



Rep. Rita Mayfield

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LRB101 04567 SLF 56741 a

1 AMENDMENT TO HOUSE BILL 2027

2 AMENDMENT NO. _____. Amend House Bill 2027 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

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

- 1 1. be 21 years of age or older;
- 2 2. possess a valid and properly classified driver's
3 license issued by the Secretary of State;
- 4 3. possess a valid driver's license, which has not been
5 revoked, suspended, or canceled for 3 years immediately
6 prior to the date of application, or have not had his or
7 her commercial motor vehicle driving privileges
8 disqualified within the 3 years immediately prior to the
9 date of application;
- 10 4. successfully pass a written test, administered by
11 the Secretary of State, on school bus operation, school bus
12 safety, and special traffic laws relating to school buses
13 and submit to a review of the applicant's driving habits by
14 the Secretary of State at the time the written test is
15 given;
- 16 5. demonstrate ability to exercise reasonable care in
17 the operation of school buses in accordance with rules
18 promulgated by the Secretary of State;
- 19 6. demonstrate physical fitness to operate school
20 buses by submitting the results of a medical examination,
21 including tests for drug use for each applicant not subject
22 to such testing pursuant to federal law, conducted by a
23 licensed physician, a licensed advanced practice
24 registered nurse, or a licensed physician assistant within
25 90 days of the date of application according to standards
26 promulgated by the Secretary of State;

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

4 8. have completed an initial classroom course,
5 including first aid procedures, in school bus driver safety
6 as promulgated by the Secretary of State; and after
7 satisfactory completion of said initial course an annual
8 refresher course; such courses and the agency or
9 organization conducting such courses shall be approved by
10 the Secretary of State; failure to complete the annual
11 refresher course, shall result in cancellation of the
12 permit until such course is completed;

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

19 10. not have been under an order of court supervision
20 for or convicted of reckless driving, aggravated reckless
21 driving, driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or
23 any combination thereof, or reckless homicide resulting
24 from the operation of a motor vehicle within 3 years of the
25 date of application;

26 11. not have been convicted of committing or attempting

1 to commit any one or more of the following offenses: (i)
2 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
3 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
4 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
6 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
7 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
8 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
9 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
10 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
11 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
12 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
13 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
14 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
15 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
16 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
17 24-1.7 before the effective date of this amendatory Act of
18 the 101st General Assembly, 24-2.1, 24-3.3, 24-3.5,
19 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in
20 subsection (b) of Section 8-1, and in subdivisions (a)(1),
21 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)
22 of Section 12-3.05, and in subsection (a) and subsection
23 (b), clause (1), of Section 12-4, and in subsection (A),
24 clauses (a) and (b), of Section 24-3, and those offenses
25 contained in Article 29D of the Criminal Code of 1961 or
26 the Criminal Code of 2012; (ii) those offenses defined in

1 the Cannabis Control Act except those offenses defined in
2 subsections (a) and (b) of Section 4, and subsection (a) of
3 Section 5 of the Cannabis Control Act; (iii) those offenses
4 defined in the Illinois Controlled Substances Act; (iv)
5 those offenses defined in the Methamphetamine Control and
6 Community Protection Act; (v) any offense committed or
7 attempted in any other state or against the laws of the
8 United States, which if committed or attempted in this
9 State would be punishable as one or more of the foregoing
10 offenses; (vi) the offenses defined in Section 4.1 and 5.1
11 of the Wrongs to Children Act or Section 11-9.1A of the
12 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
13 those offenses defined in Section 6-16 of the Liquor
14 Control Act of 1934; and (viii) those offenses defined in
15 the Methamphetamine Precursor Control Act;

16 12. not have been repeatedly involved as a driver in
17 motor vehicle collisions or been repeatedly convicted of
18 offenses against laws and ordinances regulating the
19 movement of traffic, to a degree which indicates lack of
20 ability to exercise ordinary and reasonable care in the
21 safe operation of a motor vehicle or disrespect for the
22 traffic laws and the safety of other persons upon the
23 highway;

24 13. not have, through the unlawful operation of a motor
25 vehicle, caused an accident resulting in the death of any
26 person;

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

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

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

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

17 (d) The employer shall be responsible for conducting a
18 pre-employment interview with prospective school bus driver
19 candidates, distributing school bus driver applications and
20 medical forms to be completed by the applicant, and submitting
21 the applicant's fingerprint cards to the Department of State
22 Police that are required for the criminal background
23 investigations. The employer shall certify in writing to the
24 Secretary of State that all pre-employment conditions have been
25 successfully completed including the successful completion of
26 an Illinois specific criminal background investigation through

1 the Department of State Police and the submission of necessary
2 fingerprints to the Federal Bureau of Investigation for
3 criminal history information available through the Federal
4 Bureau of Investigation system. The applicant shall present the
5 certification to the Secretary of State at the time of
6 submitting the school bus driver permit application.

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

23 (f) A school bus driver permit holder shall notify the
24 employer and the Secretary of State if he or she is issued an
25 order of court supervision for or convicted in another state of
26 an offense that would make him or her ineligible for a permit

1 under subsection (a) of this Section. The written notification
2 shall be made within 5 days of the entry of the order of court
3 supervision or conviction. Failure of the permit holder to
4 provide the notification is punishable as a petty offense for a
5 first violation and a Class B misdemeanor for a second or
6 subsequent violation.

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

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

12 (2) The Secretary of State shall cancel a school bus
13 driver permit when he or she receives notice that the
14 permit holder fails to comply with any provision of this
15 Section or any rule promulgated for the administration of
16 this Section.

17 (3) The Secretary of State shall cancel a school bus
18 driver permit if the permit holder's restricted commercial
19 or commercial driving privileges are withdrawn or
20 otherwise invalidated.

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

26 (5) The Secretary of State shall forthwith suspend a

1 school bus driver permit for a period of 3 years upon
2 receiving notice that the holder has failed to obtain a
3 negative result on a drug test as required in item 6 of
4 subsection (a) of this Section or under federal law.

5 (6) The Secretary of State shall suspend a school bus
6 driver permit for a period of 3 years upon receiving notice
7 from the employer that the holder failed to perform the
8 inspection procedure set forth in subsection (a) or (b) of
9 Section 12-816 of this Code.

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

19 The Secretary of State shall notify the State
20 Superintendent of Education and the permit holder's
21 prospective or current employer that the applicant has (1) has
22 failed a criminal background investigation or (2) is no longer
23 eligible for a school bus driver permit; and of the related
24 cancellation of the applicant's provisional school bus driver
25 permit. The cancellation shall remain in effect pending the
26 outcome of a hearing pursuant to Section 2-118 of this Code.

1 The scope of the hearing shall be limited to the issuance
2 criteria contained in subsection (a) of this Section. A
3 petition requesting a hearing shall be submitted to the
4 Secretary of State and shall contain the reason the individual
5 feels he or she is entitled to a school bus driver permit. The
6 permit holder's employer shall notify in writing to the
7 Secretary of State that the employer has certified the removal
8 of the offending school bus driver from service prior to the
9 start of that school bus driver's next workshift. An employing
10 school board that fails to remove the offending school bus
11 driver from service is subject to the penalties defined in
12 Section 3-14.23 of the School Code. A school bus contractor who
13 violates a provision of this Section is subject to the
14 penalties defined in Section 6-106.11.

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

18 (h) When a school bus driver permit holder who is a service
19 member is called to active duty, the employer of the permit
20 holder shall notify the Secretary of State, within 30 days of
21 notification from the permit holder, that the permit holder has
22 been called to active duty. Upon notification pursuant to this
23 subsection, (i) the Secretary of State shall characterize the
24 permit as inactive until a permit holder renews the permit as
25 provided in subsection (i) of this Section, and (ii) if a
26 permit holder fails to comply with the requirements of this

1 Section while called to active duty, the Secretary of State
2 shall not characterize the permit as invalid.

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

8 (j) For purposes of subsections (h) and (i) of this
9 Section:

10 "Active duty" means active duty pursuant to an executive
11 order of the President of the United States, an act of the
12 Congress of the United States, or an order of the Governor.

13 "Service member" means a member of the Armed Services or
14 reserve forces of the United States or a member of the Illinois
15 National Guard.

16 (k) A private carrier employer of a school bus driver
17 permit holder, having satisfied the employer requirements of
18 this Section, shall be held to a standard of ordinary care for
19 intentional acts committed in the course of employment by the
20 bus driver permit holder. This subsection (k) shall in no way
21 limit the liability of the private carrier employer for
22 violation of any provision of this Section or for the negligent
23 hiring or retention of a school bus driver permit holder.

24 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
25 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

1 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)
2 Sec. 6-508. Commercial Driver's License (CDL) -
3 qualification standards.

4 (a) Testing.

5 (1) General. No person shall be issued an original or
6 renewal CDL unless that person is domiciled in this State
7 or is applying for a non-domiciled CDL under Sections 6-509
8 and 6-510 of this Code. The Secretary shall cause to be
9 administered such tests as the Secretary deems necessary to
10 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
11 H, and J.

12 (1.5) Effective July 1, 2014, no person shall be issued
13 an original CDL or an upgraded CDL that requires a skills
14 test unless that person has held a CLP, for a minimum of 14
15 calendar days, for the classification of vehicle and
16 endorsement, if any, for which the person is seeking a CDL.

17 (2) Third party testing. The Secretary of State may
18 authorize a "third party tester", pursuant to 49 C.F.R.
19 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the
20 skills test or tests specified by the Federal Motor Carrier
21 Safety Administration pursuant to the Commercial Motor
22 Vehicle Safety Act of 1986 and any appropriate federal
23 rule.

24 (b) Waiver of Skills Test. The Secretary of State may waive
25 the skills test specified in this Section for a driver
26 applicant for a commercial driver license who meets the

1 requirements of 49 C.F.R. 383.77. The Secretary of State shall
2 waive the skills tests specified in this Section for a driver
3 applicant who has military commercial motor vehicle
4 experience, subject to the requirements of 49 C.F.R. 383.77.

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

8 (1) non-excepted interstate;

9 (2) non-excepted intrastate;

10 (3) excepted interstate; or

11 (4) excepted intrastate.

12 (b-2) (Blank).

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

1 requirement of 49 CFR 391.41(b)(11). The requirement may be met
2 with the aid of a hearing aid.

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

8 (1) the person has submitted his or her fingerprints to
9 the Department of State Police in the form and manner
10 prescribed by the Department of State Police. These
11 fingerprints shall be checked against the fingerprint
12 records now and hereafter filed in the Department of State
13 Police and Federal Bureau of Investigation criminal
14 history records databases;

15 (2) the person has passed a written test, administered
16 by the Secretary of State, on charter bus operation,
17 charter bus safety, and certain special traffic laws
18 relating to school buses determined by the Secretary of
19 State to be relevant to charter buses, and submitted to a
20 review of the driver applicant's driving habits by the
21 Secretary of State at the time the written test is given;

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

25 (4) the person has not been convicted of committing or
26 attempting to commit any one or more of the following

1 offenses: (i) those offenses defined in Sections 8-1.2,
2 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
3 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
4 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
5 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
6 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
7 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
8 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
9 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
10 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
11 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
12 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
13 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
14 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
15 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
16 24-1.2-5, 24-1.6, 24-1.7 before the effective date of this
17 amendatory Act of the 101st General Assembly, 24-2.1,
18 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and
19 33D-1, and in subsection (b) of Section 8-1, and in
20 subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2),
21 (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and in
22 subsection (a) and subsection (b), clause (1), of Section
23 12-4, and in subsection (A), clauses (a) and (b), of
24 Section 24-3, and those offenses contained in Article 29D
25 of the Criminal Code of 1961 or the Criminal Code of 2012;
26 (ii) those offenses defined in the Cannabis Control Act

1 except those offenses defined in subsections (a) and (b) of
2 Section 4, and subsection (a) of Section 5 of the Cannabis
3 Control Act; (iii) those offenses defined in the Illinois
4 Controlled Substances Act; (iv) those offenses defined in
5 the Methamphetamine Control and Community Protection Act;
6 (v) any offense committed or attempted in any other state
7 or against the laws of the United States, which if
8 committed or attempted in this State would be punishable as
9 one or more of the foregoing offenses; (vi) the offenses
10 defined in Sections 4.1 and 5.1 of the Wrongs to Children
11 Act or Section 11-9.1A of the Criminal Code of 1961 or the
12 Criminal Code of 2012; (vii) those offenses defined in
13 Section 6-16 of the Liquor Control Act of 1934; and (viii)
14 those offenses defined in the Methamphetamine Precursor
15 Control Act.

16 The Department of State Police shall charge a fee for
17 conducting the criminal history records check, which shall be
18 deposited into the State Police Services Fund and may not
19 exceed the actual cost of the records check.

20 (c-2) The Secretary shall issue a CDL with a school bus
21 endorsement to allow a person to drive a school bus as defined
22 in this Section. The CDL shall be issued according to the
23 requirements outlined in 49 C.F.R. 383. A person may not
24 operate a school bus as defined in this Section without a
25 school bus endorsement. The Secretary of State may adopt rules
26 consistent with Federal guidelines to implement this

1 subsection (c-2).

2 (d) (Blank).

3 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
4 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
5 1-1-14; 98-176 (see Section 10 of P.A. 98-722 and Section 10 of
6 P.A. 99-414 for effective date of changes made by 98-176);
7 98-756, eff. 7-16-14.)

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

10 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)
11 Sec. 33A-3. Sentence.

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

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

18 (b) Violation of Section 33A-2(a) with a Category III
19 weapon is a Class 2 felony or the felony classification
20 provided for the same act while unarmed, whichever permits the
21 greater penalty. A second or subsequent violation of Section
22 33A-2(a) with a Category III weapon is a Class 1 felony or the
23 felony classification provided for the same act while unarmed,
24 whichever permits the greater penalty.

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

5 (b-10) Violation of Section 33A-2(c) with a firearm that is
6 a Category I or Category II weapon is a Class X felony for
7 which the defendant shall be sentenced to a term of
8 imprisonment of not less than 25 years nor more than 40 years.

9 (c) Unless sentencing under subsection (a) of Section
10 5-4.5-95 of the Unified Code of Corrections (730 ILCS
11 5/5-4.5-95) before the effective date of this amendatory Act of
12 the 101st General Assembly is applicable, any person who
13 violates subsection (a) or (b) of Section 33A-2 with a firearm,
14 when that person has been convicted in any state or federal
15 court of 3 or more of the following offenses: treason, first
16 degree murder, second degree murder, predatory criminal sexual
17 assault of a child, aggravated criminal sexual assault,
18 criminal sexual assault, robbery, burglary, arson, kidnaping,
19 aggravated battery resulting in great bodily harm or permanent
20 disability or disfigurement, a violation of the
21 Methamphetamine Control and Community Protection Act, or a
22 violation of Section 401(a) of the Illinois Controlled
23 Substances Act, when the third offense was committed after
24 conviction on the second, the second offense was committed
25 after conviction on the first, and the violation of Section
26 33A-2 was committed after conviction on the third, shall be

1 sentenced to a term of imprisonment of not less than 25 years
2 nor more than 50 years.

3 (c-5) Except as otherwise provided in paragraph (b-10) or
4 (c) of this Section, a person who violates Section 33A-2(a)
5 with a firearm that is a Category I weapon or Section 33A-2(b)
6 in any school, in any conveyance owned, leased, or contracted
7 by a school to transport students to or from school or a school
8 related activity, or on the real property comprising any school
9 or public park, and where the offense was related to the
10 activities of an organized gang, shall be sentenced to a term
11 of imprisonment of not less than the term set forth in
12 subsection (a) or (b-5) of this Section, whichever is
13 applicable, and not more than 30 years. For the purposes of
14 this subsection (c-5), "organized gang" has the meaning
15 ascribed to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 (d) For armed violence based upon a predicate offense
18 listed in this subsection (d) the court shall enter the
19 sentence for armed violence to run consecutively to the
20 sentence imposed for the predicate offense. The offenses
21 covered by this provision are:

- 22 (i) solicitation of murder,
23 (ii) solicitation of murder for hire,
24 (iii) heinous battery as described in Section 12-4.1 or
25 subdivision (a) (2) of Section 12-3.05,
26 (iv) aggravated battery of a senior citizen as

1 described in Section 12-4.6 or subdivision (a)(4) of
2 Section 12-3.05,

3 (v) (blank),

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

6 (vii) cannabis trafficking,

7 (viii) a violation of subsection (a) of Section 401 of
8 the Illinois Controlled Substances Act,

9 (ix) controlled substance trafficking involving a
10 Class X felony amount of controlled substance under Section
11 401 of the Illinois Controlled Substances Act,

12 (x) calculated criminal drug conspiracy,

13 (xi) streetgang criminal drug conspiracy, or

14 (xii) a violation of the Methamphetamine Control and
15 Community Protection Act.

16 (Source: P.A. 95-688, eff. 10-23-07; 95-1052, eff. 7-1-09;
17 96-1551, eff. 7-1-11.)

18 (720 ILCS 5/24-1.7 rep.)

19 Section 15. The Criminal Code of 2012 is amended by
20 repealing Section 24-1.7.

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

23 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

1 Sec. 111-3. Form of charge.

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

4 (1) Stating the name of the offense;

5 (2) Citing the statutory provision alleged to have been
6 violated;

7 (3) Setting forth the nature and elements of the
8 offense charged;

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

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

14 (a-5) If the victim is alleged to have been subjected to an
15 offense involving an illegal sexual act including, but not
16 limited to, a sexual offense defined in Article 11 or Section
17 10-9 of the Criminal Code of 2012, the charge shall state the
18 identity of the victim by name, initials, or description.

19 (b) An indictment shall be signed by the foreman of the
20 Grand Jury and an information shall be signed by the State's
21 Attorney and sworn to by him or another. A complaint shall be
22 sworn to and signed by the complainant; provided, that when a
23 peace officer observes the commission of a misdemeanor and is
24 the complaining witness, the signing of the complaint by the
25 peace officer is sufficient to charge the defendant with the
26 commission of the offense, and the complaint need not be sworn

1 to if the officer signing the complaint certifies that the
2 statements set forth in the complaint are true and correct and
3 are subject to the penalties provided by law for false
4 certification under Section 1-109 of the Code of Civil
5 Procedure and perjury under Section 32-2 of the Criminal Code
6 of 2012; and further provided, however, that when a citation is
7 issued on a Uniform Traffic Ticket or Uniform Conservation
8 Ticket (in a form prescribed by the Conference of Chief Circuit
9 Judges and filed with the Supreme Court), the copy of such
10 Uniform Ticket which is filed with the circuit court
11 constitutes a complaint to which the defendant may plead,
12 unless he specifically requests that a verified complaint be
13 filed.

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

1 include an increase in the sentence applied within the same
2 level of classification of offense.

3 (c-5) Notwithstanding any other provision of law, in all
4 cases in which the imposition of the death penalty is not a
5 possibility, if an alleged fact (other than the fact of a prior
6 conviction) is not an element of an offense but is sought to be
7 used to increase the range of penalties for the offense beyond
8 the statutory maximum that could otherwise be imposed for the
9 offense, the alleged fact must be included in the charging
10 instrument or otherwise provided to the defendant through a
11 written notification before trial, submitted to a trier of fact
12 as an aggravating factor, and proved beyond a reasonable doubt.
13 Failure to prove the fact beyond a reasonable doubt is not a
14 bar to a conviction for commission of the offense, but is a bar
15 to increasing, based on that fact, the range of penalties for
16 the offense beyond the statutory maximum that could otherwise
17 be imposed for that offense. Nothing in this subsection (c-5)
18 requires the imposition of a sentence that increases the range
19 of penalties for the offense beyond the statutory maximum that
20 could otherwise be imposed for the offense if the imposition of
21 that sentence is not required by law.

22 (d) At any time prior to trial, the State on motion shall
23 be permitted to amend the charge, whether brought by
24 indictment, information or complaint, to make the charge comply
25 with subsection (c) or (c-5) of this Section. Nothing in
26 Section 103-5 of this Code precludes such an amendment or a

1 written notification made in accordance with subsection (c-5)
2 of this Section.

3 (e) The provisions of subsection (a) of Section 5-4.5-95 of
4 the Unified Code of Corrections (730 ILCS 5/5-4.5-95) before
5 its repeal on the effective date of this amendatory Act of the
6 101st General Assembly shall not be affected by this Section.
7 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)

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

10 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)
11 Sec. 3-2-2. Powers and duties of the Department.

12 (1) In addition to the powers, duties, and responsibilities
13 which are otherwise provided by law, the Department shall have
14 the following powers:

15 (a) To accept persons committed to it by the courts of
16 this State for care, custody, treatment and
17 rehabilitation, and to accept federal prisoners and aliens
18 over whom the Office of the Federal Detention Trustee is
19 authorized to exercise the federal detention function for
20 limited purposes and periods of time.

21 (b) To develop and maintain reception and evaluation
22 units for purposes of analyzing the custody and
23 rehabilitation needs of persons committed to it and to
24 assign such persons to institutions and programs under its

1 control or transfer them to other appropriate agencies. In
2 consultation with the Department of Alcoholism and
3 Substance Abuse (now the Department of Human Services), the
4 Department of Corrections shall develop a master plan for
5 the screening and evaluation of persons committed to its
6 custody who have alcohol or drug abuse problems, and for
7 making appropriate treatment available to such persons;
8 the Department shall report to the General Assembly on such
9 plan not later than April 1, 1987. The maintenance and
10 implementation of such plan shall be contingent upon the
11 availability of funds.

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

26 (b-5) To develop, in consultation with the Department

1 of State Police, a program for tracking and evaluating each
2 inmate from commitment through release for recording his or
3 her gang affiliations, activities, or ranks.

4 (c) To maintain and administer all State correctional
5 institutions and facilities under its control and to
6 establish new ones as needed. Pursuant to its power to
7 establish new institutions and facilities, the Department
8 may, with the written approval of the Governor, authorize
9 the Department of Central Management Services to enter into
10 an agreement of the type described in subsection (d) of
11 Section 405-300 of the Department of Central Management
12 Services Law (20 ILCS 405/405-300). The Department shall
13 designate those institutions which shall constitute the
14 State Penitentiary System.

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

1 not to exceed 40 years. The lease may grant to the State
2 the option to purchase the structure outright.

3 Upon receipt of the bids, the Department may certify
4 one or more of the bids and shall submit any such bids to
5 the General Assembly for approval. Upon approval of a bid
6 by a constitutional majority of both houses of the General
7 Assembly, pursuant to joint resolution, the Department of
8 Central Management Services may enter into an agreement
9 with the county or municipality pursuant to such bid.

10 (c-5) To build and maintain regional juvenile
11 detention centers and to charge a per diem to the counties
12 as established by the Department to defray the costs of
13 housing each minor in a center. In this subsection (c-5),
14 "juvenile detention center" means a facility to house
15 minors during pendency of trial who have been transferred
16 from proceedings under the Juvenile Court Act of 1987 to
17 prosecutions under the criminal laws of this State in
18 accordance with Section 5-805 of the Juvenile Court Act of
19 1987, whether the transfer was by operation of law or
20 permissive under that Section. The Department shall
21 designate the counties to be served by each regional
22 juvenile detention center.

23 (d) To develop and maintain programs of control,
24 rehabilitation and employment of committed persons within
25 its institutions.

26 (d-5) To provide a pre-release job preparation program

1 for inmates at Illinois adult correctional centers.

2 (d-10) To provide educational and visitation
3 opportunities to committed persons within its institutions
4 through temporary access to content-controlled tablets
5 that may be provided as a privilege to committed persons to
6 induce or reward compliance.

7 (e) To establish a system of supervision and guidance
8 of committed persons in the community.

9 (f) To establish in cooperation with the Department of
10 Transportation to supply a sufficient number of prisoners
11 for use by the Department of Transportation to clean up the
12 trash and garbage along State, county, township, or
13 municipal highways as designated by the Department of
14 Transportation. The Department of Corrections, at the
15 request of the Department of Transportation, shall furnish
16 such prisoners at least annually for a period to be agreed
17 upon between the Director of Corrections and the Secretary
18 of Transportation. The prisoners used on this program shall
19 be selected by the Director of Corrections on whatever
20 basis he deems proper in consideration of their term,
21 behavior and earned eligibility to participate in such
22 program - where they will be outside of the prison facility
23 but still in the custody of the Department of Corrections.
24 Prisoners convicted of first degree murder, or a Class X
25 felony, or armed violence, or aggravated kidnapping, or
26 criminal sexual assault, aggravated criminal sexual abuse

1 or a subsequent conviction for criminal sexual abuse, or
2 forcible detention, or arson, or a prisoner adjudged a
3 Habitual Criminal before the effective date of this
4 amendatory Act of the 101st General Assembly shall not be
5 eligible for selection to participate in such program. The
6 prisoners shall remain as prisoners in the custody of the
7 Department of Corrections and such Department shall
8 furnish whatever security is necessary. The Department of
9 Transportation shall furnish trucks and equipment for the
10 highway cleanup program and personnel to supervise and
11 direct the program. Neither the Department of Corrections
12 nor the Department of Transportation shall replace any
13 regular employee with a prisoner.

14 (g) To maintain records of persons committed to it and
15 to establish programs of research, statistics and
16 planning.

17 (h) To investigate the grievances of any person
18 committed to the Department, to inquire into any alleged
19 misconduct by employees or committed persons, and to
20 investigate the assets of committed persons to implement
21 Section 3-7-6 of this Code; and for these purposes it may
22 issue subpoenas and compel the attendance of witnesses and
23 the production of writings and papers, and may examine
24 under oath any witnesses who may appear before it; to also
25 investigate alleged violations of a parolee's or
26 releasee's conditions of parole or release; and for this

1 purpose it may issue subpoenas and compel the attendance of
2 witnesses and the production of documents only if there is
3 reason to believe that such procedures would provide
4 evidence that such violations have occurred.

5 If any person fails to obey a subpoena issued under
6 this subsection, the Director may apply to any circuit
7 court to secure compliance with the subpoena. The failure
8 to comply with the order of the court issued in response
9 thereto shall be punishable as contempt of court.

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

26 (j) To cooperate with other departments and agencies

1 and with local communities for the development of standards
2 and programs for better correctional services in this
3 State.

4 (k) To administer all moneys and properties of the
5 Department.

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

8 (l-5) (Blank).

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

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

15 (o) To administer the distribution of funds from the
16 State Treasury to reimburse counties where State penal
17 institutions are located for the payment of assistant
18 state's attorneys' salaries under Section 4-2001 of the
19 Counties Code.

20 (p) To exchange information with the Department of
21 Human Services and the Department of Healthcare and Family
22 Services for the purpose of verifying living arrangements
23 and for other purposes directly connected with the
24 administration of this Code and the Illinois Public Aid
25 Code.

26 (q) To establish a diversion program.

1 The program shall provide a structured environment for
2 selected technical parole or mandatory supervised release
3 violators and committed persons who have violated the rules
4 governing their conduct while in work release. This program
5 shall not apply to those persons who have committed a new
6 offense while serving on parole or mandatory supervised
7 release or while committed to work release.

8 Elements of the program shall include, but shall not be
9 limited to, the following:

10 (1) The staff of a diversion facility shall provide
11 supervision in accordance with required objectives set
12 by the facility.

13 (2) Participants shall be required to maintain
14 employment.

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

18 (4) Each participant shall:

19 (A) provide restitution to victims in
20 accordance with any court order;

21 (B) provide financial support to his
22 dependents; and

23 (C) make appropriate payments toward any other
24 court-ordered obligations.

25 (5) Each participant shall complete community
26 service in addition to employment.

1 (6) Participants shall take part in such
2 counseling, educational and other programs as the
3 Department may deem appropriate.

4 (7) Participants shall submit to drug and alcohol
5 screening.

6 (8) The Department shall promulgate rules
7 governing the administration of the program.

8 (r) To enter into intergovernmental cooperation
9 agreements under which persons in the custody of the
10 Department may participate in a county impact
11 incarceration program established under Section 3-6038 or
12 3-15003.5 of the Counties Code.

13 (r-5) (Blank).

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

25 (i) are members of a criminal streetgang;

26 (ii) with respect to other individuals within the

1 streetgang, occupy a position of organizer,
2 supervisor, or other position of management or
3 leadership; and

4 (iii) are actively and personally engaged in
5 directing, ordering, authorizing, or requesting
6 commission of criminal acts by others, which are
7 punishable as a felony, in furtherance of streetgang
8 related activity both within and outside of the
9 Department of Corrections.

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

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

17 (t) To monitor any unprivileged conversation or any
18 unprivileged communication, whether in person or by mail,
19 telephone, or other means, between an inmate who, before
20 commitment to the Department, was a member of an organized
21 gang and any other person without the need to show cause or
22 satisfy any other requirement of law before beginning the
23 monitoring, except as constitutionally required. The
24 monitoring may be by video, voice, or other method of
25 recording or by any other means. As used in this
26 subdivision (1)(t), "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 As used in this subdivision (1)(t), "unprivileged
4 conversation" or "unprivileged communication" means a
5 conversation or communication that is not protected by any
6 privilege recognized by law or by decision, rule, or order
7 of the Illinois Supreme Court.

8 (u) To establish a Women's and Children's Pre-release
9 Community Supervision Program for the purpose of providing
10 housing and services to eligible female inmates, as
11 determined by the Department, and their newborn and young
12 children.

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

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

3 (2) The Department of Corrections shall by January 1, 1998,
4 consider building and operating a correctional facility within
5 100 miles of a county of over 2,000,000 inhabitants, especially
6 a facility designed to house juvenile participants in the
7 impact incarceration program.

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

16 (4) When the Department lets bids for contracts for food or
17 commissary services to be provided to Department facilities,
18 the bid may only be let to a food or commissary services
19 provider that has obtained an irrevocable letter of credit or
20 performance bond issued by a company whose bonds have an
21 investment grade or higher rating by a bond rating
22 organization.

23 (5) On and after the date 6 months after August 16, 2013
24 (the effective date of Public Act 98-488), as provided in the
25 Executive Order 1 (2012) Implementation Act, all of the powers,
26 duties, rights, and responsibilities related to State

1 healthcare purchasing under this Code that were transferred
2 from the Department of Corrections to the Department of
3 Healthcare and Family Services by Executive Order 3 (2005) are
4 transferred back to the Department of Corrections; however,
5 powers, duties, rights, and responsibilities related to State
6 healthcare purchasing under this Code that were exercised by
7 the Department of Corrections before the effective date of
8 Executive Order 3 (2005) but that pertain to individuals
9 resident in facilities operated by the Department of Juvenile
10 Justice are transferred to the Department of Juvenile Justice.
11 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18.)

12 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

13 Sec. 3-3-3. Eligibility for parole or release.

14 (a) Except for those offenders who accept the fixed release
15 date established by the Prisoner Review Board under Section
16 3-3-2.1, every person serving a term of imprisonment under the
17 law in effect prior to the effective date of this amendatory
18 Act of 1977 shall be eligible for parole when he or she has
19 served:

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

23 (2) 20 years of a life sentence less time credit for
24 good behavior; or

25 (3) 20 years or one-third of a determinate sentence,

1 whichever is less, less time credit for good behavior.

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

5 (c) Except for those sentenced to a term of natural life
6 imprisonment, every person sentenced to imprisonment under
7 this amendatory Act of 1977 or given a release date under
8 Section 3-3-2.1 of this Act shall serve the full term of a
9 determinate sentence less time credit for good behavior and
10 shall then be released under the mandatory supervised release
11 provisions of paragraph (d) of Section 5-8-1 of this Code.

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

14 (d-5) Notwithstanding any provision of law to the contrary,
15 a person convicted under Section 24-1.7 of the Criminal Code of
16 2012 or Section 5-4.5-95 of this Code before their repeal on
17 the effective date of this amendatory Act of the 101st General
18 Assembly shall not be eligible for consideration of conditions
19 of parole or mandatory supervised release if any of his or her
20 convictions under those statutes was first degree murder,
21 second degree murder, or any offense under Article 11 of the
22 Criminal Code of 2012 or the Criminal Code of 1961.

23 (e) Every person committed to the Department of Juvenile
24 Justice under the Juvenile Court Act of 1987 and confined in
25 the State correctional institutions or facilities if such
26 juvenile has not been tried as an adult shall be eligible for

1 aftercare release under Section 3-2.5-85 of this Code. However,
2 if a juvenile has been tried as an adult he or she shall only be
3 eligible for parole or mandatory supervised release as an adult
4 under this Section.

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

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

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

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

12 (1.5) As otherwise provided by law, sentence credit may be
13 awarded for the following:

14 (A) successful completion of programming while in
15 custody of the Department or while in custody prior to
16 sentencing;

17 (B) compliance with the rules and regulations of the
18 Department; or

19 (C) service to the institution, service to a community,
20 or service to the State.

21 (2) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide, with respect to offenses listed in clause (i),
24 (ii), or (iii) of this paragraph (2) committed on or after June
25 19, 1998 or with respect to the offense listed in clause (iv)

1 of this paragraph (2) committed on or after June 23, 2005 (the
2 effective date of Public Act 94-71) or with respect to offense
3 listed in clause (vi) committed on or after June 1, 2008 (the
4 effective date of Public Act 95-625) but before the effective
5 date of this amendatory Act of the 101st General Assembly or
6 with respect to the offense of being an armed habitual criminal
7 committed on or after August 2, 2005 (the effective date of
8 Public Act 94-398) or with respect to the offenses listed in
9 clause (v) of this paragraph (2) committed on or after August
10 13, 2007 (the effective date of Public Act 95-134) or with
11 respect to the offense of aggravated domestic battery committed
12 on or after July 23, 2010 (the effective date of Public Act
13 96-1224) or with respect to the offense of attempt to commit
14 terrorism committed on or after January 1, 2013 (the effective
15 date of Public Act 97-990), the following:

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

20 (ii) that a prisoner serving a sentence for attempt to
21 commit terrorism, attempt to commit first degree murder,
22 solicitation of murder, solicitation of murder for hire,
23 intentional homicide of an unborn child, predatory
24 criminal sexual assault of a child, aggravated criminal
25 sexual assault, criminal sexual assault, aggravated
26 kidnapping, aggravated battery with a firearm as described

1 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
2 (e) (4) of Section 12-3.05, heinous battery as described in
3 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
4 being an armed habitual criminal before the effective date
5 of this amendatory Act of the 101st General Assembly,
6 aggravated battery of a senior citizen as described in
7 Section 12-4.6 or subdivision (a) (4) of Section 12-3.05, or
8 aggravated battery of a child as described in Section
9 12-4.3 or subdivision (b) (1) of Section 12-3.05 shall
10 receive no more than 4.5 days of sentence credit for each
11 month of his or her sentence of imprisonment;

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

22 (iv) that a prisoner serving a sentence for aggravated
23 discharge of a firearm, whether or not the conduct leading
24 to conviction for the offense resulted in great bodily harm
25 to the victim, shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment;

2 (v) that a person serving a sentence for gunrunning,
3 narcotics racketeering, controlled substance trafficking,
4 methamphetamine trafficking, drug-induced homicide,
5 aggravated methamphetamine-related child endangerment,
6 money laundering pursuant to clause (c) (4) or (5) of
7 Section 29B-1 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, or a Class X felony conviction for delivery
9 of a controlled substance, possession of a controlled
10 substance with intent to manufacture or deliver,
11 calculated criminal drug conspiracy, criminal drug
12 conspiracy, street gang criminal drug conspiracy,
13 participation in methamphetamine manufacturing, aggravated
14 participation in methamphetamine manufacturing, delivery
15 of methamphetamine, possession with intent to deliver
16 methamphetamine, aggravated delivery of methamphetamine,
17 aggravated possession with intent to deliver
18 methamphetamine, methamphetamine conspiracy when the
19 substance containing the controlled substance or
20 methamphetamine is 100 grams or more shall receive no more
21 than 7.5 days sentence credit for each month of his or her
22 sentence of imprisonment;

23 (vi) that a prisoner serving a sentence for a second or
24 subsequent offense of luring a minor shall receive no more
25 than 4.5 days of sentence credit for each month of his or
26 her sentence of imprisonment; and

1 (vii) that a prisoner serving a sentence for aggravated
2 domestic battery shall receive no more than 4.5 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment.

5 (2.1) For all offenses, other than those enumerated in
6 subdivision (a)(2)(i), (ii), or (iii) committed on or after
7 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
8 June 23, 2005 (the effective date of Public Act 94-71) or
9 subdivision (a)(2)(v) committed on or after August 13, 2007
10 (the effective date of Public Act 95-134) or subdivision
11 (a)(2)(vi) committed on or after June 1, 2008 (the effective
12 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
13 on or after July 23, 2010 (the effective date of Public Act
14 96-1224), and other than the offense of aggravated driving
15 under the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination thereof
17 as defined in subparagraph (F) of paragraph (1) of subsection
18 (d) of Section 11-501 of the Illinois Vehicle Code, and other
19 than the offense of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof as defined in
22 subparagraph (C) of paragraph (1) of subsection (d) of Section
23 11-501 of the Illinois Vehicle Code committed on or after
24 January 1, 2011 (the effective date of Public Act 96-1230), the
25 rules and regulations shall provide that a prisoner who is
26 serving a term of imprisonment shall receive one day of

1 sentence credit for each day of his or her sentence of
2 imprisonment or recommitment under Section 3-3-9. Each day of
3 sentence credit shall reduce by one day the prisoner's period
4 of imprisonment or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life
6 imprisonment or a prisoner who has been sentenced to death
7 shall receive no sentence credit.

8 (2.3) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of paragraph
14 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
15 Code, shall receive no more than 4.5 days of sentence credit
16 for each month of his or her sentence of imprisonment.

17 (2.4) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations on sentence credit
19 shall provide with respect to the offenses of aggravated
20 battery with a machine gun or a firearm equipped with any
21 device or attachment designed or used for silencing the report
22 of a firearm or aggravated discharge of a machine gun or a
23 firearm equipped with any device or attachment designed or used
24 for silencing the report of a firearm, committed on or after
25 July 15, 1999 (the effective date of Public Act 91-121), that a
26 prisoner serving a sentence for any of these offenses shall

1 receive no more than 4.5 days of sentence credit for each month
2 of his or her sentence of imprisonment.

3 (2.5) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide that a prisoner who is serving a sentence for
6 aggravated arson committed on or after July 27, 2001 (the
7 effective date of Public Act 92-176) shall receive no more than
8 4.5 days of sentence credit for each month of his or her
9 sentence of imprisonment.

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

21 (3) In addition to the sentence credits earned under
22 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),
23 the rules and regulations shall also provide that the Director
24 may award up to 180 days of earned sentence credit for good
25 conduct in specific instances as the Director deems proper. The
26 good conduct may include, but is not limited to, compliance

1 with the rules and regulations of the Department, service to
2 the Department, service to a community, or service to the
3 State.

4 Eligible inmates for an award of earned sentence credit
5 under this paragraph (3) may be selected to receive the credit
6 at the Director's or his or her designee's sole discretion.
7 Eligibility for the additional earned sentence credit under
8 this paragraph (3) shall be based on, but is not limited to,
9 the results of any available risk/needs assessment or other
10 relevant assessments or evaluations administered by the
11 Department using a validated instrument, the circumstances of
12 the crime, any history of conviction for a forcible felony
13 enumerated in Section 2-8 of the Criminal Code of 2012, the
14 inmate's behavior and disciplinary history while incarcerated,
15 and the inmate's commitment to rehabilitation, including
16 participation in programming offered by the Department.

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

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

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

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

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

6 The Director shall determine the form and content of the
7 written determination required in this subsection.

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

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

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

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

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

21 (4) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall also provide
23 that the sentence credit accumulated and retained under
24 paragraph (2.1) of subsection (a) of this Section by any inmate
25 during specific periods of time in which such inmate is engaged
26 full-time in substance abuse programs, correctional industry

1 assignments, educational programs, behavior modification
2 programs, life skills courses, or re-entry planning provided by
3 the Department under this paragraph (4) and satisfactorily
4 completes the assigned program as determined by the standards
5 of the Department, shall be multiplied by a factor of 1.25 for
6 program participation before August 11, 1993 and 1.50 for
7 program participation on or after that date. The rules and
8 regulations shall also provide that sentence credit, subject to
9 the same offense limits and multiplier provided in this
10 paragraph, may be provided to an inmate who was held in
11 pre-trial detention prior to his or her current commitment to
12 the Department of Corrections and successfully completed a
13 full-time, 60-day or longer substance abuse program,
14 educational program, behavior modification program, life
15 skills course, or re-entry planning provided by the county
16 department of corrections or county jail. Calculation of this
17 county program credit shall be done at sentencing as provided
18 in Section 5-4.5-100 of this Code and shall be included in the
19 sentencing order. However, no inmate shall be eligible for the
20 additional sentence credit under this paragraph (4) or (4.1) of
21 this subsection (a) while assigned to a boot camp or electronic
22 detention.

23 Educational, vocational, substance abuse, behavior
24 modification programs, life skills courses, re-entry planning,
25 and correctional industry programs under which sentence credit
26 may be increased under this paragraph (4) and paragraph (4.1)

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

7 Availability of these programs shall be subject to the
8 limits of fiscal resources appropriated by the General Assembly
9 for these purposes. Eligible inmates who are denied immediate
10 admission shall be placed on a waiting list under criteria
11 established by the Department. The inability of any inmate to
12 become engaged in any such programs by reason of insufficient
13 program resources or for any other reason established under the
14 rules and regulations of the Department shall not be deemed a
15 cause of action under which the Department or any employee or
16 agent of the Department shall be liable for damages to the
17 inmate.

18 (4.1) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations shall also provide
20 that an additional 90 days of sentence credit shall be awarded
21 to any prisoner who passes high school equivalency testing
22 while the prisoner is committed to the Department of
23 Corrections. The sentence credit awarded under this paragraph
24 (4.1) shall be in addition to, and shall not affect, the award
25 of sentence credit under any other paragraph of this Section,
26 but shall also be pursuant to the guidelines and restrictions

1 set forth in paragraph (4) of subsection (a) of this Section.
2 The sentence credit provided for in this paragraph shall be
3 available only to those prisoners who have not previously
4 earned a high school diploma or a high school equivalency
5 certificate. If, after an award of the high school equivalency
6 testing sentence credit has been made, the Department
7 determines that the prisoner was not eligible, then the award
8 shall be revoked. The Department may also award 90 days of
9 sentence credit to any committed person who passed high school
10 equivalency testing while he or she was held in pre-trial
11 detention prior to the current commitment to the Department of
12 Corrections.

13 (4.5) The rules and regulations on sentence credit shall
14 also provide that when the court's sentencing order recommends
15 a prisoner for substance abuse treatment and the crime was
16 committed on or after September 1, 2003 (the effective date of
17 Public Act 93-354), the prisoner shall receive no sentence
18 credit awarded under clause (3) of this subsection (a) unless
19 he or she participates in and completes a substance abuse
20 treatment program. The Director may waive the requirement to
21 participate in or complete a substance abuse treatment program
22 in specific instances if the prisoner is not a good candidate
23 for a substance abuse treatment program for medical,
24 programming, or operational reasons. Availability of substance
25 abuse treatment shall be subject to the limits of fiscal
26 resources appropriated by the General Assembly for these

1 purposes. If treatment is not available and the requirement to
2 participate and complete the treatment has not been waived by
3 the Director, the prisoner shall be placed on a waiting list
4 under criteria established by the Department. The Director may
5 allow a prisoner placed on a waiting list to participate in and
6 complete a substance abuse education class or attend substance
7 abuse self-help meetings in lieu of a substance abuse treatment
8 program. A prisoner on a waiting list who is not placed in a
9 substance abuse program prior to release may be eligible for a
10 waiver and receive sentence credit under clause (3) of this
11 subsection (a) at the discretion of the Director.

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

23 (4.7) On or after the effective date of this amendatory Act
24 of the 100th General Assembly, sentence credit under paragraph
25 (3), (4), or (4.1) of this subsection (a) may be awarded to a
26 prisoner who is serving a sentence for an offense described in

1 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
2 on or after the effective date of this amendatory Act of the
3 100th General Assembly; provided, the award of the credits
4 under this paragraph (4.7) shall not reduce the sentence of the
5 prisoner to less than the following amounts:

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

8 (ii) 60% of his or her sentence if the prisoner is
9 required to serve 75% of his or her sentence, except if the
10 prisoner is serving a sentence for gunrunning his or her
11 sentence shall not be reduced to less than 75%.

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

15 (5) Whenever the Department is to release any inmate
16 earlier than it otherwise would because of a grant of earned
17 sentence credit under paragraph (3) of subsection (a) of this
18 Section given at any time during the term, the Department shall
19 give reasonable notice of the impending release not less than
20 14 days prior to the date of the release to the State's
21 Attorney of the county where the prosecution of the inmate took
22 place, and if applicable, the State's Attorney of the county
23 into which the inmate will be released. The Department must
24 also make identification information and a recent photo of the
25 inmate being released accessible on the Internet by means of a
26 hyperlink labeled "Community Notification of Inmate Early

1 Release" on the Department's World Wide Web homepage. The
2 identification information shall include the inmate's: name,
3 any known alias, date of birth, physical characteristics,
4 commitment offense and county where conviction was imposed. The
5 identification information shall be placed on the website
6 within 3 days of the inmate's release and the information may
7 not be removed until either: completion of the first year of
8 mandatory supervised release or return of the inmate to custody
9 of the Department.

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

14 (c) The Department shall prescribe rules and regulations
15 for revoking sentence credit, including revoking sentence
16 credit awarded under paragraph (3) of subsection (a) of this
17 Section. The Department shall prescribe rules and regulations
18 for suspending or reducing the rate of accumulation of sentence
19 credit for specific rule violations, during imprisonment.
20 These rules and regulations shall provide that no inmate may be
21 penalized more than one year of sentence credit for any one
22 infraction.

23 When the Department seeks to revoke, suspend or reduce the
24 rate of accumulation of any sentence credits for an alleged
25 infraction of its rules, it shall bring charges therefor
26 against the prisoner sought to be so deprived of sentence

1 credits before the Prisoner Review Board as provided in
2 subparagraph (a) (4) of Section 3-3-2 of this Code, if the
3 amount of credit at issue exceeds 30 days or when during any 12
4 month period, the cumulative amount of credit revoked exceeds
5 30 days except where the infraction is committed or discovered
6 within 60 days of scheduled release. In those cases, the
7 Department of Corrections may revoke up to 30 days of sentence
8 credit. The Board may subsequently approve the revocation of
9 additional sentence credit, if the Department seeks to revoke
10 sentence credit in excess of 30 days. However, the Board shall
11 not be empowered to review the Department's decision with
12 respect to the loss of 30 days of sentence credit within any
13 calendar year for any prisoner or to increase any penalty
14 beyond the length requested by the Department.

15 The Director of the Department of Corrections, in
16 appropriate cases, may restore up to 30 days of sentence
17 credits which have been revoked, suspended or reduced. Any
18 restoration of sentence credits in excess of 30 days shall be
19 subject to review by the Prisoner Review Board. However, the
20 Board may not restore sentence credit in excess of the amount
21 requested by the Director.

22 Nothing contained in this Section shall prohibit the
23 Prisoner Review Board from ordering, pursuant to Section
24 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
25 sentence imposed by the court that was not served due to the
26 accumulation of sentence credit.

1 (d) If a lawsuit is filed by a prisoner in an Illinois or
2 federal court against the State, the Department of Corrections,
3 or the Prisoner Review Board, or against any of their officers
4 or employees, and the court makes a specific finding that a
5 pleading, motion, or other paper filed by the prisoner is
6 frivolous, the Department of Corrections shall conduct a
7 hearing to revoke up to 180 days of sentence credit by bringing
8 charges against the prisoner sought to be deprived of the
9 sentence credits before the Prisoner Review Board as provided
10 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
11 prisoner has not accumulated 180 days of sentence credit at the
12 time of the finding, then the Prisoner Review Board may revoke
13 all sentence credit accumulated by the prisoner.

14 For purposes of this subsection (d):

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

19 (A) it lacks an arguable basis either in law or in
20 fact;

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

24 (C) the claims, defenses, and other legal
25 contentions therein are not warranted by existing law
26 or by a nonfrivolous argument for the extension,

1 modification, or reversal of existing law or the
2 establishment of new law;

3 (D) the allegations and other factual contentions
4 do not have evidentiary support or, if specifically so
5 identified, are not likely to have evidentiary support
6 after a reasonable opportunity for further
7 investigation or discovery; or

8 (E) the denials of factual contentions are not
9 warranted on the evidence, or if specifically so
10 identified, are not reasonably based on a lack of
11 information or belief.

12 (2) "Lawsuit" means a motion pursuant to Section 116-3
13 of the Code of Criminal Procedure of 1963, a habeas corpus
14 action under Article X of the Code of Civil Procedure or
15 under federal law (28 U.S.C. 2254), a petition for claim
16 under the Court of Claims Act, an action under the federal
17 Civil Rights Act (42 U.S.C. 1983), or a second or
18 subsequent petition for post-conviction relief under
19 Article 122 of the Code of Criminal Procedure of 1963
20 whether filed with or without leave of court or a second or
21 subsequent petition for relief from judgment under Section
22 2-1401 of the Code of Civil Procedure.

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

25 (f) Whenever the Department is to release any inmate who
26 has been convicted of a violation of an order of protection

1 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, earlier than it otherwise would
3 because of a grant of sentence credit, the Department, as a
4 condition of release, shall require that the person, upon
5 release, be placed under electronic surveillance as provided in
6 Section 5-8A-7 of this Code.

7 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
8 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,
9 eff. 1-8-18.)

10 (730 ILCS 5/5-4.5-95 rep.)

11 Section 30. The Unified Code of Corrections is amended by
12 repealing Section 5-4.5-95."