



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2027

by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

|                          |                               |
|--------------------------|-------------------------------|
| 625 ILCS 5/6-106.1       | from Ch. 95 1/2, par. 6-106.1 |
| 625 ILCS 5/6-508         | from Ch. 95 1/2, par. 6-508   |
| 720 ILCS 5/33A-3         | from Ch. 38, par. 33A-3       |
| 720 ILCS 5/24-1.7 rep.   |                               |
| 725 ILCS 5/111-3         | from Ch. 38, par. 111-3       |
| 730 ILCS 5/3-2-2         | from Ch. 38, par. 1003-2-2    |
| 730 ILCS 5/3-3-3         | from Ch. 38, par. 1003-3-3    |
| 730 ILCS 5/3-6-3         | from Ch. 38, par. 1003-6-3    |
| 730 ILCS 5/5-4.5-95 rep. |                               |

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Repeals provisions concerning armed habitual criminals and habitual criminals. Provides that notwithstanding any provision of law to the contrary, a person convicted under those statutes shall be eligible for consideration of parole conditions if his or her final conviction was not first degree murder, aggravated criminal sexual assault, or predatory criminal sexual assault of a child. Amends the Illinois Vehicle Code to make conforming changes.

LRB101 04567 SLF 49575 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 Illinois Vehicle Code is amended by changing  
5 Sections 6-106.1 and 6-508 as follows:

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements of  
10 the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Department of State Police to conduct  
18 fingerprint based criminal background checks on current and  
19 future information available in the state system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. Applicants who have completed the  
22 fingerprinting requirements shall not be subjected to the  
23 fingerprinting process when applying for subsequent permits or

1 submitting proof of successful completion of the annual  
2 refresher course. Individuals who on July 1, 1995 (the  
3 effective date of Public Act 88-612) possess a valid school bus  
4 driver permit that has been previously issued by the  
5 appropriate Regional School Superintendent are not subject to  
6 the fingerprinting provisions of this Section as long as the  
7 permit remains valid and does not lapse. The applicant shall be  
8 required to pay all related application and fingerprinting fees  
9 as established by rule including, but not limited to, the  
10 amounts established by the Department of State Police and the  
11 Federal Bureau of Investigation to process fingerprint based  
12 criminal background investigations. All fees paid for  
13 fingerprint processing services under this Section shall be  
14 deposited into the State Police Services Fund for the cost  
15 incurred in processing the fingerprint based criminal  
16 background investigations. All other fees paid under this  
17 Section shall be deposited into the Road Fund for the purpose  
18 of defraying the costs of the Secretary of State in  
19 administering this Section. All applicants must:

- 20 1. be 21 years of age or older;
- 21 2. possess a valid and properly classified driver's  
22 license issued by the Secretary of State;
- 23 3. possess a valid driver's license, which has not been  
24 revoked, suspended, or canceled for 3 years immediately  
25 prior to the date of application, or have not had his or  
26 her commercial motor vehicle driving privileges

1           disqualified within the 3 years immediately prior to the  
2           date of application;

3           4. successfully pass a written test, administered by  
4           the Secretary of State, on school bus operation, school bus  
5           safety, and special traffic laws relating to school buses  
6           and submit to a review of the applicant's driving habits by  
7           the Secretary of State at the time the written test is  
8           given;

9           5. demonstrate ability to exercise reasonable care in  
10          the operation of school buses in accordance with rules  
11          promulgated by the Secretary of State;

12          6. demonstrate physical fitness to operate school  
13          buses by submitting the results of a medical examination,  
14          including tests for drug use for each applicant not subject  
15          to such testing pursuant to federal law, conducted by a  
16          licensed physician, a licensed advanced practice  
17          registered nurse, or a licensed physician assistant within  
18          90 days of the date of application according to standards  
19          promulgated by the Secretary of State;

20          7. affirm under penalties of perjury that he or she has  
21          not made a false statement or knowingly concealed a  
22          material fact in any application for permit;

23          8. have completed an initial classroom course,  
24          including first aid procedures, in school bus driver safety  
25          as promulgated by the Secretary of State; and after  
26          satisfactory completion of said initial course an annual

1 refresher course; such courses and the agency or  
2 organization conducting such courses shall be approved by  
3 the Secretary of State; failure to complete the annual  
4 refresher course, shall result in cancellation of the  
5 permit until such course is completed;

6 9. not have been under an order of court supervision  
7 for or convicted of 2 or more serious traffic offenses, as  
8 defined by rule, within one year prior to the date of  
9 application that may endanger the life or safety of any of  
10 the driver's passengers within the duration of the permit  
11 period;

12 10. not have been under an order of court supervision  
13 for or convicted of reckless driving, aggravated reckless  
14 driving, driving while under the influence of alcohol,  
15 other drug or drugs, intoxicating compound or compounds or  
16 any combination thereof, or reckless homicide resulting  
17 from the operation of a motor vehicle within 3 years of the  
18 date of application;

19 11. not have been convicted of committing or attempting  
20 to commit any one or more of the following offenses: (i)  
21 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
22 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
23 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,  
24 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
25 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
26 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,

1 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
2 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,  
3 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
4 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,  
5 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
6 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,  
7 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,  
8 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
9 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
10 24-1.7 before the effective date of this amendatory Act of  
11 the 101st General Assembly, 24-2.1, 24-3.3, 24-3.5,  
12 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in  
13 subsection (b) of Section 8-1, and in subdivisions (a) (1),  
14 (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1)  
15 of Section 12-3.05, and in subsection (a) and subsection  
16 (b), clause (1), of Section 12-4, and in subsection (A),  
17 clauses (a) and (b), of Section 24-3, and those offenses  
18 contained in Article 29D of the Criminal Code of 1961 or  
19 the Criminal Code of 2012; (ii) those offenses defined in  
20 the Cannabis Control Act except those offenses defined in  
21 subsections (a) and (b) of Section 4, and subsection (a) of  
22 Section 5 of the Cannabis Control Act; (iii) those offenses  
23 defined in the Illinois Controlled Substances Act; (iv)  
24 those offenses defined in the Methamphetamine Control and  
25 Community Protection Act; (v) any offense committed or  
26 attempted in any other state or against the laws of the

1 United States, which if committed or attempted in this  
2 State would be punishable as one or more of the foregoing  
3 offenses; (vi) the offenses defined in Section 4.1 and 5.1  
4 of the Wrongs to Children Act or Section 11-9.1A of the  
5 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
6 those offenses defined in Section 6-16 of the Liquor  
7 Control Act of 1934; and (viii) those offenses defined in  
8 the Methamphetamine Precursor Control Act;

9 12. not have been repeatedly involved as a driver in  
10 motor vehicle collisions or been repeatedly convicted of  
11 offenses against laws and ordinances regulating the  
12 movement of traffic, to a degree which indicates lack of  
13 ability to exercise ordinary and reasonable care in the  
14 safe operation of a motor vehicle or disrespect for the  
15 traffic laws and the safety of other persons upon the  
16 highway;

17 13. not have, through the unlawful operation of a motor  
18 vehicle, caused an accident resulting in the death of any  
19 person;

20 14. not have, within the last 5 years, been adjudged to  
21 be afflicted with or suffering from any mental disability  
22 or disease; and

23 15. consent, in writing, to the release of results of  
24 reasonable suspicion drug and alcohol testing under  
25 Section 6-106.1c of this Code by the employer of the  
26 applicant to the Secretary of State.

1           (b) A school bus driver permit shall be valid for a period  
2 specified by the Secretary of State as set forth by rule. It  
3 shall be renewable upon compliance with subsection (a) of this  
4 Section.

5           (c) A school bus driver permit shall contain the holder's  
6 driver's license number, legal name, residence address, zip  
7 code, and date of birth, a brief description of the holder and  
8 a space for signature. The Secretary of State may require a  
9 suitable photograph of the holder.

10          (d) The employer shall be responsible for conducting a  
11 pre-employment interview with prospective school bus driver  
12 candidates, distributing school bus driver applications and  
13 medical forms to be completed by the applicant, and submitting  
14 the applicant's fingerprint cards to the Department of State  
15 Police that are required for the criminal background  
16 investigations. The employer shall certify in writing to the  
17 Secretary of State that all pre-employment conditions have been  
18 successfully completed including the successful completion of  
19 an Illinois specific criminal background investigation through  
20 the Department of State Police and the submission of necessary  
21 fingerprints to the Federal Bureau of Investigation for  
22 criminal history information available through the Federal  
23 Bureau of Investigation system. The applicant shall present the  
24 certification to the Secretary of State at the time of  
25 submitting the school bus driver permit application.

26          (e) Permits shall initially be provisional upon receiving



1 certification from the employer that all pre-employment  
2 conditions have been successfully completed, and upon  
3 successful completion of all training and examination  
4 requirements for the classification of the vehicle to be  
5 operated, the Secretary of State shall provisionally issue a  
6 School Bus Driver Permit. The permit shall remain in a  
7 provisional status pending the completion of the Federal Bureau  
8 of Investigation's criminal background investigation based  
9 upon fingerprinting specimens submitted to the Federal Bureau  
10 of Investigation by the Department of State Police. The Federal  
11 Bureau of Investigation shall report the findings directly to  
12 the Secretary of State. The Secretary of State shall remove the  
13 bus driver permit from provisional status upon the applicant's  
14 successful completion of the Federal Bureau of Investigation's  
15 criminal background investigation.

16 (f) A school bus driver permit holder shall notify the  
17 employer and the Secretary of State if he or she is issued an  
18 order of court supervision for or convicted in another state of  
19 an offense that would make him or her ineligible for a permit  
20 under subsection (a) of this Section. The written notification  
21 shall be made within 5 days of the entry of the order of court  
22 supervision or conviction. Failure of the permit holder to  
23 provide the notification is punishable as a petty offense for a  
24 first violation and a Class B misdemeanor for a second or  
25 subsequent violation.

26 (g) Cancellation; suspension; notice and procedure.

1           (1) The Secretary of State shall cancel a school bus  
2 driver permit of an applicant whose criminal background  
3 investigation discloses that he or she is not in compliance  
4 with the provisions of subsection (a) of this Section.

5           (2) The Secretary of State shall cancel a school bus  
6 driver permit when he or she receives notice that the  
7 permit holder fails to comply with any provision of this  
8 Section or any rule promulgated for the administration of  
9 this Section.

10          (3) The Secretary of State shall cancel a school bus  
11 driver permit if the permit holder's restricted commercial  
12 or commercial driving privileges are withdrawn or  
13 otherwise invalidated.

14          (4) The Secretary of State may not issue a school bus  
15 driver permit for a period of 3 years to an applicant who  
16 fails to obtain a negative result on a drug test as  
17 required in item 6 of subsection (a) of this Section or  
18 under federal law.

19          (5) The Secretary of State shall forthwith suspend a  
20 school bus driver permit for a period of 3 years upon  
21 receiving notice that the holder has failed to obtain a  
22 negative result on a drug test as required in item 6 of  
23 subsection (a) of this Section or under federal law.

24          (6) The Secretary of State shall suspend a school bus  
25 driver permit for a period of 3 years upon receiving notice  
26 from the employer that the holder failed to perform the

1 inspection procedure set forth in subsection (a) or (b) of  
2 Section 12-816 of this Code.

3 (7) The Secretary of State shall suspend a school bus  
4 driver permit for a period of 3 years upon receiving notice  
5 from the employer that the holder refused to submit to an  
6 alcohol or drug test as required by Section 6-106.1c or has  
7 submitted to a test required by that Section which  
8 disclosed an alcohol concentration of more than 0.00 or  
9 disclosed a positive result on a National Institute on Drug  
10 Abuse five-drug panel, utilizing federal standards set  
11 forth in 49 CFR 40.87.

12 The Secretary of State shall notify the State  
13 Superintendent of Education and the permit holder's  
14 prospective or current employer that the applicant has (1) has  
15 failed a criminal background investigation or (2) is no longer  
16 eligible for a school bus driver permit; and of the related  
17 cancellation of the applicant's provisional school bus driver  
18 permit. The cancellation shall remain in effect pending the  
19 outcome of a hearing pursuant to Section 2-118 of this Code.  
20 The scope of the hearing shall be limited to the issuance  
21 criteria contained in subsection (a) of this Section. A  
22 petition requesting a hearing shall be submitted to the  
23 Secretary of State and shall contain the reason the individual  
24 feels he or she is entitled to a school bus driver permit. The  
25 permit holder's employer shall notify in writing to the  
26 Secretary of State that the employer has certified the removal

1 of the offending school bus driver from service prior to the  
2 start of that school bus driver's next workshift. An employing  
3 school board that fails to remove the offending school bus  
4 driver from service is subject to the penalties defined in  
5 Section 3-14.23 of the School Code. A school bus contractor who  
6 violates a provision of this Section is subject to the  
7 penalties defined in Section 6-106.11.

8 All valid school bus driver permits issued under this  
9 Section prior to January 1, 1995, shall remain effective until  
10 their expiration date unless otherwise invalidated.

11 (h) When a school bus driver permit holder who is a service  
12 member is called to active duty, the employer of the permit  
13 holder shall notify the Secretary of State, within 30 days of  
14 notification from the permit holder, that the permit holder has  
15 been called to active duty. Upon notification pursuant to this  
16 subsection, (i) the Secretary of State shall characterize the  
17 permit as inactive until a permit holder renews the permit as  
18 provided in subsection (i) of this Section, and (ii) if a  
19 permit holder fails to comply with the requirements of this  
20 Section while called to active duty, the Secretary of State  
21 shall not characterize the permit as invalid.

22 (i) A school bus driver permit holder who is a service  
23 member returning from active duty must, within 90 days, renew a  
24 permit characterized as inactive pursuant to subsection (h) of  
25 this Section by complying with the renewal requirements of  
26 subsection (b) of this Section.

1 (j) For purposes of subsections (h) and (i) of this  
2 Section:

3 "Active duty" means active duty pursuant to an executive  
4 order of the President of the United States, an act of the  
5 Congress of the United States, or an order of the Governor.

6 "Service member" means a member of the Armed Services or  
7 reserve forces of the United States or a member of the Illinois  
8 National Guard.

9 (k) A private carrier employer of a school bus driver  
10 permit holder, having satisfied the employer requirements of  
11 this Section, shall be held to a standard of ordinary care for  
12 intentional acts committed in the course of employment by the  
13 bus driver permit holder. This subsection (k) shall in no way  
14 limit the liability of the private carrier employer for  
15 violation of any provision of this Section or for the negligent  
16 hiring or retention of a school bus driver permit holder.

17 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;  
18 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

19 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

20 Sec. 6-508. Commercial Driver's License (CDL) -  
21 qualification standards.

22 (a) Testing.

23 (1) General. No person shall be issued an original or  
24 renewal CDL unless that person is domiciled in this State  
25 or is applying for a non-domiciled CDL under Sections 6-509

1 and 6-510 of this Code. The Secretary shall cause to be  
2 administered such tests as the Secretary deems necessary to  
3 meet the requirements of 49 C.F.R. Part 383, subparts F, G,  
4 H, and J.

5 (1.5) Effective July 1, 2014, no person shall be issued  
6 an original CDL or an upgraded CDL that requires a skills  
7 test unless that person has held a CLP, for a minimum of 14  
8 calendar days, for the classification of vehicle and  
9 endorsement, if any, for which the person is seeking a CDL.

10 (2) Third party testing. The Secretary of State may  
11 authorize a "third party tester", pursuant to 49 C.F.R.  
12 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the  
13 skills test or tests specified by the Federal Motor Carrier  
14 Safety Administration pursuant to the Commercial Motor  
15 Vehicle Safety Act of 1986 and any appropriate federal  
16 rule.

17 (b) Waiver of Skills Test. The Secretary of State may waive  
18 the skills test specified in this Section for a driver  
19 applicant for a commercial driver license who meets the  
20 requirements of 49 C.F.R. 383.77. The Secretary of State shall  
21 waive the skills tests specified in this Section for a driver  
22 applicant who has military commercial motor vehicle  
23 experience, subject to the requirements of 49 C.F.R. 383.77.

24 (b-1) No person shall be issued a CDL unless the person  
25 certifies to the Secretary one of the following types of  
26 driving operations in which he or she will be engaged:

- 1 (1) non-excepted interstate;
- 2 (2) non-excepted intrastate;
- 3 (3) excepted interstate; or
- 4 (4) excepted intrastate.

5 (b-2) (Blank).

6 (c) Limitations on issuance of a CDL. A CDL shall not be  
7 issued to a person while the person is subject to a  
8 disqualification from driving a commercial motor vehicle, or  
9 unless otherwise permitted by this Code, while the person's  
10 driver's license is suspended, revoked or cancelled in any  
11 state, or any territory or province of Canada; nor may a CLP or  
12 CDL be issued to a person who has a CLP or CDL issued by any  
13 other state, or foreign jurisdiction, nor may a CDL be issued  
14 to a person who has an Illinois CLP unless the person first  
15 surrenders all of these licenses or permits. However, a person  
16 may hold an Illinois CLP and an Illinois CDL providing the CLP  
17 is necessary to train or practice for an endorsement or vehicle  
18 classification not present on the current CDL. No CDL shall be  
19 issued to or renewed for a person who does not meet the  
20 requirement of 49 CFR 391.41(b)(11). The requirement may be met  
21 with the aid of a hearing aid.

22 (c-1) The Secretary may issue a CDL with a school bus  
23 driver endorsement to allow a person to drive the type of bus  
24 described in subsection (d-5) of Section 6-104 of this Code.  
25 The CDL with a school bus driver endorsement may be issued only  
26 to a person meeting the following requirements:

1           (1) the person has submitted his or her fingerprints to  
2 the Department of State Police in the form and manner  
3 prescribed by the Department of State Police. These  
4 fingerprints shall be checked against the fingerprint  
5 records now and hereafter filed in the Department of State  
6 Police and Federal Bureau of Investigation criminal  
7 history records databases;

8           (2) the person has passed a written test, administered  
9 by the Secretary of State, on charter bus operation,  
10 charter bus safety, and certain special traffic laws  
11 relating to school buses determined by the Secretary of  
12 State to be relevant to charter buses, and submitted to a  
13 review of the driver applicant's driving habits by the  
14 Secretary of State at the time the written test is given;

15           (3) the person has demonstrated physical fitness to  
16 operate school buses by submitting the results of a medical  
17 examination, including tests for drug use; and

18           (4) the person has not been convicted of committing or  
19 attempting to commit any one or more of the following  
20 offenses: (i) those offenses defined in Sections 8-1.2,  
21 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
22 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
23 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
24 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
25 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
26 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,



1 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
2 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
3 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
4 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
5 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
6 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,  
7 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,  
8 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,  
9 24-1.2-5, 24-1.6, 24-1.7 before the effective date of this  
10 amendatory Act of the 101st General Assembly, 24-2.1,  
11 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and  
12 33D-1, and in subsection (b) of Section 8-1, and in  
13 subdivisions (a) (1), (a) (2), (b) (1), (e) (1), (e) (2),  
14 (e) (3), (e) (4), and (f) (1) of Section 12-3.05, and in  
15 subsection (a) and subsection (b), clause (1), of Section  
16 12-4, and in subsection (A), clauses (a) and (b), of  
17 Section 24-3, and those offenses contained in Article 29D  
18 of the Criminal Code of 1961 or the Criminal Code of 2012;  
19 (ii) those offenses defined in the Cannabis Control Act  
20 except those offenses defined in subsections (a) and (b) of  
21 Section 4, and subsection (a) of Section 5 of the Cannabis  
22 Control Act; (iii) those offenses defined in the Illinois  
23 Controlled Substances Act; (iv) those offenses defined in  
24 the Methamphetamine Control and Community Protection Act;  
25 (v) any offense committed or attempted in any other state  
26 or against the laws of the United States, which if

1 committed or attempted in this State would be punishable as  
2 one or more of the foregoing offenses; (vi) the offenses  
3 defined in Sections 4.1 and 5.1 of the Wrongs to Children  
4 Act or Section 11-9.1A of the Criminal Code of 1961 or the  
5 Criminal Code of 2012; (vii) those offenses defined in  
6 Section 6-16 of the Liquor Control Act of 1934; and (viii)  
7 those offenses defined in the Methamphetamine Precursor  
8 Control Act.

9 The Department of State Police shall charge a fee for  
10 conducting the criminal history records check, which shall be  
11 deposited into the State Police Services Fund and may not  
12 exceed the actual cost of the records check.

13 (c-2) The Secretary shall issue a CDL with a school bus  
14 endorsement to allow a person to drive a school bus as defined  
15 in this Section. The CDL shall be issued according to the  
16 requirements outlined in 49 C.F.R. 383. A person may not  
17 operate a school bus as defined in this Section without a  
18 school bus endorsement. The Secretary of State may adopt rules  
19 consistent with Federal guidelines to implement this  
20 subsection (c-2).

21 (d) (Blank).

22 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;  
23 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.  
24 1-1-14; 98-176 (see Section 10 of P.A. 98-722 and Section 10 of  
25 P.A. 99-414 for effective date of changes made by 98-176);  
26 98-756, eff. 7-16-14.)

1           Section 10. The Criminal Code of 2012 is amended by  
2 changing Section 33A-3 as follows:

3           (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)  
4           Sec. 33A-3. Sentence.

5           (a) Violation of Section 33A-2(a) with a Category I weapon  
6 is a Class X felony for which the defendant shall be sentenced  
7 to a minimum term of imprisonment of 15 years.

8           (a-5) Violation of Section 33A-2(a) with a Category II  
9 weapon is a Class X felony for which the defendant shall be  
10 sentenced to a minimum term of imprisonment of 10 years.

11           (b) Violation of Section 33A-2(a) with a Category III  
12 weapon is a Class 2 felony or the felony classification  
13 provided for the same act while unarmed, whichever permits the  
14 greater penalty. A second or subsequent violation of Section  
15 33A-2(a) with a Category III weapon is a Class 1 felony or the  
16 felony classification provided for the same act while unarmed,  
17 whichever permits the greater penalty.

18           (b-5) Violation of Section 33A-2(b) with a firearm that is  
19 a Category I or Category II weapon is a Class X felony for  
20 which the defendant shall be sentenced to a minimum term of  
21 imprisonment of 20 years.

22           (b-10) Violation of Section 33A-2(c) with a firearm that is  
23 a Category I or Category II weapon is a Class X felony for  
24 which the defendant shall be sentenced to a term of

1 imprisonment of not less than 25 years nor more than 40 years.

2 (c) Unless sentencing under subsection (a) of Section  
3 5-4.5-95 of the Unified Code of Corrections (730 ILCS  
4 5/5-4.5-95) before the effective date of this amendatory Act of  
5 the 101st General Assembly is applicable, any person who  
6 violates subsection (a) or (b) of Section 33A-2 with a firearm,  
7 when that person has been convicted in any state or federal  
8 court of 3 or more of the following offenses: treason, first  
9 degree murder, second degree murder, predatory criminal sexual  
10 assault of a child, aggravated criminal sexual assault,  
11 criminal sexual assault, robbery, burglary, arson, kidnaping,  
12 aggravated battery resulting in great bodily harm or permanent  
13 disability or disfigurement, a violation of the  
14 Methamphetamine Control and Community Protection Act, or a  
15 violation of Section 401(a) of the Illinois Controlled  
16 Substances Act, when the third offense was committed after  
17 conviction on the second, the second offense was committed  
18 after conviction on the first, and the violation of Section  
19 33A-2 was committed after conviction on the third, shall be  
20 sentenced to a term of imprisonment of not less than 25 years  
21 nor more than 50 years.

22 (c-5) Except as otherwise provided in paragraph (b-10) or  
23 (c) of this Section, a person who violates Section 33A-2(a)  
24 with a firearm that is a Category I weapon or Section 33A-2(b)  
25 in any school, in any conveyance owned, leased, or contracted  
26 by a school to transport students to or from school or a school

1 related activity, or on the real property comprising any school  
2 or public park, and where the offense was related to the  
3 activities of an organized gang, shall be sentenced to a term  
4 of imprisonment of not less than the term set forth in  
5 subsection (a) or (b-5) of this Section, whichever is  
6 applicable, and not more than 30 years. For the purposes of  
7 this subsection (c-5), "organized gang" has the meaning  
8 ascribed to it in Section 10 of the Illinois Streetgang  
9 Terrorism Omnibus Prevention Act.

10 (d) For armed violence based upon a predicate offense  
11 listed in this subsection (d) the court shall enter the  
12 sentence for armed violence to run consecutively to the  
13 sentence imposed for the predicate offense. The offenses  
14 covered by this provision are:

15 (i) solicitation of murder,

16 (ii) solicitation of murder for hire,

17 (iii) heinous battery as described in Section 12-4.1 or  
18 subdivision (a)(2) of Section 12-3.05,

19 (iv) aggravated battery of a senior citizen as  
20 described in Section 12-4.6 or subdivision (a)(4) of  
21 Section 12-3.05,

22 (v) (blank),

23 (vi) a violation of subsection (g) of Section 5 of the  
24 Cannabis Control Act,

25 (vii) cannabis trafficking,

26 (viii) a violation of subsection (a) of Section 401 of

1 the Illinois Controlled Substances Act,  
2 (ix) controlled substance trafficking involving a  
3 Class X felony amount of controlled substance under Section  
4 401 of the Illinois Controlled Substances Act,  
5 (x) calculated criminal drug conspiracy,  
6 (xi) streetgang criminal drug conspiracy, or  
7 (xii) a violation of the Methamphetamine Control and  
8 Community Protection Act.

9 (Source: P.A. 95-688, eff. 10-23-07; 95-1052, eff. 7-1-09;  
10 96-1551, eff. 7-1-11.)

11 (720 ILCS 5/24-1.7 rep.)

12 Section 15. The Criminal Code of 2012 is amended by  
13 repealing Section 24-1.7.

14 Section 20. The Code of Criminal Procedure of 1963 is  
15 amended by changing Section 111-3 as follows:

16 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

17 Sec. 111-3. Form of charge.

18 (a) A charge shall be in writing and allege the commission  
19 of an offense by:

20 (1) Stating the name of the offense;

21 (2) Citing the statutory provision alleged to have been  
22 violated;

23 (3) Setting forth the nature and elements of the

1 offense charged;

2 (4) Stating the date and county of the offense as  
3 definitely as can be done; and

4 (5) Stating the name of the accused, if known, and if  
5 not known, designate the accused by any name or description  
6 by which he can be identified with reasonable certainty.

7 (a-5) If the victim is alleged to have been subjected to an  
8 offense involving an illegal sexual act including, but not  
9 limited to, a sexual offense defined in Article 11 or Section  
10 10-9 of the Criminal Code of 2012, the charge shall state the  
11 identity of the victim by name, initials, or description.

12 (b) An indictment shall be signed by the foreman of the  
13 Grand Jury and an information shall be signed by the State's  
14 Attorney and sworn to by him or another. A complaint shall be  
15 sworn to and signed by the complainant; provided, that when a  
16 peace officer observes the commission of a misdemeanor and is  
17 the complaining witness, the signing of the complaint by the  
18 peace officer is sufficient to charge the defendant with the  
19 commission of the offense, and the complaint need not be sworn  
20 to if the officer signing the complaint certifies that the  
21 statements set forth in the complaint are true and correct and  
22 are subject to the penalties provided by law for false  
23 certification under Section 1-109 of the Code of Civil  
24 Procedure and perjury under Section 32-2 of the Criminal Code  
25 of 2012; and further provided, however, that when a citation is  
26 issued on a Uniform Traffic Ticket or Uniform Conservation

1 Ticket (in a form prescribed by the Conference of Chief Circuit  
2 Judges and filed with the Supreme Court), the copy of such  
3 Uniform Ticket which is filed with the circuit court  
4 constitutes a complaint to which the defendant may plead,  
5 unless he specifically requests that a verified complaint be  
6 filed.

7 (c) When the State seeks an enhanced sentence because of a  
8 prior conviction, the charge shall also state the intention to  
9 seek an enhanced sentence and shall state such prior conviction  
10 so as to give notice to the defendant. However, the fact of  
11 such prior conviction and the State's intention to seek an  
12 enhanced sentence are not elements of the offense and may not  
13 be disclosed to the jury during trial unless otherwise  
14 permitted by issues properly raised during such trial. For the  
15 purposes of this Section, "enhanced sentence" means a sentence  
16 which is increased by a prior conviction from one  
17 classification of offense to another higher level  
18 classification of offense set forth in Section 5-4.5-10 of the  
19 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not  
20 include an increase in the sentence applied within the same  
21 level of classification of offense.

22 (c-5) Notwithstanding any other provision of law, in all  
23 cases in which the imposition of the death penalty is not a  
24 possibility, if an alleged fact (other than the fact of a prior  
25 conviction) is not an element of an offense but is sought to be  
26 used to increase the range of penalties for the offense beyond



1 the statutory maximum that could otherwise be imposed for the  
2 offense, the alleged fact must be included in the charging  
3 instrument or otherwise provided to the defendant through a  
4 written notification before trial, submitted to a trier of fact  
5 as an aggravating factor, and proved beyond a reasonable doubt.  
6 Failure to prove the fact beyond a reasonable doubt is not a  
7 bar to a conviction for commission of the offense, but is a bar  
8 to increasing, based on that fact, the range of penalties for  
9 the offense beyond the statutory maximum that could otherwise  
10 be imposed for that offense. Nothing in this subsection (c-5)  
11 requires the imposition of a sentence that increases the range  
12 of penalties for the offense beyond the statutory maximum that  
13 could otherwise be imposed for the offense if the imposition of  
14 that sentence is not required by law.

15 (d) At any time prior to trial, the State on motion shall  
16 be permitted to amend the charge, whether brought by  
17 indictment, information or complaint, to make the charge comply  
18 with subsection (c) or (c-5) of this Section. Nothing in  
19 Section 103-5 of this Code precludes such an amendment or a  
20 written notification made in accordance with subsection (c-5)  
21 of this Section.

22 (e) The provisions of subsection (a) of Section 5-4.5-95 of  
23 the Unified Code of Corrections (730 ILCS 5/5-4.5-95) before  
24 its repeal on the effective date of this amendatory Act of the  
25 101st General Assembly shall not be affected by this Section.

26 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)

1           Section 25. The Unified Code of Corrections is amended by  
2 changing Sections 3-2-2, 3-3-3, and 3-6-3 as follows:

3           (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

4           Sec. 3-2-2. Powers and duties of the Department.

5           (1) In addition to the powers, duties, and responsibilities  
6 which are otherwise provided by law, the Department shall have  
7 the following powers:

8           (a) To accept persons committed to it by the courts of  
9 this State for care, custody, treatment and  
10 rehabilitation, and to accept federal prisoners and aliens  
11 over whom the Office of the Federal Detention Trustee is  
12 authorized to exercise the federal detention function for  
13 limited purposes and periods of time.

14           (b) To develop and maintain reception and evaluation  
15 units for purposes of analyzing the custody and  
16 rehabilitation needs of persons committed to it and to  
17 assign such persons to institutions and programs under its  
18 control or transfer them to other appropriate agencies. In  
19 consultation with the Department of Alcoholism and  
20 Substance Abuse (now the Department of Human Services), the  
21 Department of Corrections shall develop a master plan for  
22 the screening and evaluation of persons committed to its  
23 custody who have alcohol or drug abuse problems, and for  
24 making appropriate treatment available to such persons;

1 the Department shall report to the General Assembly on such  
2 plan not later than April 1, 1987. The maintenance and  
3 implementation of such plan shall be contingent upon the  
4 availability of funds.

5 (b-1) To create and implement, on January 1, 2002, a  
6 pilot program to establish the effectiveness of  
7 pupillometer technology (the measurement of the pupil's  
8 reaction to light) as an alternative to a urine test for  
9 purposes of screening and evaluating persons committed to  
10 its custody who have alcohol or drug problems. The pilot  
11 program shall require the pupillometer technology to be  
12 used in at least one Department of Corrections facility.  
13 The Director may expand the pilot program to include an  
14 additional facility or facilities as he or she deems  
15 appropriate. A minimum of 4,000 tests shall be included in  
16 the pilot program. The Department must report to the  
17 General Assembly on the effectiveness of the program by  
18 January 1, 2003.

19 (b-5) To develop, in consultation with the Department  
20 of State Police, a program for tracking and evaluating each  
21 inmate from commitment through release for recording his or  
22 her gang affiliations, activities, or ranks.

23 (c) To maintain and administer all State correctional  
24 institutions and facilities under its control and to  
25 establish new ones as needed. Pursuant to its power to  
26 establish new institutions and facilities, the Department

1           may, with the written approval of the Governor, authorize  
2           the Department of Central Management Services to enter into  
3           an agreement of the type described in subsection (d) of  
4           Section 405-300 of the Department of Central Management  
5           Services Law (20 ILCS 405/405-300). The Department shall  
6           designate those institutions which shall constitute the  
7           State Penitentiary System.

8           Pursuant to its power to establish new institutions and  
9           facilities, the Department may authorize the Department of  
10          Central Management Services to accept bids from counties  
11          and municipalities for the construction, remodeling or  
12          conversion of a structure to be leased to the Department of  
13          Corrections for the purposes of its serving as a  
14          correctional institution or facility. Such construction,  
15          remodeling or conversion may be financed with revenue bonds  
16          issued pursuant to the Industrial Building Revenue Bond Act  
17          by the municipality or county. The lease specified in a bid  
18          shall be for a term of not less than the time needed to  
19          retire any revenue bonds used to finance the project, but  
20          not to exceed 40 years. The lease may grant to the State  
21          the option to purchase the structure outright.

22          Upon receipt of the bids, the Department may certify  
23          one or more of the bids and shall submit any such bids to  
24          the General Assembly for approval. Upon approval of a bid  
25          by a constitutional majority of both houses of the General  
26          Assembly, pursuant to joint resolution, the Department of

1 Central Management Services may enter into an agreement  
2 with the county or municipality pursuant to such bid.

3 (c-5) To build and maintain regional juvenile  
4 detention centers and to charge a per diem to the counties  
5 as established by the Department to defray the costs of  
6 housing each minor in a center. In this subsection (c-5),  
7 "juvenile detention center" means a facility to house  
8 minors during pendency of trial who have been transferred  
9 from proceedings under the Juvenile Court Act of 1987 to  
10 prosecutions under the criminal laws of this State in  
11 accordance with Section 5-805 of the Juvenile Court Act of  
12 1987, whether the transfer was by operation of law or  
13 permissive under that Section. The Department shall  
14 designate the counties to be served by each regional  
15 juvenile detention center.

16 (d) To develop and maintain programs of control,  
17 rehabilitation and employment of committed persons within  
18 its institutions.

19 (d-5) To provide a pre-release job preparation program  
20 for inmates at Illinois adult correctional centers.

21 (d-10) To provide educational and visitation  
22 opportunities to committed persons within its institutions  
23 through temporary access to content-controlled tablets  
24 that may be provided as a privilege to committed persons to  
25 induce or reward compliance.

26 (e) To establish a system of supervision and guidance

1 of committed persons in the community.

2 (f) To establish in cooperation with the Department of  
3 Transportation to supply a sufficient number of prisoners  
4 for use by the Department of Transportation to clean up the  
5 trash and garbage along State, county, township, or  
6 municipal highways as designated by the Department of  
7 Transportation. The Department of Corrections, at the  
8 request of the Department of Transportation, shall furnish  
9 such prisoners at least annually for a period to be agreed  
10 upon between the Director of Corrections and the Secretary  
11 of Transportation. The prisoners used on this program shall  
12 be selected by the Director of Corrections on whatever  
13 basis he deems proper in consideration of their term,  
14 behavior and earned eligibility to participate in such  
15 program - where they will be outside of the prison facility  
16 but still in the custody of the Department of Corrections.  
17 Prisoners convicted of first degree murder, or a Class X  
18 felony, or armed violence, or aggravated kidnapping, or  
19 criminal sexual assault, aggravated criminal sexual abuse  
20 or a subsequent conviction for criminal sexual abuse, or  
21 forcible detention, or arson, or a prisoner adjudged a  
22 Habitual Criminal before the effective date of this  
23 amendatory Act of the 101st General Assembly shall not be  
24 eligible for selection to participate in such program. The  
25 prisoners shall remain as prisoners in the custody of the  
26 Department of Corrections and such Department shall

1 furnish whatever security is necessary. The Department of  
2 Transportation shall furnish trucks and equipment for the  
3 highway cleanup program and personnel to supervise and  
4 direct the program. Neither the Department of Corrections  
5 nor the Department of Transportation shall replace any  
6 regular employee with a prisoner.

7 (g) To maintain records of persons committed to it and  
8 to establish programs of research, statistics and  
9 planning.

10 (h) To investigate the grievances of any person  
11 committed to the Department, to inquire into any alleged  
12 misconduct by employees or committed persons, and to  
13 investigate the assets of committed persons to implement  
14 Section 3-7-6 of this Code; and for these purposes it may  
15 issue subpoenas and compel the attendance of witnesses and  
16 the production of writings and papers, and may examine  
17 under oath any witnesses who may appear before it; to also  
18 investigate alleged violations of a parolee's or  
19 releasee's conditions of parole or release; and for this  
20 purpose it may issue subpoenas and compel the attendance of  
21 witnesses and the production of documents only if there is  
22 reason to believe that such procedures would provide  
23 evidence that such violations have occurred.

24 If any person fails to obey a subpoena issued under  
25 this subsection, the Director may apply to any circuit  
26 court to secure compliance with the subpoena. The failure

1 to comply with the order of the court issued in response  
2 thereto shall be punishable as contempt of court.

3 (i) To appoint and remove the chief administrative  
4 officers, and administer programs of training and  
5 development of personnel of the Department. Personnel  
6 assigned by the Department to be responsible for the  
7 custody and control of committed persons or to investigate  
8 the alleged misconduct of committed persons or employees or  
9 alleged violations of a parolee's or releasee's conditions  
10 of parole shall be conservators of the peace for those  
11 purposes, and shall have the full power of peace officers  
12 outside of the facilities of the Department in the  
13 protection, arrest, retaking and reconfining of committed  
14 persons or where the exercise of such power is necessary to  
15 the investigation of such misconduct or violations. This  
16 subsection shall not apply to persons committed to the  
17 Department of Juvenile Justice under the Juvenile Court Act  
18 of 1987 on aftercare release.

19 (j) To cooperate with other departments and agencies  
20 and with local communities for the development of standards  
21 and programs for better correctional services in this  
22 State.

23 (k) To administer all moneys and properties of the  
24 Department.

25 (l) To report annually to the Governor on the committed  
26 persons, institutions and programs of the Department.



1 (1-5) (Blank).

2 (m) To make all rules and regulations and exercise all  
3 powers and duties vested by law in the Department.

4 (n) To establish rules and regulations for  
5 administering a system of sentence credits, established in  
6 accordance with Section 3-6-3, subject to review by the  
7 Prisoner Review Board.

8 (o) To administer the distribution of funds from the  
9 State Treasury to reimburse counties where State penal  
10 institutions are located for the payment of assistant  
11 state's attorneys' salaries under Section 4-2001 of the  
12 Counties Code.

13 (p) To exchange information with the Department of  
14 Human Services and the Department of Healthcare and Family  
15 Services for the purpose of verifying living arrangements  
16 and for other purposes directly connected with the  
17 administration of this Code and the Illinois Public Aid  
18 Code.

19 (q) To establish a diversion program.

20 The program shall provide a structured environment for  
21 selected technical parole or mandatory supervised release  
22 violators and committed persons who have violated the rules  
23 governing their conduct while in work release. This program  
24 shall not apply to those persons who have committed a new  
25 offense while serving on parole or mandatory supervised  
26 release or while committed to work release.

1 Elements of the program shall include, but shall not be  
2 limited to, the following:

3 (1) The staff of a diversion facility shall provide  
4 supervision in accordance with required objectives set  
5 by the facility.

6 (2) Participants shall be required to maintain  
7 employment.

8 (3) Each participant shall pay for room and board  
9 at the facility on a sliding-scale basis according to  
10 the participant's income.

11 (4) Each participant shall:

12 (A) provide restitution to victims in  
13 accordance with any court order;

14 (B) provide financial support to his  
15 dependents; and

16 (C) make appropriate payments toward any other  
17 court-ordered obligations.

18 (5) Each participant shall complete community  
19 service in addition to employment.

20 (6) Participants shall take part in such  
21 counseling, educational and other programs as the  
22 Department may deem appropriate.

23 (7) Participants shall submit to drug and alcohol  
24 screening.

25 (8) The Department shall promulgate rules  
26 governing the administration of the program.

1 (r) To enter into intergovernmental cooperation  
2 agreements under which persons in the custody of the  
3 Department may participate in a county impact  
4 incarceration program established under Section 3-6038 or  
5 3-15003.5 of the Counties Code.

6 (r-5) (Blank).

7 (r-10) To systematically and routinely identify with  
8 respect to each streetgang active within the correctional  
9 system: (1) each active gang; (2) every existing inter-gang  
10 affiliation or alliance; and (3) the current leaders in  
11 each gang. The Department shall promptly segregate leaders  
12 from inmates who belong to their gangs and allied gangs.  
13 "Segregate" means no physical contact and, to the extent  
14 possible under the conditions and space available at the  
15 correctional facility, prohibition of visual and sound  
16 communication. For the purposes of this paragraph (r-10),  
17 "leaders" means persons who:

18 (i) are members of a criminal streetgang;

19 (ii) with respect to other individuals within the  
20 streetgang, occupy a position of organizer,  
21 supervisor, or other position of management or  
22 leadership; and

23 (iii) are actively and personally engaged in  
24 directing, ordering, authorizing, or requesting  
25 commission of criminal acts by others, which are  
26 punishable as a felony, in furtherance of streetgang

1 related activity both within and outside of the  
2 Department of Corrections.

3 "Streetgang", "gang", and "streetgang related" have the  
4 meanings ascribed to them in Section 10 of the Illinois  
5 Streetgang Terrorism Omnibus Prevention Act.

6 (s) To operate a super-maximum security institution,  
7 in order to manage and supervise inmates who are disruptive  
8 or dangerous and provide for the safety and security of the  
9 staff and the other inmates.

10 (t) To monitor any unprivileged conversation or any  
11 unprivileged communication, whether in person or by mail,  
12 telephone, or other means, between an inmate who, before  
13 commitment to the Department, was a member of an organized  
14 gang and any other person without the need to show cause or  
15 satisfy any other requirement of law before beginning the  
16 monitoring, except as constitutionally required. The  
17 monitoring may be by video, voice, or other method of  
18 recording or by any other means. As used in this  
19 subdivision (1)(t), "organized gang" has the meaning  
20 ascribed to it in Section 10 of the Illinois Streetgang  
21 Terrorism Omnibus Prevention Act.

22 As used in this subdivision (1)(t), "unprivileged  
23 conversation" or "unprivileged communication" means a  
24 conversation or communication that is not protected by any  
25 privilege recognized by law or by decision, rule, or order  
26 of the Illinois Supreme Court.

1           (u) To establish a Women's and Children's Pre-release  
2           Community Supervision Program for the purpose of providing  
3           housing and services to eligible female inmates, as  
4           determined by the Department, and their newborn and young  
5           children.

6           (u-5) To issue an order, whenever a person committed to  
7           the Department absconds or absents himself or herself,  
8           without authority to do so, from any facility or program to  
9           which he or she is assigned. The order shall be certified  
10          by the Director, the Supervisor of the Apprehension Unit,  
11          or any person duly designated by the Director, with the  
12          seal of the Department affixed. The order shall be directed  
13          to all sheriffs, coroners, and police officers, or to any  
14          particular person named in the order. Any order issued  
15          pursuant to this subdivision (1) (u-5) shall be sufficient  
16          warrant for the officer or person named in the order to  
17          arrest and deliver the committed person to the proper  
18          correctional officials and shall be executed the same as  
19          criminal process.

20          (v) To do all other acts necessary to carry out the  
21          provisions of this Chapter.

22          (2) The Department of Corrections shall by January 1, 1998,  
23          consider building and operating a correctional facility within  
24          100 miles of a county of over 2,000,000 inhabitants, especially  
25          a facility designed to house juvenile participants in the  
26          impact incarceration program.

1           (3) When the Department lets bids for contracts for medical  
2 services to be provided to persons committed to Department  
3 facilities by a health maintenance organization, medical  
4 service corporation, or other health care provider, the bid may  
5 only be let to a health care provider that has obtained an  
6 irrevocable letter of credit or performance bond issued by a  
7 company whose bonds have an investment grade or higher rating  
8 by a bond rating organization.

9           (4) When the Department lets bids for contracts for food or  
10 commissary services to be provided to Department facilities,  
11 the bid may only be let to a food or commissary services  
12 provider that has obtained an irrevocable letter of credit or  
13 performance bond issued by a company whose bonds have an  
14 investment grade or higher rating by a bond rating  
15 organization.

16           (5) On and after the date 6 months after August 16, 2013  
17 (the effective date of Public Act 98-488), as provided in the  
18 Executive Order 1 (2012) Implementation Act, all of the powers,  
19 duties, rights, and responsibilities related to State  
20 healthcare purchasing under this Code that were transferred  
21 from the Department of Corrections to the Department of  
22 Healthcare and Family Services by Executive Order 3 (2005) are  
23 transferred back to the Department of Corrections; however,  
24 powers, duties, rights, and responsibilities related to State  
25 healthcare purchasing under this Code that were exercised by  
26 the Department of Corrections before the effective date of

1 Executive Order 3 (2005) but that pertain to individuals  
2 resident in facilities operated by the Department of Juvenile  
3 Justice are transferred to the Department of Juvenile Justice.  
4 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18.)

5 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)  
6 Sec. 3-3-3. Eligibility for parole or release.

7 (a) Except for those offenders who accept the fixed release  
8 date established by the Prisoner Review Board under Section  
9 3-3-2.1, every person serving a term of imprisonment under the  
10 law in effect prior to the effective date of this amendatory  
11 Act of 1977 shall be eligible for parole when he or she has  
12 served:

13 (1) the minimum term of an indeterminate sentence less  
14 time credit for good behavior, or 20 years less time credit  
15 for good behavior, whichever is less; or

16 (2) 20 years of a life sentence less time credit for  
17 good behavior; or

18 (3) 20 years or one-third of a determinate sentence,  
19 whichever is less, less time credit for good behavior.

20 (b) No person sentenced under this amendatory Act of 1977  
21 or who accepts a release date under Section 3-3-2.1 shall be  
22 eligible for parole.

23 (c) Except for those sentenced to a term of natural life  
24 imprisonment, every person sentenced to imprisonment under  
25 this amendatory Act of 1977 or given a release date under

1 Section 3-3-2.1 of this Act shall serve the full term of a  
2 determinate sentence less time credit for good behavior and  
3 shall then be released under the mandatory supervised release  
4 provisions of paragraph (d) of Section 5-8-1 of this Code.

5 (d) No person serving a term of natural life imprisonment  
6 may be paroled or released except through executive clemency.

7 (d-5) Notwithstanding any provision of law to the contrary,  
8 a person convicted under Section 24-1.7 of the Criminal Code of  
9 2012 or Section 5-4.5-95 of this Code before their repeal on  
10 the effective date of this amendatory Act of the 101st General  
11 Assembly shall be eligible for consideration of parole  
12 conditions if his or her final conviction under those statutes  
13 was not first degree murder or a violation of Section 11-1.30  
14 11-1.40 of the Criminal Code of 2012.

15 (e) Every person committed to the Department of Juvenile  
16 Justice under the Juvenile Court Act of 1987 and confined in  
17 the State correctional institutions or facilities if such  
18 juvenile has not been tried as an adult shall be eligible for  
19 aftercare release under Section 3-2.5-85 of this Code. However,  
20 if a juvenile has been tried as an adult he or she shall only be  
21 eligible for parole or mandatory supervised release as an adult  
22 under this Section.

23 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

24 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

25 Sec. 3-6-3. Rules and regulations for sentence credit.



1           (a) (1) The Department of Corrections shall prescribe rules  
2 and regulations for awarding and revoking sentence credit for  
3 persons committed to the Department which shall be subject to  
4 review by the Prisoner Review Board.

5           (1.5) As otherwise provided by law, sentence credit may be  
6 awarded for the following:

7           (A) successful completion of programming while in  
8 custody of the Department or while in custody prior to  
9 sentencing;

10          (B) compliance with the rules and regulations of the  
11 Department; or

12          (C) service to the institution, service to a community,  
13 or service to the State.

14           (2) Except as provided in paragraph (4.7) of this  
15 subsection (a), the rules and regulations on sentence credit  
16 shall provide, with respect to offenses listed in clause (i),  
17 (ii), or (iii) of this paragraph (2) committed on or after June  
18 19, 1998 or with respect to the offense listed in clause (iv)  
19 of this paragraph (2) committed on or after June 23, 2005 (the  
20 effective date of Public Act 94-71) or with respect to offense  
21 listed in clause (vi) committed on or after June 1, 2008 (the  
22 effective date of Public Act 95-625) but before the effective  
23 date of this amendatory Act of the 101st General Assembly or  
24 with respect to the offense of being an armed habitual criminal  
25 committed on or after August 2, 2005 (the effective date of  
26 Public Act 94-398) or with respect to the offenses listed in

1 clause (v) of this paragraph (2) committed on or after August  
2 13, 2007 (the effective date of Public Act 95-134) or with  
3 respect to the offense of aggravated domestic battery committed  
4 on or after July 23, 2010 (the effective date of Public Act  
5 96-1224) or with respect to the offense of attempt to commit  
6 terrorism committed on or after January 1, 2013 (the effective  
7 date of Public Act 97-990), the following:

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

12 (ii) that a prisoner serving a sentence for attempt to  
13 commit terrorism, attempt to commit first degree murder,  
14 solicitation of murder, solicitation of murder for hire,  
15 intentional homicide of an unborn child, predatory  
16 criminal sexual assault of a child, aggravated criminal  
17 sexual assault, criminal sexual assault, aggravated  
18 kidnapping, aggravated battery with a firearm as described  
19 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or  
20 (e) (4) of Section 12-3.05, heinous battery as described in  
21 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,  
22 being an armed habitual criminal before the effective date  
23 of this amendatory Act of the 101st General Assembly,  
24 aggravated battery of a senior citizen as described in  
25 Section 12-4.6 or subdivision (a) (4) of Section 12-3.05, or  
26 aggravated battery of a child as described in Section

1 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall  
2 receive no more than 4.5 days of sentence credit for each  
3 month of his or her sentence of imprisonment;

4 (iii) that a prisoner serving a sentence for home  
5 invasion, armed robbery, aggravated vehicular hijacking,  
6 aggravated discharge of a firearm, or armed violence with a  
7 category I weapon or category II weapon, when the court has  
8 made and entered a finding, pursuant to subsection (c-1) of  
9 Section 5-4-1 of this Code, that the conduct leading to  
10 conviction for the enumerated offense resulted in great  
11 bodily harm to a victim, shall receive no more than 4.5  
12 days of sentence credit for each month of his or her  
13 sentence of imprisonment;

14 (iv) that a prisoner serving a sentence for aggravated  
15 discharge of a firearm, whether or not the conduct leading  
16 to conviction for the offense resulted in great bodily harm  
17 to the victim, shall receive no more than 4.5 days of  
18 sentence credit for each month of his or her sentence of  
19 imprisonment;

20 (v) that a person serving a sentence for gunrunning,  
21 narcotics racketeering, controlled substance trafficking,  
22 methamphetamine trafficking, drug-induced homicide,  
23 aggravated methamphetamine-related child endangerment,  
24 money laundering pursuant to clause (c) (4) or (5) of  
25 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012, or a Class X felony conviction for delivery

1 of a controlled substance, possession of a controlled  
2 substance with intent to manufacture or deliver,  
3 calculated criminal drug conspiracy, criminal drug  
4 conspiracy, street gang criminal drug conspiracy,  
5 participation in methamphetamine manufacturing, aggravated  
6 participation in methamphetamine manufacturing, delivery  
7 of methamphetamine, possession with intent to deliver  
8 methamphetamine, aggravated delivery of methamphetamine,  
9 aggravated possession with intent to deliver  
10 methamphetamine, methamphetamine conspiracy when the  
11 substance containing the controlled substance or  
12 methamphetamine is 100 grams or more shall receive no more  
13 than 7.5 days sentence credit for each month of his or her  
14 sentence of imprisonment;

15 (vi) that a prisoner serving a sentence for a second or  
16 subsequent offense of luring a minor shall receive no more  
17 than 4.5 days of sentence credit for each month of his or  
18 her sentence of imprisonment; and

19 (vii) that a prisoner serving a sentence for aggravated  
20 domestic battery shall receive no more than 4.5 days of  
21 sentence credit for each month of his or her sentence of  
22 imprisonment.

23 (2.1) For all offenses, other than those enumerated in  
24 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
25 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
26 June 23, 2005 (the effective date of Public Act 94-71) or

1 subdivision (a)(2)(v) committed on or after August 13, 2007  
2 (the effective date of Public Act 95-134) or subdivision  
3 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
4 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
5 on or after July 23, 2010 (the effective date of Public Act  
6 96-1224), and other than the offense of aggravated driving  
7 under the influence of alcohol, other drug or drugs, or  
8 intoxicating compound or compounds, or any combination thereof  
9 as defined in subparagraph (F) of paragraph (1) of subsection  
10 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
11 than the offense of aggravated driving under the influence of  
12 alcohol, other drug or drugs, or intoxicating compound or  
13 compounds, or any combination thereof as defined in  
14 subparagraph (C) of paragraph (1) of subsection (d) of Section  
15 11-501 of the Illinois Vehicle Code committed on or after  
16 January 1, 2011 (the effective date of Public Act 96-1230), the  
17 rules and regulations shall provide that a prisoner who is  
18 serving a term of imprisonment shall receive one day of  
19 sentence credit for each day of his or her sentence of  
20 imprisonment or recommitment under Section 3-3-9. Each day of  
21 sentence credit shall reduce by one day the prisoner's period  
22 of imprisonment or recommitment under Section 3-3-9.

23 (2.2) A prisoner serving a term of natural life  
24 imprisonment or a prisoner who has been sentenced to death  
25 shall receive no sentence credit.

26 (2.3) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit  
2 shall provide that a prisoner who is serving a sentence for  
3 aggravated driving under the influence of alcohol, other drug  
4 or drugs, or intoxicating compound or compounds, or any  
5 combination thereof as defined in subparagraph (F) of paragraph  
6 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
7 Code, shall receive no more than 4.5 days of sentence credit  
8 for each month of his or her sentence of imprisonment.

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

21 (2.5) Except as provided in paragraph (4.7) of this  
22 subsection (a), the rules and regulations on sentence credit  
23 shall provide that a prisoner who is serving a sentence for  
24 aggravated arson committed on or after July 27, 2001 (the  
25 effective date of Public Act 92-176) shall receive no more than  
26 4.5 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.6) Except as provided in paragraph (4.7) of this  
3 subsection (a), the rules and regulations on sentence credit  
4 shall provide that a prisoner who is serving a sentence for  
5 aggravated driving under the influence of alcohol, other drug  
6 or drugs, or intoxicating compound or compounds or any  
7 combination thereof as defined in subparagraph (C) of paragraph  
8 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
9 Code committed on or after January 1, 2011 (the effective date  
10 of Public Act 96-1230) shall receive no more than 4.5 days of  
11 sentence credit for each month of his or her sentence of  
12 imprisonment.

13 (3) In addition to the sentence credits earned under  
14 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),  
15 the rules and regulations shall also provide that the Director  
16 may award up to 180 days of earned sentence credit for good  
17 conduct in specific instances as the Director deems proper. The  
18 good conduct may include, but is not limited to, compliance  
19 with the rules and regulations of the Department, service to  
20 the Department, service to a community, or service to the  
21 State.

22 Eligible inmates for an award of earned sentence credit  
23 under this paragraph (3) may be selected to receive the credit  
24 at the Director's or his or her designee's sole discretion.  
25 Eligibility for the additional earned sentence credit under  
26 this paragraph (3) shall be based on, but is not limited to,

1 the results of any available risk/needs assessment or other  
2 relevant assessments or evaluations administered by the  
3 Department using a validated instrument, the circumstances of  
4 the crime, any history of conviction for a forcible felony  
5 enumerated in Section 2-8 of the Criminal Code of 2012, the  
6 inmate's behavior and disciplinary history while incarcerated,  
7 and the inmate's commitment to rehabilitation, including  
8 participation in programming offered by the Department.

9 The Director shall not award sentence credit under this  
10 paragraph (3) to an inmate unless the inmate has served a  
11 minimum of 60 days of the sentence; except nothing in this  
12 paragraph shall be construed to permit the Director to extend  
13 an inmate's sentence beyond that which was imposed by the  
14 court. Prior to awarding credit under this paragraph (3), the  
15 Director shall make a written 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 shall determine the form and content of the  
25 written determination required in this subsection.

26 (3.5) The Department shall provide annual written reports



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

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

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

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

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

13 (4) Except as provided in paragraph (4.7) of this  
14 subsection (a), the rules and regulations shall also provide  
15 that the sentence credit accumulated and retained under  
16 paragraph (2.1) of subsection (a) of this Section by any inmate  
17 during specific periods of time in which such inmate is engaged  
18 full-time in substance abuse programs, correctional industry  
19 assignments, educational programs, behavior modification  
20 programs, life skills courses, or re-entry planning provided by  
21 the Department under this paragraph (4) and satisfactorily  
22 completes the assigned program as determined by the standards  
23 of the Department, shall be multiplied by a factor of 1.25 for  
24 program participation before August 11, 1993 and 1.50 for  
25 program participation on or after that date. The rules and  
26 regulations shall also provide that sentence credit, subject to

1 the same offense limits and multiplier provided in this  
2 paragraph, may be provided to an inmate who was held in  
3 pre-trial detention prior to his or her current commitment to  
4 the Department of Corrections and successfully completed a  
5 full-time, 60-day or longer substance abuse program,  
6 educational program, behavior modification program, life  
7 skills course, or re-entry planning provided by the county  
8 department of corrections or county jail. Calculation of this  
9 county program credit shall be done at sentencing as provided  
10 in Section 5-4.5-100 of this Code and shall be included in the  
11 sentencing order. However, no inmate shall be eligible for the  
12 additional sentence credit under this paragraph (4) or (4.1) of  
13 this subsection (a) while assigned to a boot camp or electronic  
14 detention.

15 Educational, vocational, substance abuse, behavior  
16 modification programs, life skills courses, re-entry planning,  
17 and correctional industry programs under which sentence credit  
18 may be increased under this paragraph (4) and paragraph (4.1)  
19 of this subsection (a) shall be evaluated by the Department on  
20 the basis of documented standards. The Department shall report  
21 the results of these evaluations to the Governor and the  
22 General Assembly by September 30th of each year. The reports  
23 shall include data relating to the recidivism rate among  
24 program participants.

25 Availability of these programs shall be subject to the  
26 limits of fiscal resources appropriated by the General Assembly

1 for these purposes. Eligible inmates who are denied immediate  
2 admission shall be placed on a waiting list under criteria  
3 established by the Department. The inability of any inmate to  
4 become engaged in any such programs by reason of insufficient  
5 program resources or for any other reason established under the  
6 rules and regulations of the Department shall not be deemed a  
7 cause of action under which the Department or any employee or  
8 agent of the Department shall be liable for damages to the  
9 inmate.

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

1 sentence credit to any committed person who passed high school  
2 equivalency testing while he or she was held in pre-trial  
3 detention prior to the current commitment to the Department of  
4 Corrections.

5 (4.5) The rules and regulations on sentence credit shall  
6 also provide that when the court's sentencing order recommends  
7 a prisoner for substance abuse treatment and the crime was  
8 committed on or after September 1, 2003 (the effective date of  
9 Public Act 93-354), the prisoner shall receive no sentence  
10 credit awarded under clause (3) of this subsection (a) unless  
11 he or she participates in and completes a substance abuse  
12 treatment program. The Director may waive the requirement to  
13 participate in or complete a substance abuse treatment program  
14 in specific instances if the prisoner is not a good candidate  
15 for a substance abuse treatment program for medical,  
16 programming, or operational reasons. Availability of substance  
17 abuse treatment shall be subject to the limits of fiscal  
18 resources appropriated by the General Assembly for these  
19 purposes. If treatment is not available and the requirement to  
20 participate and complete the treatment has not been waived by  
21 the Director, the prisoner shall be placed on a waiting list  
22 under criteria established by the Department. The Director may  
23 allow a prisoner placed on a waiting list to participate in and  
24 complete a substance abuse education class or attend substance  
25 abuse self-help meetings in lieu of a substance abuse treatment  
26 program. A prisoner on a waiting list who is not placed in a

1 substance abuse program prior to release may be eligible for a  
2 waiver and receive sentence credit under clause (3) of this  
3 subsection (a) at the discretion of the Director.

4 (4.6) The rules and regulations on sentence credit shall  
5 also provide that a prisoner who has been convicted of a sex  
6 offense as defined in Section 2 of the Sex Offender  
7 Registration Act shall receive no sentence credit unless he or  
8 she either has successfully completed or is participating in  
9 sex offender treatment as defined by the Sex Offender  
10 Management Board. However, prisoners who are waiting to receive  
11 treatment, but who are unable to do so due solely to the lack  
12 of resources on the part of the Department, may, at the  
13 Director's sole discretion, be awarded sentence credit at a  
14 rate as the Director shall determine.

15 (4.7) On or after the effective date of this amendatory Act  
16 of the 100th General Assembly, sentence credit under paragraph  
17 (3), (4), or (4.1) of this subsection (a) may be awarded to a  
18 prisoner who is serving a sentence for an offense described in  
19 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
20 on or after the effective date of this amendatory Act of the  
21 100th General Assembly; provided, the award of the credits  
22 under this paragraph (4.7) shall not reduce the sentence of the  
23 prisoner to less than the following amounts:

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

26 (ii) 60% of his or her sentence if the prisoner is

1 required to serve 75% of his or her sentence, except if the  
2 prisoner is serving a sentence for gunrunning his or her  
3 sentence shall not be reduced to less than 75%.

4 This paragraph (4.7) shall not apply to a prisoner serving  
5 a sentence for an offense described in subparagraph (i) of  
6 paragraph (2) of this subsection (a).

7 (5) Whenever the Department is to release any inmate  
8 earlier than it otherwise would because of a grant of earned  
9 sentence credit under paragraph (3) of subsection (a) of this  
10 Section given at any time during the term, the Department shall  
11 give reasonable notice of the impending release not less than  
12 14 days prior to the date of the release to the State's  
13 Attorney of the county where the prosecution of the inmate took  
14 place, and if applicable, the State's Attorney of the county  
15 into which the inmate will be released. The Department must  
16 also make identification information and a recent photo of the  
17 inmate being released accessible on the Internet by means of a  
18 hyperlink labeled "Community Notification of Inmate Early  
19 Release" on the Department's World Wide Web homepage. The  
20 identification information shall include the inmate's: name,  
21 any known alias, date of birth, physical characteristics,  
22 commitment offense and county where conviction was imposed. The  
23 identification information shall be placed on the website  
24 within 3 days of the inmate's release and the information may  
25 not be removed until either: completion of the first year of  
26 mandatory supervised release or return of the inmate to custody

1 of the Department.

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

6 (c) The Department shall prescribe rules and regulations  
7 for revoking sentence credit, including revoking sentence  
8 credit awarded under paragraph (3) of subsection (a) of this  
9 Section. The Department shall prescribe rules and regulations  
10 for suspending or reducing the rate of accumulation of sentence  
11 credit for specific rule violations, during imprisonment.  
12 These rules and regulations shall provide that no inmate may be  
13 penalized more than one year of sentence credit for any one  
14 infraction.

15 When the Department seeks to revoke, suspend or reduce the  
16 rate of accumulation of any sentence credits for an alleged  
17 infraction of its rules, it shall bring charges therefor  
18 against the prisoner sought to be so deprived of sentence  
19 credits before the Prisoner Review Board as provided in  
20 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
21 amount of credit at issue exceeds 30 days or when during any 12  
22 month period, the cumulative amount of credit revoked exceeds  
23 30 days except where the infraction is committed or discovered  
24 within 60 days of scheduled release. In those cases, the  
25 Department of Corrections may revoke up to 30 days of sentence  
26 credit. The Board may subsequently approve the revocation of

1 additional sentence credit, if the Department seeks to revoke  
2 sentence credit in excess of 30 days. However, the Board shall  
3 not be empowered to review the Department's decision with  
4 respect to the loss of 30 days of sentence credit within any  
5 calendar year for any prisoner or to increase any penalty  
6 beyond the length requested by the Department.

7 The Director of the Department of Corrections, in  
8 appropriate cases, may restore up to 30 days of sentence  
9 credits which have been revoked, suspended or reduced. Any  
10 restoration of sentence credits in excess of 30 days shall be  
11 subject to review by the Prisoner Review Board. However, the  
12 Board may not restore sentence credit in excess of the amount  
13 requested by the Director.

14 Nothing contained in this Section shall prohibit the  
15 Prisoner Review Board from ordering, pursuant to Section  
16 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the  
17 sentence imposed by the court that was not served due to the  
18 accumulation of sentence credit.

19 (d) If a lawsuit is filed by a prisoner in an Illinois or  
20 federal court against the State, the Department of Corrections,  
21 or the Prisoner Review Board, or against any of their officers  
22 or employees, and the court makes a specific finding that a  
23 pleading, motion, or other paper filed by the prisoner is  
24 frivolous, the Department of Corrections shall conduct a  
25 hearing to revoke up to 180 days of sentence credit by bringing  
26 charges against the prisoner sought to be deprived of the



1 sentence credits before the Prisoner Review Board as provided  
2 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the  
3 prisoner has not accumulated 180 days of sentence credit at the  
4 time of the finding, then the Prisoner Review Board may revoke  
5 all sentence credit accumulated by the prisoner.

6 For purposes of this subsection (d):

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

11 (A) it lacks an arguable basis either in law or in  
12 fact;

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

16 (C) the claims, defenses, and other legal  
17 contentions therein are not warranted by existing law  
18 or by a nonfrivolous argument for the extension,  
19 modification, or reversal of existing law or the  
20 establishment of new law;

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

26 (E) the denials of factual contentions are not

1 warranted on the evidence, or if specifically so  
2 identified, are not reasonably based on a lack of  
3 information or belief.

4 (2) "Lawsuit" means a motion pursuant to Section 116-3  
5 of the Code of Criminal Procedure of 1963, a habeas corpus  
6 action under Article X of the Code of Civil Procedure or  
7 under federal law (28 U.S.C. 2254), a petition for claim  
8 under the Court of Claims Act, an action under the federal  
9 Civil Rights Act (42 U.S.C. 1983), or a second or  
10 subsequent petition for post-conviction relief under  
11 Article 122 of the Code of Criminal Procedure of 1963  
12 whether filed with or without leave of court or a second or  
13 subsequent petition for relief from judgment under Section  
14 2-1401 of the Code of Civil Procedure.

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

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

25 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,  
26 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,

1     eff. 1-8-18.)

2             (730 ILCS 5/5-4.5-95 rep.)

3             Section 30. The Unified Code of Corrections is amended by

4     repealing Section 5-4.5-95.