



Sen. Omar Aquino

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10100SB0412sam001

LRB101 04192 SLF 57438 a

1 AMENDMENT TO SENATE BILL 412

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 412 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-4.5-100 as follows:

6 (730 ILCS 5/5-4.5-100)

7 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

8 (a) COMMENCEMENT. A sentence of imprisonment shall  
9 commence on the date on which the offender is received by the  
10 Department or the institution at which the sentence is to be  
11 served.

12 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set  
13 forth in subsection (e), the offender shall be given credit on  
14 the determinate sentence or maximum term and the minimum period  
15 of imprisonment for the number of days spent in custody as a  
16 result of the offense for which the sentence was imposed. The

1 Department shall calculate the credit at the rate specified in  
2 Section 3-6-3 (730 ILCS 5/3-6-3). ~~The Except when prohibited by~~  
3 ~~subsection (d),~~ the trial court shall give credit to the  
4 defendant for time spent in home detention on the same  
5 sentencing terms as incarceration as provided in Section 5-8A-3  
6 (730 ILCS 5/5-8A-3). The trial court may give credit to the  
7 defendant for the number of days spent confined for psychiatric  
8 or substance abuse treatment prior to judgment, if the court  
9 finds that the detention or confinement was custodial.

10 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender  
11 arrested on one charge and prosecuted on another charge for  
12 conduct that occurred prior to his or her arrest shall be given  
13 credit on the determinate sentence or maximum term and the  
14 minimum term of imprisonment for time spent in custody under  
15 the former charge not credited against another sentence.

16 (c-5) CREDIT; PROGRAMMING. The trial court shall give the  
17 defendant credit for successfully completing county  
18 programming while in custody prior to imposition of sentence at  
19 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the  
20 purposes of this subsection, "custody" includes time spent in  
21 home detention or electronic home monitoring under Section  
22 5-8A-3.

23 (d) (Blank). ~~NO CREDIT; SOME HOME DETENTION. An offender~~  
24 ~~sentenced to a term of imprisonment for an offense listed in~~  
25 ~~paragraph (2) of subsection (c) of Section 5 5 3 (730 ILCS~~  
26 ~~5/5 5 3) or in paragraph (3) of subsection (c 1) of Section~~

1 ~~11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall~~  
2 ~~not receive credit for time spent in home detention prior to~~  
3 ~~judgment.~~

4 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
5 RELEASE, OR PROBATION. An offender charged with the commission  
6 of an offense committed while on parole, mandatory supervised  
7 release, or probation shall not be given credit for time spent  
8 in custody under subsection (b) for that offense for any time  
9 spent in custody as a result of a revocation of parole,  
10 mandatory supervised release, or probation where such  
11 revocation is based on a sentence imposed for a previous  
12 conviction, regardless of the facts upon which the revocation  
13 of parole, mandatory supervised release, or probation is based,  
14 unless both the State and the defendant agree that the time  
15 served for a violation of mandatory supervised release, parole,  
16 or probation shall be credited towards the sentence for the  
17 current offense.

18 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12.)".