

SB2123



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2123

Introduced 2/26/2021, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that sentence credit may be awarded to a prisoner for credit earned for good conduct, certain program participation, and educational credit, but that the award of credits may not reduce the sentence of the prisoner more than 5 years. Provides that a person serving a term of natural life imprisonment may not earn sentencing credit.

LRB102 15825 KMF 21193 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The 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 (ii) that a prisoner serving a sentence for attempt to
22 commit terrorism, attempt to commit first degree murder,
23 solicitation of murder, solicitation of murder for hire,
24 intentional homicide of an unborn child, predatory
25 criminal sexual assault of a child, aggravated criminal
26 sexual assault, criminal sexual assault, aggravated

1 kidnapping, aggravated battery with a firearm as described
2 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
3 or (e)(4) of Section 12-3.05, heinous battery as described
4 in Section 12-4.1 or subdivision (a)(2) of Section
5 12-3.05, being an armed habitual criminal, aggravated
6 battery of a senior citizen as described in Section 12-4.6
7 or subdivision (a)(4) of Section 12-3.05, or aggravated
8 battery of a child as described in Section 12-4.3 or
9 subdivision (b)(1) of Section 12-3.05 shall receive no
10 more than 4.5 days of sentence credit for each month of his
11 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
15 a category I weapon or category II weapon, when the court
16 has made and entered a finding, pursuant to subsection
17 (c-1) of Section 5-4-1 of this Code, that the conduct
18 leading to conviction for the enumerated offense resulted
19 in great bodily harm to a victim, shall receive no more
20 than 4.5 days of sentence credit for each month of his or
21 her 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
25 harm 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,
14 aggravated participation in methamphetamine
15 manufacturing, delivery of methamphetamine, possession
16 with intent to deliver methamphetamine, aggravated
17 delivery of methamphetamine, aggravated possession with
18 intent to deliver methamphetamine, methamphetamine
19 conspiracy when the substance containing the controlled
20 substance or methamphetamine is 100 grams or more shall
21 receive no more than 7.5 days sentence credit for each
22 month of his or her sentence of imprisonment;

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

1 (vii) that a prisoner serving a sentence for
2 aggravated domestic battery shall receive no more than 4.5
3 days of sentence credit for each month of his or her
4 sentence of 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)
13 committed on or after July 23, 2010 (the effective date of
14 Public Act 96-1224), and other than the offense of aggravated
15 driving under the influence of alcohol, other drug or drugs,
16 or intoxicating compound or compounds, or any combination
17 thereof as defined in subparagraph (F) of paragraph (1) of
18 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
19 and other than the offense of aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof as defined
22 in subparagraph (C) of paragraph (1) of subsection (d) of
23 Section 11-501 of the Illinois Vehicle Code committed on or
24 after January 1, 2011 (the effective date of Public Act
25 96-1230), the rules and regulations shall provide that a
26 prisoner who is serving a term of imprisonment shall receive

1 one day of sentence credit for each day of his or her sentence
2 of imprisonment or recommitment under Section 3-3-9. Each day
3 of sentence credit shall reduce by one day the prisoner's
4 period 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
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, shall receive no more than 4.5 days of
16 sentence credit for each month of his or her sentence of
17 imprisonment.

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

1 that a prisoner serving a sentence for any of these offenses
2 shall receive no more than 4.5 days of sentence credit for each
3 month of his or her sentence of imprisonment.

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

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

22 (3) In addition to the sentence credits earned under
23 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection
24 (a), the rules and regulations shall also provide that the
25 Director may award up to 180 days of earned sentence credit for
26 good conduct in specific instances as the Director deems

1 proper. The good conduct may include, but is not limited to,
2 compliance with the rules and regulations of the Department,
3 service to the Department, service to a community, or service
4 to the State.

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

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

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

26 (B) has served a minimum of 60 days, or as close to 60

1 days as the sentence will allow;

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

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

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

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

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

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

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

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

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

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

24 (B) The Department shall award sentence credit under this
25 paragraph (4) accumulated prior to January 1, 2020 (the
26 effective date of Public Act 101-440) ~~this amendatory Act of~~

1 ~~the 101st General Assembly~~ in an amount specified in
2 subparagraph (C) of this paragraph (4) to an inmate serving a
3 sentence for an offense committed prior to June 19, 1998, if
4 the Department determines that the inmate is entitled to this
5 sentence credit, based upon:

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

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

25 (C) If the inmate can provide documentation that he or she
26 is entitled to sentence credit under subparagraph (B) in

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

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

21 Educational, vocational, substance abuse, behavior
22 modification programs, life skills courses, re-entry planning,
23 and correctional industry programs under which sentence credit
24 may be increased under this paragraph (4) and paragraph (4.1)
25 of this subsection (a) shall be evaluated by the Department on
26 the basis of documented standards. The Department shall report

1 the results of these evaluations to the Governor and the
2 General Assembly by September 30th of each year. The reports
3 shall include data relating to the recidivism rate among
4 program participants.

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

16 (4.1) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations shall also provide
18 that an additional 90 days of sentence credit shall be awarded
19 to any prisoner who passes high school equivalency testing
20 while the prisoner is committed to the Department of
21 Corrections. The sentence credit awarded under this paragraph
22 (4.1) shall be in addition to, and shall not affect, the award
23 of sentence credit under any other paragraph of this Section,
24 but shall also be pursuant to the guidelines and restrictions
25 set forth in paragraph (4) of subsection (a) of this Section.
26 The sentence credit provided for in this paragraph shall be

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

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

1 days of sentence credit to any committed person who earned a
2 bachelor's degree while he or she was held in pre-trial
3 detention prior to the current commitment to the Department of
4 Corrections.

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

26 (4.5) The rules and regulations on sentence credit shall

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

25 (4.6) The rules and regulations on sentence credit shall
26 also provide that a prisoner who has been convicted of a sex

1 offense as defined in Section 2 of the Sex Offender
2 Registration Act shall receive no sentence credit unless he or
3 she either has successfully completed or is participating in
4 sex offender treatment as defined by the Sex Offender
5 Management Board. However, prisoners who are waiting to
6 receive treatment, but who are unable to do so due solely to
7 the lack of resources on the part of the Department, may, at
8 the Director's sole discretion, be awarded sentence credit at
9 a rate as the Director shall determine.

10 (4.7) On or after January 1, 2018 (the effective date of
11 Public Act 100-3) ~~this amendatory Act of the 100th General~~
12 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)
13 of this subsection (a) may be awarded to a prisoner who is
14 serving a sentence for an offense described in paragraph (2),
15 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
16 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
17 ~~amendatory Act of the 100th General Assembly~~; provided, the
18 award of the credits under this paragraph (4.7) shall not
19 reduce the sentence of the prisoner to less than the following
20 amounts:

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

23 (ii) 60% of his or her sentence if the prisoner is
24 required to serve 75% of his or her sentence, except if the
25 prisoner is serving a sentence for gunrunning his or her
26 sentence shall not be reduced to less than 75%.

1 (iii) 100% of his or her sentence if the prisoner is
2 required to serve 100% of his or her sentence.

3 (4.8) Notwithstanding any provision of law to the
4 contrary, on or after the effective date of this amendatory
5 Act of the 102nd General Assembly, sentence credit under
6 paragraph (3), (4), or (4.1) of this subsection (a) may be
7 awarded to a prisoner for credit earned prior to or after the
8 effective date of this amendatory Act of the 102nd General
9 Assembly; provided, the award of the credits under this
10 paragraph (4.8) shall not reduce the sentence of the prisoner
11 more than 5 years. A person serving a term of natural life
12 imprisonment may not earn sentencing credit.

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

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

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

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

21 When the Department seeks to revoke, suspend, or reduce
22 the rate of accumulation of any sentence credits for an
23 alleged infraction of its rules, it shall bring charges
24 therefor against the prisoner sought to be so deprived of
25 sentence credits before the Prisoner Review Board as provided
26 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the

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

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

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

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

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

14 For purposes of this subsection (d):

15 (1) "Frivolous" means that a pleading, motion, or
16 other filing which purports to be a legal document filed
17 by a 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
22 purpose, such as to harass or to cause unnecessary
23 delay or 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
6 in Section 5-8A-7 of this Code.

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