

SB2060



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2060

Introduced 2/9/2023, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for aggravated battery in which the victim was a peace officer committed on or after the effective date of the amendatory Act shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

LRB103 25246 RLC 51590 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 of Corrections and the
11 Department of Juvenile Justice shall prescribe rules and
12 regulations for awarding and revoking sentence credit for
13 persons committed to the Department of Juvenile Justice under
14 Section 5-8-6 of the Unified Code of Corrections, which shall
15 be subject to review by the Prisoner Review Board.

16 (1.5) As otherwise provided by law, sentence credit may be
17 awarded for the following:

18 (A) successful completion of programming while in
19 custody of the Department of Corrections or the Department
20 of Juvenile Justice or while in custody prior to
21 sentencing;

22 (B) compliance with the rules and regulations of the
23 Department; or

1 (C) service to the institution, service to a
2 community, or service to the State.

3 (2) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide, with respect to offenses listed in clause (i),
6 (ii), or (iii) of this paragraph (2) committed on or after June
7 19, 1998 or with respect to the offense listed in clause (iv)
8 of this paragraph (2) committed on or after June 23, 2005 (the
9 effective date of Public Act 94-71) or with respect to offense
10 listed in clause (vi) committed on or after June 1, 2008 (the
11 effective date of Public Act 95-625) or with respect to the
12 offense of being an armed habitual criminal committed on or
13 after August 2, 2005 (the effective date of Public Act 94-398)
14 or with respect to the offenses listed in clause (v) of this
15 paragraph (2) committed on or after August 13, 2007 (the
16 effective date of Public Act 95-134) or with respect to the
17 offense of aggravated domestic battery committed on or after
18 July 23, 2010 (the effective date of Public Act 96-1224) or
19 with respect to the offense of attempt to commit terrorism
20 committed on or after January 1, 2013 (the effective date of
21 Public Act 97-990) or with respect to the offense of
22 aggravated battery under paragraph (4) of subsection (d) of
23 Section 12-3.05 of the Criminal Code of 2012 in which the
24 victim was a peace officer committed on or after the effective
25 date of this amendatory Act of the 103rd General Assembly, the
26 following:

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

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

22 (iii) that a prisoner serving a sentence for home
23 invasion, armed robbery, aggravated vehicular hijacking,
24 aggravated discharge of a firearm, or armed violence with
25 a category I weapon or category II weapon, when the court
26 has made and entered a finding, pursuant to subsection

1 (c-1) of Section 5-4-1 of this Code, that the conduct
2 leading to conviction for the enumerated offense resulted
3 in great bodily harm to a victim, shall receive no more
4 than 4.5 days of sentence credit for each month of his or
5 her sentence of imprisonment;

6 (iv) that a prisoner serving a sentence for aggravated
7 discharge of a firearm, whether or not the conduct leading
8 to conviction for the offense resulted in great bodily
9 harm to the victim, shall receive no more than 4.5 days of
10 sentence credit for each month of his or her sentence of
11 imprisonment;

12 (v) that a person serving a sentence for gunrunning,
13 narcotics racketeering, controlled substance trafficking,
14 methamphetamine trafficking, drug-induced homicide,
15 aggravated methamphetamine-related child endangerment,
16 money laundering pursuant to clause (c) (4) or (5) of
17 Section 29B-1 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, or a Class X felony conviction for delivery
19 of a controlled substance, possession of a controlled
20 substance with intent to manufacture or deliver,
21 calculated criminal drug conspiracy, criminal drug
22 conspiracy, street gang criminal drug conspiracy,
23 participation in methamphetamine manufacturing,
24 aggravated participation in methamphetamine
25 manufacturing, delivery of methamphetamine, possession
26 with intent to deliver methamphetamine, aggravated

1 delivery of methamphetamine, aggravated possession with
2 intent to deliver methamphetamine, methamphetamine
3 conspiracy when the substance containing the controlled
4 substance or methamphetamine is 100 grams or more shall
5 receive no more than 7.5 days sentence credit for each
6 month of his or her sentence of imprisonment;

7 (vi) that a prisoner serving a sentence for a second
8 or subsequent offense of luring a minor shall receive no
9 more than 4.5 days of sentence credit for each month of his
10 or her sentence of imprisonment; ~~and~~

11 (vii) that a prisoner serving a sentence for
12 aggravated domestic battery shall receive no more than 4.5
13 days of sentence credit for each month of his or her
14 sentence of imprisonment; ~~and-~~

15 (viii) that a prisoner serving a sentence for
16 aggravated battery under paragraph (4) of subsection (d)
17 of Section 12-3.05 of the Criminal Code of 2012 in which
18 the victim was a peace officer shall receive no more than
19 4.5 days of sentence credit for each month of his or her
20 sentence of imprisonment.

21 (2.1) For all offenses, other than those enumerated in
22 subdivision (a)(2)(i), (ii), or (iii) committed on or after
23 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
24 June 23, 2005 (the effective date of Public Act 94-71) or
25 subdivision (a)(2)(v) committed on or after August 13, 2007
26 (the effective date of Public Act 95-134) or subdivision

1 (a)(2)(vi) committed on or after June 1, 2008 (the effective
2 date of Public Act 95-625) or subdivision (a)(2)(vii)
3 committed on or after July 23, 2010 (the effective date of
4 Public Act 96-1224) or subdivision (a)(2)(viii) committed on
5 or after the effective date of this amendatory Act of the 103rd
6 General Assembly, and other than the offense of aggravated
7 driving under the influence of alcohol, other drug or drugs,
8 or intoxicating compound or compounds, or any combination
9 thereof as defined in subparagraph (F) of paragraph (1) of
10 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
11 and other than the offense of aggravated driving under the
12 influence of alcohol, other drug or drugs, or intoxicating
13 compound or compounds, or any combination thereof as defined
14 in subparagraph (C) of paragraph (1) of subsection (d) of
15 Section 11-501 of the Illinois Vehicle Code committed on or
16 after January 1, 2011 (the effective date of Public Act
17 96-1230), the rules and regulations shall provide that a
18 prisoner who is serving a term of imprisonment shall receive
19 one day of sentence credit for each day of his or her sentence
20 of imprisonment or recommitment under Section 3-3-9. Each day
21 of sentence credit shall reduce by one day the prisoner's
22 period of imprisonment or recommitment under Section 3-3-9.

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

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

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

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

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

1 than 4.5 days of sentence credit for each month of his or her
2 sentence of imprisonment.

3 (2.6) 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 driving under the influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds or any
8 combination thereof as defined in subparagraph (C) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code committed on or after January 1, 2011
11 (the effective date of Public Act 96-1230) shall receive no
12 more than 4.5 days of sentence credit for each month of his or
13 her sentence of imprisonment.

14 (3) In addition to the sentence credits earned under
15 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
16 subsection (a), the rules and regulations shall also provide
17 that the Director of Corrections or the Director of Juvenile
18 Justice may award up to 180 days of earned sentence credit for
19 prisoners serving a sentence of incarceration of less than 5
20 years, and up to 365 days of earned sentence credit for
21 prisoners serving a sentence of 5 years or longer. The
22 Director may grant this credit for good conduct in specific
23 instances as either Director deems proper for eligible persons
24 in the custody of each Director's respective Department. The
25 good conduct may include, but is not limited to, compliance
26 with the rules and regulations of the Department, service to

1 the Department, service to a community, or service to the
2 State.

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

20 The Director of Corrections or the Director of Juvenile
21 Justice shall not award sentence credit under this paragraph
22 (3) to an inmate unless the inmate has served a minimum of 60
23 days of the sentence; except nothing in this paragraph shall
24 be construed to permit either Director to extend an inmate's
25 sentence beyond that which was imposed by the court. Prior to
26 awarding credit under this paragraph (3), each Director shall

1 make a written determination that the inmate:

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

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

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

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

10 The Director of Corrections or the Director of Juvenile
11 Justice shall determine the form and content of the written
12 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 any prisoner who is engaged full-time in substance abuse
3 programs, correctional industry assignments, educational
4 programs, work-release programs or activities in accordance
5 with Article 13 of Chapter III of this Code, behavior
6 modification programs, life skills courses, or re-entry
7 planning provided by the Department under this paragraph (4)
8 and satisfactorily completes the assigned program as
9 determined by the standards of the Department, shall receive
10 one day of sentence credit for each day in which that prisoner
11 is engaged in the activities described in this paragraph. The
12 rules and regulations shall also provide that sentence credit
13 may be provided to an inmate who was held in pre-trial
14 detention prior to his or her current commitment to the
15 Department of Corrections and successfully completed a
16 full-time, 60-day or longer substance abuse program,
17 educational program, behavior modification program, life
18 skills course, or re-entry planning provided by the county
19 department of corrections or county jail. Calculation of this
20 county program credit shall be done at sentencing as provided
21 in Section 5-4.5-100 of this Code and shall be included in the
22 sentencing order. The rules and regulations shall also provide
23 that sentence credit may be provided to an inmate who is in
24 compliance with programming requirements in an adult
25 transition center.

26 (B) The Department shall award sentence credit under this

1 paragraph (4) accumulated prior to January 1, 2020 (the
2 effective date of Public Act 101-440) in an amount specified
3 in subparagraph (C) of this paragraph (4) to an inmate serving
4 a sentence for an offense committed prior to June 19, 1998, if
5 the Department determines that the inmate is entitled to this
6 sentence credit, based upon:

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

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

26 (C) If the inmate can provide documentation that he or she

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

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

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

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

6 Availability of these programs shall be subject to the
7 limits of fiscal resources appropriated by the General
8 Assembly for these purposes. Eligible inmates who are denied
9 immediate admission shall be placed on a waiting list under
10 criteria established by the Department. The rules and
11 regulations shall provide that a prisoner who has been placed
12 on a waiting list but is transferred for non-disciplinary
13 reasons before beginning a program shall receive priority
14 placement on the waitlist for appropriate programs at the new
15 facility. The inability of any inmate to become engaged in any
16 such programs by reason of insufficient program resources or
17 for any other reason established under the rules and
18 regulations of the Department shall not be deemed a cause of
19 action under which the Department or any employee or agent of
20 the Department shall be liable for damages to the inmate. The
21 rules and regulations shall provide that a prisoner who begins
22 an educational, vocational, substance abuse, work-release
23 programs or activities in accordance with Article 13 of
24 Chapter III of this Code, behavior modification program, life
25 skills course, re-entry planning, or correctional industry
26 programs but is unable to complete the program due to illness,

1 disability, transfer, lockdown, or another reason outside of
2 the prisoner's control shall receive prorated sentence credits
3 for the days in which the prisoner did participate.

4 (4.1) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations shall also provide
6 that an additional 90 days of sentence credit shall be awarded
7 to any prisoner who passes high school equivalency testing
8 while the prisoner is committed to the Department of
9 Corrections. The sentence credit awarded under this paragraph
10 (4.1) shall be in addition to, and shall not affect, the award
11 of sentence credit under any other paragraph of this Section,
12 but shall also be pursuant to the guidelines and restrictions
13 set forth in paragraph (4) of subsection (a) of this Section.
14 The sentence credit provided for in this paragraph shall be
15 available only to those prisoners who have not previously
16 earned a high school diploma or a State of Illinois High School
17 Diploma. If, after an award of the high school equivalency
18 testing sentence credit has been made, the Department
19 determines that the prisoner was not eligible, then the award
20 shall be revoked. The Department may also award 90 days of
21 sentence credit to any committed person who passed high school
22 equivalency testing while he or she was held in pre-trial
23 detention prior to the current commitment to the Department of
24 Corrections. Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations shall provide that
26 an additional 120 days of sentence credit shall be awarded to

1 any prisoner who obtains an associate degree while the
2 prisoner is committed to the Department of Corrections,
3 regardless of the date that the associate degree was obtained,
4 including if prior to July 1, 2021 (the effective date of
5 Public Act 101-652). The sentence credit awarded under this
6 paragraph (4.1) shall be in addition to, and shall not affect,
7 the award of sentence credit under any other paragraph of this
8 Section, but shall also be under the guidelines and
9 restrictions set forth in paragraph (4) of subsection (a) of
10 this Section. The sentence credit provided for in this
11 paragraph (4.1) shall be available only to those prisoners who
12 have not previously earned an associate degree prior to the
13 current commitment to the Department of Corrections. If, after
14 an award of the associate degree sentence credit has been made
15 and the Department determines that the prisoner was not
16 eligible, then the award shall be revoked. The Department may
17 also award 120 days of sentence credit to any committed person
18 who earned an associate degree while he or she was held in
19 pre-trial detention prior to the current commitment to the
20 Department of Corrections.

21 Except as provided in paragraph (4.7) of this subsection
22 (a), the rules and regulations shall provide that an
23 additional 180 days of sentence credit shall be awarded to any
24 prisoner who obtains a bachelor's degree while the prisoner is
25 committed to the Department of Corrections. The sentence
26 credit awarded under this paragraph (4.1) shall be in addition

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

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

10 (4.2) The rules and regulations shall also provide that
11 any prisoner engaged in self-improvement programs, volunteer
12 work, or work assignments that are not otherwise eligible
13 activities under paragraph (4), shall receive up to 0.5 days
14 of sentence credit for each day in which the prisoner is
15 engaged in activities described in this paragraph.

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

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

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

1 (4.7) On or after January 1, 2018 (the effective date of
2 Public Act 100-3), sentence credit under paragraph (3), (4),
3 or (4.1) of this subsection (a) may be awarded to a prisoner
4 who is serving a sentence for an offense described in
5 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
6 on or after January 1, 2018 (the effective date of Public Act
7 100-3); provided, the award of the credits under this
8 paragraph (4.7) shall not reduce the sentence of the prisoner
9 to less than the following amounts:

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

12 (ii) 60% of his or her sentence if the prisoner is
13 required to serve 75% of his or her sentence, except if the
14 prisoner is serving a sentence for gunrunning his or her
15 sentence shall not be reduced to less than 75%.

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

18 (5) Whenever the Department is to release any inmate
19 earlier than it otherwise would because of a grant of earned
20 sentence credit under paragraph (3) of subsection (a) of this
21 Section given at any time during the term, the Department
22 shall give reasonable notice of the impending release not less
23 than 14 days prior to the date of the release to the State's
24 Attorney of the county where the prosecution of the inmate
25 took place, and if applicable, the State's Attorney of the
26 county into which the inmate will be released. The Department

1 must also make identification information and a recent photo
2 of the inmate being released accessible on the Internet by
3 means of a hyperlink labeled "Community Notification of Inmate
4 Early Release" on the Department's World Wide Web homepage.
5 The identification information shall include the inmate's:
6 name, any known alias, date of birth, physical
7 characteristics, commitment offense, and county where
8 conviction was imposed. The identification information shall
9 be placed on the website within 3 days of the inmate's release
10 and the information may not be removed until either:
11 completion of the first year of mandatory supervised release
12 or return of the inmate to custody of the Department.

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

17 (c) (1) The Department shall prescribe rules and
18 regulations for revoking sentence credit, including revoking
19 sentence credit awarded under paragraph (3) of subsection (a)
20 of this Section. The Department shall prescribe rules and
21 regulations establishing and requiring the use of a sanctions
22 matrix for revoking sentence credit. The Department shall
23 prescribe rules and regulations for suspending or reducing the
24 rate of accumulation of sentence credit for specific rule
25 violations, during imprisonment. These rules and regulations
26 shall provide that no inmate may be penalized more than one

1 year of sentence credit for any one infraction.

2 (2) When the Department seeks to revoke, suspend, or
3 reduce the rate of accumulation of any sentence credits for an
4 alleged infraction of its rules, it shall bring charges
5 therefor against the prisoner sought to be so deprived of
6 sentence credits before the Prisoner Review Board as provided
7 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
8 amount of credit at issue exceeds 30 days, whether from one
9 infraction or cumulatively from multiple infractions arising
10 out of a single event, or when, during any 12-month period, the
11 cumulative amount of credit revoked exceeds 30 days except
12 where the infraction is committed or discovered within 60 days
13 of scheduled release. In those cases, the Department of
14 Corrections may revoke up to 30 days of sentence credit. The
15 Board may subsequently approve the revocation of additional
16 sentence credit, if the Department seeks to revoke sentence
17 credit in excess of 30 days. However, the Board shall not be
18 empowered to review the Department's decision with respect to
19 the loss of 30 days of sentence credit within any calendar year
20 for any prisoner or to increase any penalty beyond the length
21 requested by the Department.

22 (3) The Director of Corrections or the Director of
23 Juvenile Justice, in appropriate cases, may restore sentence
24 credits which have been revoked, suspended, or reduced. The
25 Department shall prescribe rules and regulations governing the
26 restoration of sentence credits. These rules and regulations

1 shall provide for the automatic restoration of sentence
2 credits following a period in which the prisoner maintains a
3 record without a disciplinary violation.

4 Nothing contained in this Section shall prohibit the
5 Prisoner Review Board from ordering, pursuant to Section
6 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
7 sentence imposed by the court that was not served due to the
8 accumulation of sentence credit.

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

23 For purposes of this subsection (d):

24 (1) "Frivolous" means that a pleading, motion, or
25 other filing which purports to be a legal document filed
26 by a prisoner in his or her lawsuit meets any or all of the

1 following criteria:

2 (A) it lacks an arguable basis either in law or in
3 fact;

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

7 (C) the claims, defenses, and other legal
8 contentions therein are not warranted by existing law
9 or by a nonfrivolous argument for the extension,
10 modification, or reversal of existing law or the
11 establishment of new law;

12 (D) the allegations and other factual contentions
13 do not have evidentiary support or, if specifically so
14 identified, are not likely to have evidentiary support
15 after a reasonable opportunity for further
16 investigation or discovery; or

17 (E) the denials of factual contentions are not
18 warranted on the evidence, or if specifically so
19 identified, are not reasonably based on a lack of
20 information or belief.

21 (2) "Lawsuit" means a motion pursuant to Section 116-3
22 of the Code of Criminal Procedure of 1963, a habeas corpus
23 action under Article X of the Code of Civil Procedure or
24 under federal law (28 U.S.C. 2254), a petition for claim
25 under the Court of Claims Act, an action under the federal
26 Civil Rights Act (42 U.S.C. 1983), or a second or

1 subsequent petition for post-conviction relief under
2 Article 122 of the Code of Criminal Procedure of 1963
3 whether filed with or without leave of court or a second or
4 subsequent petition for relief from judgment under Section
5 2-1401 of the Code of Civil Procedure.

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

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

16 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
17 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
18 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)