembly;

10 (vi) that a prisoner serving a sentence for a second
11 or subsequent offense of luring a minor shall receive no
12 more than 4.5 days of sentence credit for each month of his
13 or her sentence of imprisonment; and

14 (vii) that a prisoner serving a sentence for
15 aggravated domestic battery shall receive no more than 4.5
16 days of sentence credit for each month of his or her
17 sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated in
19 subdivision (a)(2)(i), (ii), or (iii) committed on or after
20 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
21 June 23, 2005 (the effective date of Public Act 94-71) or
22 subdivision (a)(2)(v) committed on or after August 13, 2007
23 (the effective date of Public Act 95-134) or subdivision
24 (a)(2)(vi) committed on or after June 1, 2008 (the effective
25 date of Public Act 95-625) or subdivision (a)(2)(vii)
26 committed on or after July 23, 2010 (the effective date of

1 Public Act 96-1224), and other than the offense of aggravated
2 driving under the influence of alcohol, other drug or drugs,
3 or intoxicating compound or compounds, or any combination
4 thereof as defined in subparagraph (F) of paragraph (1) of
5 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
6 and other than the offense of aggravated driving under the
7 influence of alcohol, other drug or drugs, or intoxicating
8 compound or compounds, or any combination thereof as defined
9 in subparagraph (C) of paragraph (1) of subsection (d) of
10 Section 11-501 of the Illinois Vehicle Code committed on or
11 after January 1, 2011 (the effective date of Public Act
12 96-1230), the rules and regulations shall provide that a
13 prisoner who is serving a term of imprisonment shall receive
14 one day of sentence credit for each day of his or her sentence
15 of imprisonment or recommitment under Section 3-3-9. Each day
16 of sentence credit shall reduce by one day the prisoner's
17 period of imprisonment or recommitment under Section 3-3-9.

18 (2.2) A prisoner serving a term of natural life
19 imprisonment shall receive no sentence credit.

20 (2.3) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations on sentence credit
22 shall provide that a prisoner who is serving a sentence for
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds, or any
25 combination thereof as defined in subparagraph (F) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code, shall receive no more than 4.5 days of
2 sentence credit for each month of his or her sentence of
3 imprisonment.

4 (2.4) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations on sentence credit
6 shall provide with respect to the offenses of aggravated
7 battery with a machine gun or a firearm equipped with any
8 device or attachment designed or used for silencing the report
9 of a firearm or aggravated discharge of a machine gun or a
10 firearm equipped with any device or attachment designed or
11 used for silencing the report of a firearm, committed on or
12 after July 15, 1999 (the effective date of Public Act 91-121),
13 that a prisoner serving a sentence for any of these offenses
14 shall receive no more than 4.5 days of sentence credit for each
15 month of his or her sentence of imprisonment.

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

23 (2.6) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide that a prisoner who is serving a sentence for
26 aggravated driving under the influence of alcohol, other drug

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

8 (3) In addition to the sentence credits earned under
9 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
10 subsection (a), the rules and regulations shall also provide
11 that the Director of Corrections or the Director of Juvenile
12 Justice may award up to 180 days of earned sentence credit for
13 prisoners serving a sentence of incarceration of less than 5
14 years, and up to 365 days of earned sentence credit for
15 prisoners serving a sentence of 5 years or longer. The
16 Director may grant this credit for good conduct in specific
17 instances as either Director deems proper for eligible persons
18 in the custody of each Director's respective Department. The
19 good conduct may include, but is not limited to, compliance
20 with the rules and regulations of the Department, service to
21 the Department, service to a community, or service to the
22 State.

23 Eligible inmates for an award of earned sentence credit
24 under this paragraph (3) may be selected to receive the credit
25 at either Director's or his or her designee's sole discretion.
26 Eligibility for the additional earned sentence credit under

1 this paragraph (3) may be based on, but is not limited to,
2 participation in programming offered by the Department as
3 appropriate for the prisoner based on the results of any
4 available risk/needs assessment or other relevant assessments
5 or evaluations administered by the Department using a
6 validated instrument, the circumstances of the crime,
7 demonstrated commitment to rehabilitation by a prisoner with a
8 history of conviction for a forcible felony enumerated in
9 Section 2-8 of the Criminal Code of 2012, the inmate's
10 behavior and improvements in disciplinary history while
11 incarcerated, and the inmate's commitment to rehabilitation,
12 including participation in programming offered by the
13 Department.

14 The Director of Corrections or the Director of Juvenile
15 Justice shall not award sentence credit under this paragraph
16 (3) to an inmate unless the inmate has served a minimum of 60
17 days of the sentence, including time served in a county jail;
18 except nothing in this paragraph shall be construed to permit
19 either Director to extend an inmate's sentence beyond that
20 which was imposed by the court. Prior to awarding credit under
21 this paragraph (3), each Director shall make a written
22 determination that the inmate:

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

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

26 (B-1) has received a risk/needs assessment or other

1 relevant evaluation or assessment administered by the
2 Department using a validated instrument; and

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

5 The Director of Corrections or the Director of Juvenile
6 Justice shall determine the form and content of the written
7 determination required in this subsection.

8 (3.5) The Department shall provide annual written reports
9 to the Governor and the General Assembly on the award of earned
10 sentence credit no later than February 1 of each year. The
11 Department must publish both reports on its website within 48
12 hours of transmitting the reports to the Governor and the
13 General Assembly. The reports must include:

14 (A) the number of inmates awarded earned sentence
15 credit;

16 (B) the average amount of earned sentence credit
17 awarded;

18 (C) the holding offenses of inmates awarded earned
19 sentence credit; and

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

21 (4) (A) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall also provide
23 that any prisoner who is engaged full-time in substance abuse
24 programs, correctional industry assignments, educational
25 programs, work-release programs or activities in accordance
26 with Article 13 of Chapter III of this Code, behavior

1 modification programs, life skills courses, or re-entry
2 planning provided by the Department under this paragraph (4)
3 and satisfactorily completes the assigned program as
4 determined by the standards of the Department, shall receive
5 one day of sentence credit for each day in which that prisoner
6 is engaged in the activities described in this paragraph. The
7 rules and regulations shall also provide that sentence credit
8 may be provided to an inmate who was held in pre-trial
9 detention prior to his or her current commitment to the
10 Department of Corrections and successfully completed a
11 full-time, 60-day or longer substance abuse program,
12 educational program, behavior modification program, life
13 skills course, or re-entry planning provided by the county
14 department of corrections or county jail. Calculation of this
15 county program credit shall be done at sentencing as provided
16 in Section 5-4.5-100 of this Code and shall be included in the
17 sentencing order. The rules and regulations shall also provide
18 that sentence credit may be provided to an inmate who is in
19 compliance with programming requirements in an adult
20 transition center.

21 (B) The Department shall award sentence credit under this
22 paragraph (4) accumulated prior to January 1, 2020 (the
23 effective date of Public Act 101-440) in an amount specified
24 in subparagraph (C) of this paragraph (4) to an inmate serving
25 a sentence for an offense committed prior to June 19, 1998, if
26 the Department determines that the inmate is entitled to this

1 sentence credit, based upon:

2 (i) documentation provided by the Department that the
3 inmate engaged in any full-time substance abuse programs,
4 correctional industry assignments, educational programs,
5 behavior modification programs, life skills courses, or
6 re-entry planning provided by the Department under this
7 paragraph (4) and satisfactorily completed the assigned
8 program as determined by the standards of the Department
9 during the inmate's current term of incarceration; or

10 (ii) the inmate's own testimony in the form of an
11 affidavit or documentation, or a third party's
12 documentation or testimony in the form of an affidavit
13 that the inmate likely engaged in any full-time substance
14 abuse programs, correctional industry assignments,
15 educational programs, behavior modification programs, life
16 skills courses, or re-entry planning provided by the
17 Department under paragraph (4) and satisfactorily
18 completed the assigned program as determined by the
19 standards of the Department during the inmate's current
20 term of incarceration.

21 (C) If the inmate can provide documentation that he or she
22 is entitled to sentence credit under subparagraph (B) in
23 excess of 45 days of participation in those programs, the
24 inmate shall receive 90 days of sentence credit. If the inmate
25 cannot provide documentation of more than 45 days of
26 participation in those programs, the inmate shall receive 45

1 days of sentence credit. In the event of a disagreement
2 between the Department and the inmate as to the amount of
3 credit accumulated under subparagraph (B), if the Department
4 provides documented proof of a lesser amount of days of
5 participation in those programs, that proof shall control. If
6 the Department provides no documentary proof, the inmate's
7 proof as set forth in clause (ii) of subparagraph (B) shall
8 control as to the amount of sentence credit provided.

9 (D) If the inmate has been convicted of a sex offense as
10 defined in Section 2 of the Sex Offender Registration Act,
11 sentencing credits under subparagraph (B) of this paragraph
12 (4) shall be awarded by the Department only if the conditions
13 set forth in paragraph (4.6) of subsection (a) are satisfied.
14 No inmate serving a term of natural life imprisonment shall
15 receive sentence credit under subparagraph (B) of this
16 paragraph (4).

17 (E) The rules and regulations shall provide for the
18 recalculation of program credits awarded pursuant to this
19 paragraph (4) prior to July 1, 2021 (the effective date of
20 Public Act 101-652) at the rate set for such credits on and
21 after July 1, 2021.

22 Educational, vocational, substance abuse, behavior
23 modification programs, life skills courses, re-entry planning,
24 and correctional industry programs under which sentence credit
25 may be earned under this paragraph (4) and paragraph (4.1) of
26 this subsection (a) shall be evaluated by the Department on

1 the basis of documented standards. The Department shall report
2 the results of these evaluations to the Governor and the
3 General Assembly by September 30th of each year. The reports
4 shall include data relating to the recidivism rate among
5 program participants.

6 Availability of these programs shall be subject to the
7 limits of fiscal resources appropriated by the General
8 Assembly for these purposes. Eligible inmates who are denied
9 immediate admission shall be placed on a waiting list under
10 criteria established by the Department. The rules and
11 regulations shall provide that a prisoner who has been placed
12 on a waiting list but is transferred for non-disciplinary
13 reasons before beginning a program shall receive priority
14 placement on the waitlist for appropriate programs at the new
15 facility. The inability of any inmate to become engaged in any
16 such programs by reason of insufficient program resources or
17 for any other reason established under the rules and
18 regulations of the Department shall not be deemed a cause of
19 action under which the Department or any employee or agent of
20 the Department shall be liable for damages to the inmate. The
21 rules and regulations shall provide that a prisoner who begins
22 an educational, vocational, substance abuse, work-release
23 programs or activities in accordance with Article 13 of
24 Chapter III of this Code, behavior modification program, life
25 skills course, re-entry planning, or correctional industry
26 programs but is unable to complete the program due to illness,

1 disability, transfer, lockdown, or another reason outside of
2 the prisoner's control shall receive prorated sentence credits
3 for the days in which the prisoner did participate.

4 (4.1) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations shall also provide
6 that an additional 90 days of sentence credit shall be awarded
7 to any prisoner who passes high school equivalency testing
8 while the prisoner is committed to the Department of
9 Corrections. The sentence credit awarded under this paragraph
10 (4.1) shall be in addition to, and shall not affect, the award
11 of sentence credit under any other paragraph of this Section,
12 but shall also be pursuant to the guidelines and restrictions
13 set forth in paragraph (4) of subsection (a) of this Section.
14 The sentence credit provided for in this paragraph shall be
15 available only to those prisoners who have not previously
16 earned a high school diploma or a State of Illinois High School
17 Diploma. If, after an award of the high school equivalency
18 testing sentence credit has been made, the Department
19 determines that the prisoner was not eligible, then the award
20 shall be revoked. The Department may also award 90 days of
21 sentence credit to any committed person who passed high school
22 equivalency testing while he or she was held in pre-trial
23 detention prior to the current commitment to the Department of
24 Corrections. Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations shall provide that
26 an additional 120 days of sentence credit shall be awarded to

1 any prisoner who obtains an associate degree while the
2 prisoner is committed to the Department of Corrections,
3 regardless of the date that the associate degree was obtained,
4 including if prior to July 1, 2021 (the effective date of
5 Public Act 101-652). The sentence credit awarded under this
6 paragraph (4.1) shall be in addition to, and shall not affect,
7 the award of sentence credit under any other paragraph of this
8 Section, but shall also be under the guidelines and
9 restrictions set forth in paragraph (4) of subsection (a) of
10 this Section. The sentence credit provided for in this
11 paragraph (4.1) shall be available only to those prisoners who
12 have not previously earned an associate degree prior to the
13 current commitment to the Department of Corrections. If, after
14 an award of the associate degree sentence credit has been made
15 and the Department determines that the prisoner was not
16 eligible, then the award shall be revoked. The Department may
17 also award 120 days of sentence credit to any committed person
18 who earned an associate degree while he or she was held in
19 pre-trial detention prior to the current commitment to the
20 Department of Corrections.

21 Except as provided in paragraph (4.7) of this subsection
22 (a), the rules and regulations shall provide that an
23 additional 180 days of sentence credit shall be awarded to any
24 prisoner who obtains a bachelor's degree while the prisoner is
25 committed to the Department of Corrections. The sentence
26 credit awarded under this paragraph (4.1) shall be in addition

1 to, and shall not affect, the award of sentence credit under
2 any other paragraph of this Section, but shall also be under
3 the guidelines and restrictions set forth in paragraph (4) of
4 this subsection (a). The sentence credit provided for in this
5 paragraph shall be available only to those prisoners who have
6 not earned a bachelor's degree prior to the current commitment
7 to the Department of Corrections. If, after an award of the
8 bachelor's degree sentence credit has been made, the
9 Department determines that the prisoner was not eligible, then
10 the award shall be revoked. The Department may also award 180
11 days of sentence credit to any committed person who earned a
12 bachelor's degree while he or she was held in pre-trial
13 detention prior to the current commitment to the Department of
14 Corrections.

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

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

10 (4.2) (A) The rules and regulations shall also provide that
11 any prisoner engaged in self-improvement programs, volunteer
12 work, or work assignments that are not otherwise eligible
13 activities under paragraph (4), shall receive up to 0.5 days
14 of sentence credit for each day in which the prisoner is
15 engaged in activities described in this paragraph.

16 (B) The rules and regulations shall provide for the award
17 of sentence credit under this paragraph (4.2) for qualifying
18 days of engagement in eligible activities occurring prior to
19 July 1, 2021 (the effective date of Public Act 101-652).

20 (4.5) The rules and regulations on sentence credit shall
21 also provide that when the court's sentencing order recommends
22 a prisoner for substance abuse treatment and the crime was
23 committed on or after September 1, 2003 (the effective date of
24 Public Act 93-354), the prisoner shall receive no sentence
25 credit awarded under clause (3) of this subsection (a) unless
26 he or she participates in and completes a substance abuse

1 treatment program. The Director of Corrections may waive the
2 requirement to participate in or complete a substance abuse
3 treatment program in specific instances if the prisoner is not
4 a good candidate for a substance abuse treatment program for
5 medical, programming, or operational reasons. Availability of
6 substance abuse treatment shall be subject to the limits of
7 fiscal resources appropriated by the General Assembly for
8 these purposes. If treatment is not available and the
9 requirement to participate and complete the treatment has not
10 been waived by the Director, the prisoner shall be placed on a
11 waiting list under criteria established by the Department. The
12 Director may allow a prisoner placed on a waiting list to
13 participate in and complete a substance abuse education class
14 or attend substance abuse self-help meetings in lieu of a
15 substance abuse treatment program. A prisoner on a waiting
16 list who is not placed in a substance abuse program prior to
17 release may be eligible for a waiver and receive sentence
18 credit under clause (3) of this subsection (a) at the
19 discretion of the Director.

20 (4.6) The rules and regulations on sentence credit shall
21 also provide that a prisoner who has been convicted of a sex
22 offense as defined in Section 2 of the Sex Offender
23 Registration Act shall receive no sentence credit unless he or
24 she either has successfully completed or is participating in
25 sex offender treatment as defined by the Sex Offender
26 Management Board. However, prisoners who are waiting to

1 receive treatment, but who are unable to do so due solely to
2 the lack of resources on the part of the Department, may, at
3 either Director's sole discretion, be awarded sentence credit
4 at a rate as the Director shall determine.

5 (4.7) On or after January 1, 2018 (the effective date of
6 Public Act 100-3), sentence credit under paragraph (3), (4),
7 or (4.1) of this subsection (a) may be awarded to a prisoner
8 who is serving a sentence for an offense described in
9 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
10 on or after January 1, 2018 (the effective date of Public Act
11 100-3); provided, the award of the credits under this
12 paragraph (4.7) shall not reduce the sentence of the prisoner
13 to less than the following amounts:

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

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

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

22 (5) Whenever the Department is to release any inmate
23 earlier than it otherwise would because of a grant of earned
24 sentence credit under paragraph (3) of subsection (a) of this
25 Section given at any time during the term, the Department
26 shall give reasonable notice of the impending release not less

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

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

21 (c) (1) The Department shall prescribe rules and
22 regulations for revoking sentence credit, including revoking
23 sentence credit awarded under paragraph (3) of subsection (a)
24 of this Section. The Department shall prescribe rules and
25 regulations establishing and requiring the use of a sanctions
26 matrix for revoking sentence credit. The Department shall

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

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

26 (3) The Director of Corrections or the Director of

1 Juvenile Justice, in appropriate cases, may restore sentence
2 credits which have been revoked, suspended, or reduced. The
3 Department shall prescribe rules and regulations governing the
4 restoration of sentence credits. These rules and regulations
5 shall provide for the automatic restoration of sentence
6 credits following a period in which the prisoner maintains a
7 record without a disciplinary violation.

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

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

1 For purposes of this subsection (d):

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

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

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

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

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

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

25 (2) "Lawsuit" means a motion pursuant to Section 116-3
26 of the Code of Criminal Procedure of 1963, a habeas corpus

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

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

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

20 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
21 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
22 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; 103-605,
23 eff. 7-1-24; 103-822, eff. 1-1-25.)