**Section 107.520 Eligibility** **for Earned Program Sentence Credit**

a) Individuals in Custody who, on or after January 1, 2018, are engaged full-time in substance abuse programs, Correctional Industries assignments, academic or vocational education programs, behavior modification programs, life skills courses, re-entry planning or ATC/work release programs provided or approved by the Department shall be eligible to receive earned program sentence credit at the rate of 1.00 credit per program day provided:

1) the individual is eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B; and

2) the individual achieve the goals established by the Department within a specified time period.

b) Individuals in custody who, on or after July 1, 2021, are engaged in full time self-improvement programs, approved volunteer activities, or work assignments provided or approved by the Department shall be eligible to receive earned program sentence credit at the rate of 0.5 credits per program day provided:

1) the individual is eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B; and

2) the individual achieves the goals established by the Department within a specified time period.

c) Individuals in Custody shall not be eligible to receive earned program sentence credit at the rate of 1.0 or 0.5 credits per day if:

1) the individual is assigned to a boot camp or electronic detention program; or

2) the individual is serving a sentence for an excluded offense under the provisions of Section 3-6-3(a)(4) of the UCOC; or

3) the individual is removed from the program for failure to comply with program requirements or for disciplinary reasons.

d) Individuals in Custody who are not eligible under subsection (a) or (b) who enroll full-time in an educational program approved by the Department shall be eligible to receive program sentence credit at the rate of 0.25 credits per day provided:

1) the individual is eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B;

2) The offense for which the individual was convicted was committed on or after September 10, 1990 through August 10, 1993;

3) the individual has not been convicted of first degree murder, second degree murder, or a Class X felony;

4) the individual has not been convicted of a felony that was committed after a previous award of earned good conduct credit or program sentence credit;

5) the individual achieves the educational goals established by the Department within a specified time period; and

6) the individual is not removed from the program for failure to comply with program requirements or for disciplinary reasons.

e) Individuals in Custody serving a sentence for an offense committed prior to June 19, 1998, excluding individuals in custody serving a term of natural life imprisonment, may be eligible to receive earned 45 or 90 days of earned program sentence credit for programming completed prior to January 1, 2020 if:

1) the Department or an approved program provides documentation of successful completion of programming;

2) the individual in custody provides an affidavit or documentation that the individual engaged in and successfully completed full-time programming; or

3) a third party provides documentation or testimony that the individual in custody engaged in and successfully completed full-time programming.

f) Individuals in custody who are eligible for earned program sentence credit under subsection (e) that provide documentation of program participation in excess of 45 days shall receive 90 days of sentence credit.

g) Individuals in Custody who are eligible for earned program sentence credit under subsection (e) that cannot provide documentation of program participation of more than 45 days shall receive 45 days of program participation.

h) Individuals in Custody eligible for sentence credit under subsection (d) who have been convicted of a sex offense, as defined in the Sex Offender Registration Act [730 ILCS 150], shall not receive the earned program sentence credit under subsection (e) unless the individual successfully completes, or is participating in, sex offender treatment. However, if the individual in custody is on a waiting list for treatment but is unable to participate due solely to lack of Department resources, the individual may be awarded 45 or 90 days earned program credit at the discretion of the Director.

i) No individual in custody shall be eligible to receive earned program sentence credit if the award reduces his or her sentence to less than:

1) 85% for individuals in custody required to serve 85% of their sentence; or

2) 60% for individuals in custody required to serve 75% of their sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.

j) Full-time assignment to a program for which an offender may be eligible to receive earned program sentence credit shall mean:

1) Behavioral modification, life skills, re-entry planning, self-improvement

program and volunteer activity programming shall be considered full-time if they include a minimum of three-hours of programming.

2) Educational programming shall be considered full-time if an individual in custody:

A) Is enrolled in a continuing, ongoing, regularly scheduled educational program, and

B) Is enrolled in Adult Basic Education (ABE), Advanced ABE, Adult Secondary Education (ASE) or vocational programs where classes are regularly scheduled to meet a minimum of 10 hours per week (minimum of five days per week, two hours per day or four days per week, two and one-half hour per day), except for holidays; or

C) Is enrolled in a college academic program for a minimum of 6 credit hours per module or 12 credit hours per semester.

3) Substance use programming shall be considered full-time if the participant is:

A) Housed in a dedicated substance use program facility, or housing unit or housing unit wing, in which all individuals in custody are receiving full-time substance use services; or

B) Normally scheduled to participate in a minimum of 15 hours of substance use programming per week.

4) A Correctional Industries assignment shall be considered full-time if normally scheduled for a minimum of 4 hours per day, 5 days per week.

(Source: Amended at 46 Ill. Reg. 19974, effective November 29, 2022)