



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3614

Introduced 2/22/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

from Ch. 38, par. 1003-6-3

Amends the Unified Code of Corrections. Provides for determining sentence credit for those serving sentences depending on the offense. Applies to prisoners sentenced before the effective date of this act serving sentences on or after the effective date of this act. Applies to prisoners sentenced on or after the effective date of this act. Does not permit additional sentences.

LRB102 14140 KMF 19492 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 as follows:

6 (730 ILCS 5/3-6-3) (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
20 community, 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),

1 (ii), or (iii) of this paragraph (2) committed on or after June
2 19, 1998 or with respect to the offense listed in clause (iv)
3 of this paragraph (2) committed on or after June 23, 2005 (the
4 effective date of Public Act 94-71) or with respect to offense
5 listed in clause (vi) committed on or after June 1, 2008 (the
6 effective date of Public Act 95-625) or with respect to the
7 offense of being an armed habitual criminal committed on or
8 after August 2, 2005 (the effective date of Public Act 94-398)
9 or with respect to the offenses listed in clause (v) of this
10 paragraph (2) committed on or after August 13, 2007 (the
11 effective date of Public Act 95-134) or with respect to the
12 offense of aggravated domestic battery committed on or after
13 July 23, 2010 (the effective date of Public Act 96-1224) or
14 with respect to the offense of attempt to commit terrorism
15 committed on or after January 1, 2013 (the effective date of
16 Public Act 97-990), the following:

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

21 (i-5) that a prisoner who is serving a term of
22 imprisonment for first degree murder shall receive no more
23 than 7.5 days of sentence credit for each month of his or
24 her sentence of imprisonment;

25 (ii) that a prisoner serving a sentence for attempt to
26 commit terrorism, attempt to commit first degree murder,

1 solicitation of murder, solicitation of murder for hire,
2 intentional homicide of an unborn child, predatory
3 criminal sexual assault of a child, aggravated criminal
4 sexual assault, criminal sexual assault, aggravated
5 kidnapping, aggravated battery with a firearm as described
6 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
7 or (e) (4) of Section 12-3.05, heinous battery as described
8 in Section 12-4.1 or subdivision (a) (2) of Section
9 12-3.05, being an armed habitual criminal, aggravated
10 battery of a senior citizen as described in Section 12-4.6
11 or subdivision (a) (4) of Section 12-3.05, or aggravated
12 battery of a child as described in Section 12-4.3 or
13 subdivision (b) (1) of Section 12-3.05 shall receive no
14 more than 8.5 ~~4.5~~ days of sentence credit for each month of
15 his or her sentence of imprisonment;

16 (iii) that a prisoner serving a sentence for home
17 invasion, armed robbery, aggravated vehicular hijacking,
18 or aggravated discharge of a firearm, ~~or armed violence~~
19 ~~with a category I weapon or category II weapon,~~ when the
20 court has made and entered a finding, pursuant to
21 subsection (c-1) of Section 5-4-1 of this Code, that the
22 conduct leading to conviction for the enumerated offense
23 resulted in great bodily harm to a victim, shall receive
24 no more than 8.5 ~~4.5~~ days of sentence credit for each month
25 of his or her sentence of imprisonment;

26 (iv) that a prisoner serving a sentence for aggravated

1 discharge of a firearm, whether or not the conduct leading
2 to conviction for the offense resulted in great bodily
3 harm to the victim, shall receive no more than 8.5 ~~4.5~~ days
4 of sentence credit for each month of his or her sentence of
5 imprisonment;

6 (v) that a person serving a sentence for gunrunning,
7 ~~narcotics racketeering, controlled substance trafficking,~~
8 ~~methamphetamine trafficking, drug induced homicide,~~
9 ~~aggravated methamphetamine related child endangerment,~~
10 ~~money laundering pursuant to clause (c) (4) or (5) of~~
11 ~~Section 29B-1 of the Criminal Code of 1961 or the Criminal~~
12 ~~Code of 2012, or a Class X felony conviction for delivery~~
13 ~~of a controlled substance, possession of a controlled~~
14 ~~substance with intent to manufacture or deliver,~~
15 ~~calculated criminal drug conspiracy, criminal drug~~
16 ~~conspiracy, street gang criminal drug conspiracy,~~
17 ~~participation in methamphetamine manufacturing,~~
18 ~~aggravated participation in methamphetamine~~
19 ~~manufacturing, delivery of methamphetamine, possession~~
20 ~~with intent to deliver methamphetamine, aggravated~~
21 ~~delivery of methamphetamine, aggravated possession with~~
22 ~~intent to deliver methamphetamine, methamphetamine~~
23 ~~conspiracy when the substance containing the controlled~~
24 ~~substance or methamphetamine is 100 grams or more shall~~
25 receive no more than 10.5 ~~7.5~~ days sentence credit for
26 each month of his or her sentence of imprisonment;

1 (vi) that a prisoner serving a sentence for a second
2 or subsequent offense of luring a minor shall receive no
3 more than 8.5 ~~4.5~~ days of sentence credit for each month of
4 his or her sentence of imprisonment; and

5 (vii) that a prisoner serving a sentence for
6 aggravated domestic battery shall receive no more than 8.5
7 ~~4.5~~ days of sentence credit for each month of his or her
8 sentence of imprisonment.

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

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

9 (2.2) A prisoner serving a term of natural life
10 imprisonment or a prisoner who has been sentenced to death
11 shall receive no sentence credit.

12 (2.3) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated driving under the influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds, or any
17 combination thereof as defined in subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code, shall receive no more than 8.5 ~~4.5~~ days
20 of sentence credit for each month of his or her sentence of
21 imprisonment.

22 (2.4) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations on sentence credit
24 shall provide with respect to the offenses of aggravated
25 battery with a machine gun or a firearm equipped with any
26 device or attachment designed or used for silencing the report

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

8 (2.5) 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 arson committed on or after July 27, 2001 (the
12 effective date of Public Act 92-176) shall receive no more
13 than 8.5 ~~4.5~~ days of sentence credit for each month of his or
14 her sentence of imprisonment.

15 (2.6) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide that a prisoner who is serving a sentence for
18 aggravated driving under the influence of alcohol, other drug
19 or drugs, or intoxicating compound or compounds or any
20 combination thereof as defined in subparagraph (C) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code committed on or after January 1, 2011
23 (the effective date of Public Act 96-1230) shall receive no
24 more than 8.5 ~~4.5~~ days of sentence credit for each month of his
25 or her sentence of imprisonment.

26 (3) In addition to the sentence credits earned under

1 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection
2 (a), the rules and regulations shall also provide that the
3 Director may award up to 180 days of earned sentence credit for
4 good conduct in specific instances as the Director deems
5 proper. The good conduct may include, but is not limited to,
6 compliance with the rules and regulations of the Department,
7 service to the Department, service to a community, or service
8 to the State.

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

22 The Director shall not award sentence credit under this
23 paragraph (3) to an inmate unless the inmate has served a
24 minimum of 60 days of the sentence; except nothing in this
25 paragraph shall be construed to permit the Director to extend
26 an inmate's sentence beyond that which was imposed by the

1 court. Prior to awarding credit under this paragraph (3), the
2 Director shall make a written determination that the inmate:

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

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

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

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

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

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

19 (A) the number of inmates awarded earned sentence
20 credit;

21 (B) the average amount of earned sentence credit
22 awarded;

23 (C) the holding offenses of inmates awarded earned
24 sentence credit; and

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

26 (4) (A) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations shall also provide
2 that the sentence credit accumulated and retained under
3 paragraph (2.1) of subsection (a) of this Section by any
4 inmate during specific periods of time in which such inmate is
5 engaged full-time in substance abuse programs, correctional
6 industry assignments, educational programs, behavior
7 modification programs, life skills courses, or re-entry
8 planning provided by the Department under this paragraph (4)
9 and satisfactorily completes the assigned program as
10 determined by the standards of the Department, shall be
11 multiplied by a factor of 1.25 for program participation
12 before August 11, 1993 and 1.50 for program participation on
13 or after that date. The rules and regulations shall also
14 provide that sentence credit, subject to the same offense
15 limits and multiplier provided in this paragraph, may be
16 provided to an inmate who was held in pre-trial detention
17 prior to his or her current commitment to the Department of
18 Corrections and successfully completed a full-time, 60-day or
19 longer substance abuse program, educational program, behavior
20 modification program, life skills course, or re-entry planning
21 provided by the county department of corrections or county
22 jail. Calculation of this county program credit shall be done
23 at sentencing as provided in Section 5-4.5-100 of this Code
24 and shall be included in the sentencing order. However, no
25 inmate shall be eligible for the additional sentence credit
26 under this paragraph (4) or (4.1) of this subsection (a) while

1 assigned to a boot camp or electronic detention.

2 (B) The Department shall award sentence credit under this
3 paragraph (4) accumulated prior to January 1, 2020 (the
4 effective date of Public Act 101-440) ~~this amendatory Act of~~
5 ~~the 101st General Assembly~~ in an amount specified in
6 subparagraph (C) of this paragraph (4) to an inmate serving a
7 sentence for an offense committed prior to June 19, 1998, if
8 the Department determines that the inmate is entitled to this
9 sentence credit, based upon:

10 (i) documentation provided by the Department that the
11 inmate engaged in any full-time substance abuse programs,
12 correctional industry assignments, educational programs,
13 behavior modification programs, life skills courses, or
14 re-entry planning provided by the Department under this
15 paragraph (4) and satisfactorily completed the assigned
16 program as determined by the standards of the Department
17 during the inmate's current term of incarceration; or

18 (ii) the inmate's own testimony in the form of an
19 affidavit or documentation, or a third party's
20 documentation or testimony in the form of an affidavit
21 that the inmate likely engaged in any full-time substance
22 abuse programs, correctional industry assignments,
23 educational programs, behavior modification programs, life
24 skills courses, or re-entry planning provided by the
25 Department under paragraph (4) and satisfactorily
26 completed the assigned program as determined by the

1 standards of the Department during the inmate's current
2 term of incarceration.

3 (C) If the inmate can provide documentation that he or she
4 is entitled to sentence credit under subparagraph (B) in
5 excess of 45 days of participation in those programs, the
6 inmate shall receive 90 days of sentence credit. If the inmate
7 cannot provide documentation of more than 45 days of
8 participation in those programs, the inmate shall receive 45
9 days of sentence credit. In the event of a disagreement
10 between the Department and the inmate as to the amount of
11 credit accumulated under subparagraph (B), if the Department
12 provides documented proof of a lesser amount of days of
13 participation in those programs, that proof shall control. If
14 the Department provides no documentary proof, the inmate's
15 proof as set forth in clause (ii) of subparagraph (B) shall
16 control as to the amount of sentence credit provided.

17 (D) If the inmate has been convicted of a sex offense as
18 defined in Section 2 of the Sex Offender Registration Act,
19 sentencing credits under subparagraph (B) of this paragraph
20 (4) shall be awarded by the Department only if the conditions
21 set forth in paragraph (4.6) of subsection (a) are satisfied.
22 No inmate serving a term of natural life imprisonment shall
23 receive sentence credit under subparagraph (B) of this
24 paragraph (4).

25 Educational, vocational, substance abuse, behavior
26 modification programs, life skills courses, re-entry planning,

1 and correctional industry programs under which sentence credit
2 may be increased under this paragraph (4) and paragraph (4.1)
3 of this subsection (a) shall be evaluated by the Department on
4 the basis of documented standards. The Department shall report
5 the results of these evaluations to the Governor and the
6 General Assembly by September 30th of each year. The reports
7 shall include data relating to the recidivism rate among
8 program participants.

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

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

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

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

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

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

1 master's or professional degree while he or she was held in
2 pre-trial detention prior to the current commitment to the
3 Department of Corrections.

4 (4.5) The rules and regulations on sentence credit shall
5 also provide that when the court's sentencing order recommends
6 a prisoner for substance abuse treatment and the crime was
7 committed on or after September 1, 2003 (the effective date of
8 Public Act 93-354), the prisoner shall receive no sentence
9 credit awarded under clause (3) of this subsection (a) unless
10 he or she participates in and completes a substance abuse
11 treatment program. The Director may waive the requirement to
12 participate in or complete a substance abuse treatment program
13 in specific instances if the prisoner is not a good candidate
14 for a substance abuse treatment program for medical,
15 programming, or operational reasons. Availability of substance
16 abuse treatment shall be subject to the limits of fiscal
17 resources appropriated by the General Assembly for these
18 purposes. If treatment is not available and the requirement to
19 participate and complete the treatment has not been waived by
20 the Director, the prisoner shall be placed on a waiting list
21 under criteria established by the Department. The Director may
22 allow a prisoner placed on a waiting list to participate in and
23 complete a substance abuse education class or attend substance
24 abuse self-help meetings in lieu of a substance abuse
25 treatment program. A prisoner on a waiting list who is not
26 placed in a substance abuse program prior to release may be

1 eligible for a waiver and receive sentence credit under clause
2 (3) of this subsection (a) at the discretion of the Director.

3 (4.6) The rules and regulations on sentence credit shall
4 also provide that a prisoner who has been convicted of a sex
5 offense as defined in Section 2 of the Sex Offender
6 Registration Act shall receive no sentence credit unless he or
7 she either has successfully completed or is participating in
8 sex offender treatment as defined by the Sex Offender
9 Management Board. However, prisoners who are waiting to
10 receive treatment, but who are unable to do so due solely to
11 the lack of resources on the part of the Department, may, at
12 the Director's sole discretion, be awarded sentence credit at
13 a rate as the Director shall determine.

14 (4.7) On or after January 1, 2018 (the effective date of
15 Public Act 100-3) ~~this amendatory Act of the 100th General~~
16 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)
17 of this subsection (a) may be awarded to a prisoner who is
18 serving a sentence for an offense described in paragraph (2),
19 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
20 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
21 ~~amendatory Act of the 100th General Assembly; provided, the~~
22 ~~award of the credits under this paragraph (4.7) shall not~~
23 ~~reduce the sentence of the prisoner to less than the following~~
24 ~~amounts:~~

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

1 ~~(ii) 60% of his or her sentence if the prisoner is~~
2 ~~required to serve 75% of his or her sentence, except if the~~
3 ~~prisoner is serving a sentence for gunrunning his or her~~
4 ~~sentence shall not be reduced to less than 75%.~~

5 ~~(iii) 100% of his or her sentence if the prisoner is~~
6 ~~required to serve 100% of his or her sentence.~~

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

1 or return of the inmate to custody 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
11 sentence credit for specific rule violations, during
12 imprisonment. These rules and regulations shall provide that
13 no inmate may be penalized more than one year of sentence
14 credit for any one infraction.

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

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

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

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

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

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

8 For purposes of this subsection (d):

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

13 (A) it lacks an arguable basis either in law or in
14 fact;

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

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

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

1 investigation or discovery; or

2 (E) the denials of factual contentions are not
3 warranted on the evidence, or if specifically so
4 identified, are not reasonably based on a lack of
5 information or belief.

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

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

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

1 (g) The changes made to this Section by this amendatory
2 Act of the 102nd General Assembly apply to prisoners sentenced
3 before the effective date of this amendatory Act of the 102nd
4 General Assembly for their serving sentences of imprisonment
5 on or after the effective date of this amendatory Act of the
6 102nd General Assembly and to prisoners sentenced on or after
7 the effective date of this amendatory Act of the 102nd General
8 Assembly. Nothing in this amendatory Act of the 102nd General
9 Assembly shall be construed to permit the award of any
10 additional sentence credit provided in this amendatory Act of
11 the 102nd General Assembly for any service of imprisonment
12 before the effective date of this amendatory Act of the 102nd
13 General Assembly.

14 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
15 101-440, eff. 1-1-20; revised 8-19-20.)