



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4559

Introduced 1/30/2026, by Rep. Norma Hernandez

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

Amends the Unified Code of Corrections. Provides that the rules and regulations of the Department of Corrections shall provide that sentence credit may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the Department of Corrections and successfully completed a substance abuse program (rather than a full-time, 60-day or longer substance abuse program), county jail or detention facility work assignments, parenting program, or re-entry planning facilitated (rather than provided) by the county department of corrections or county jail or other provider. Provides that the rules and regulations shall also provide that sentence credit may be provided to a committed person who participated in supervised community work or activities prior to his or her commitment to the Department of Corrections. Provides that the rules and regulations shall also provide that any inmate who was held in pre-trial detention prior to his or her confinement to the Department of Corrections, engaged in self-improvement programs, volunteer work, or work assignments that are not otherwise eligible activities shall receive up to 0.5 days of sentence credit for each day in which the inmate is engaged in these activities.

LRB104 17574 RLC 31002 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 no more than 7.5 days sentence credit for each
2 month of his or her sentence of imprisonment;

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

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

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

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

11 (2.2) A prisoner serving a term of natural life
12 imprisonment shall receive no sentence credit.

13 (2.3) Except as provided in paragraph (4.7) of this
14 subsection (a), the rules and regulations on sentence credit
15 shall provide that a prisoner who is serving a sentence for
16 aggravated driving under the influence of alcohol, other drug
17 or drugs, or intoxicating compound or compounds, or any
18 combination thereof as defined in subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of the
20 Illinois Vehicle Code, shall receive no more than 4.5 days of
21 sentence credit for each month of his or her sentence of
22 imprisonment.

23 (2.4) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide with respect to the offenses of aggravated
26 battery with a machine gun or a firearm equipped with any

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

9 (2.5) Except as provided in paragraph (4.7) of this
10 subsection (a), the rules and regulations on sentence credit
11 shall provide that a prisoner who is serving a sentence for
12 aggravated arson committed on or after July 27, 2001 (the
13 effective date of Public Act 92-176) shall receive no more
14 than 4.5 days of sentence credit for each month of his or her
15 sentence of imprisonment.

16 (2.6) 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 driving under the influence of alcohol, other drug
20 or drugs, or intoxicating compound or compounds or any
21 combination thereof as defined in subparagraph (C) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code committed on or after January 1, 2011
24 (the effective date of Public Act 96-1230) shall receive no
25 more than 4.5 days of sentence credit for each month of his or
26 her sentence of imprisonment.

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

16 Eligible inmates for an award of earned sentence credit
17 under this paragraph (3) may be selected to receive the credit
18 at either Director's or his or her designee's sole discretion.
19 Eligibility for the additional earned sentence credit under
20 this paragraph (3) may be based on, but is not limited to,
21 participation in programming offered by the Department as
22 appropriate for the prisoner based on the results of any
23 available risk/needs assessment or other relevant assessments
24 or evaluations administered by the Department using a
25 validated instrument, the circumstances of the crime,
26 demonstrated commitment to rehabilitation by a prisoner with a

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

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

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

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

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

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

24 The Director of Corrections or the Director of Juvenile
25 Justice shall determine the form and content of the written
26 determination required in this subsection.

1 (3.5) The Department shall provide annual written reports
2 to the Governor and the General Assembly on the award of earned
3 sentence credit no later than February 1 of each year. The
4 Department must publish both reports on its website within 48
5 hours of transmitting the reports to the Governor and the
6 General Assembly. The reports must include:

7 (A) the number of inmates awarded earned sentence
8 credit;

9 (B) the average amount of earned sentence credit
10 awarded;

11 (C) the holding offenses of inmates awarded earned
12 sentence credit; and

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

14 (4) (A) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations shall also provide
16 that any prisoner who is engaged full-time in substance abuse
17 programs, correctional industry assignments, educational
18 programs, work-release programs or activities in accordance
19 with Article 13 of Chapter III of this Code, behavior
20 modification programs, life skills courses, or re-entry
21 planning provided by the Department under this paragraph (4)
22 and satisfactorily completes the assigned program as
23 determined by the standards of the Department, shall receive
24 one day of sentence credit for each day in which that prisoner
25 is engaged in the activities described in this paragraph. The
26 rules and regulations shall also provide that sentence credit

1 may be provided to an inmate who was held in pre-trial
2 detention prior to his or her current commitment to the
3 Department of Corrections and successfully completed a
4 ~~full-time, 60-day or longer~~ substance abuse program, county
5 jail or detention facility work assignments, educational
6 program, behavior modification program, life skills course,
7 parenting program, or re-entry planning facilitated ~~provided~~
8 by the county department of corrections or county jail or
9 other provider. The rules and regulations shall also provide
10 that sentence credit may be provided to a committed person who
11 participated in supervised community work or activities in
12 accordance with Section 5-5-9 prior to his or her commitment
13 to the Department of Corrections. Calculation of this county
14 program credit shall be done at sentencing as provided in
15 Section 5-4.5-100 of this Code and shall be included in the
16 sentencing order. The rules and regulations shall also provide
17 that sentence credit may be provided to an inmate who is in
18 compliance with programming requirements in an adult
19 transition center.

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

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

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

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

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

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

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

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

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

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

1 the prisoner's control shall receive prorated sentence credits
2 for the days in which the prisoner did participate.

3 (4.1) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations shall also provide
5 that an additional 90 days of sentence credit shall be awarded
6 to any prisoner who passes high school equivalency testing
7 while the prisoner is committed to the Department of
8 Corrections. The sentence credit awarded under this paragraph
9 (4.1) shall be in addition to, and shall not affect, the award
10 of sentence credit under any other paragraph of this Section,
11 but shall also be pursuant to the guidelines and restrictions
12 set forth in paragraph (4) of subsection (a) of this Section.
13 The sentence credit provided for in this paragraph shall be
14 available only to those prisoners who have not previously
15 earned a high school diploma or a State of Illinois High School
16 Diploma. If, after an award of the high school equivalency
17 testing sentence credit has been made, the Department
18 determines that the prisoner was not eligible, then the award
19 shall be revoked. The Department may also award 90 days of
20 sentence credit to any committed person who passed high school
21 equivalency testing while he or she was held in pre-trial
22 detention prior to the current commitment to the Department of
23 Corrections. Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations shall provide that
25 an additional 120 days of sentence credit shall be awarded to
26 any prisoner who obtains an associate degree while the

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

20 Except as provided in paragraph (4.7) of this subsection
21 (a), the rules and regulations shall provide that an
22 additional 180 days of sentence credit shall be awarded to any
23 prisoner who obtains a bachelor's degree while the prisoner is
24 committed to the Department of Corrections. The sentence
25 credit awarded under this paragraph (4.1) shall be in addition
26 to, and shall not affect, the award of sentence credit under

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

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

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

9 (4.2) (A) The rules and regulations shall also provide that
10 any prisoner or inmate who was held in pre-trial detention
11 prior to his or her confinement to the Department of
12 Corrections, engaged in self-improvement programs, volunteer
13 work, or work assignments that are not otherwise eligible
14 activities under paragraph (4), shall receive up to 0.5 days
15 of sentence credit for each day in which the prisoner or inmate
16 is engaged in activities described in this paragraph.

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

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

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

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

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

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

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

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%.

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

23 (5) Whenever the Department is to release any inmate
24 earlier than it otherwise would because of a grant of earned
25 sentence credit under paragraph (3) of subsection (a) of this
26 Section given at any time during the term, the Department

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

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

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

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

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

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

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

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

1 prisoner.

2 For purposes of this subsection (d):

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

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

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

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

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

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

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

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

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

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

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