

SB2064



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2064

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 or a sentence for bringing contraband into a penal institution 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 25264 RLC 51608 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 or
26 with respect to the offense of bringing contraband into a

1 penal institution as described in subsection (a) of Section
2 31A-1.1 of the Criminal Code of 2012 committed on or after the
3 effective date of this amendatory Act of the 103rd General
4 Assembly, the following:

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

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

26 (iii) that a prisoner serving a sentence for home

1 invasion, armed robbery, aggravated vehicular hijacking,
2 aggravated discharge of a firearm, or armed violence with
3 a category I weapon or category II weapon, when the court
4 has made and entered a finding, pursuant to subsection
5 (c-1) of Section 5-4-1 of this Code, that the conduct
6 leading to conviction for the enumerated offense resulted
7 in great bodily harm to a victim, shall receive no more
8 than 4.5 days of sentence credit for each month of his or
9 her sentence of imprisonment;

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

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

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

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

15 (vii) that a prisoner serving a sentence for
16 aggravated domestic battery shall receive no more than 4.5
17 days of sentence credit for each month of his or her
18 sentence of imprisonment; ~~and~~

19 (viii) that a prisoner serving a sentence for
20 aggravated battery under paragraph (4) of subsection (d)
21 of Section 12-3.05 of the Criminal Code of 2012 in which
22 the victim was a peace officer shall receive no more than
23 4.5 days of sentence credit for each month of his or her
24 sentence of imprisonment; and

25 (ix) that a prisoner serving a sentence for bringing
26 contraband into a penal institution as described in

1 subsection (a) of Section 31A-1.1 of the Criminal Code of
2 2012 committed on or after the effective date of this
3 amendatory Act of the 103rd General Assembly shall receive
4 no more than 4.5 days of sentence credit for each month of
5 his or her sentence of imprisonment.

6 (2.1) For all offenses, other than those enumerated in
7 subdivision (a)(2)(i), (ii), or (iii) committed on or after
8 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
9 June 23, 2005 (the effective date of Public Act 94-71) or
10 subdivision (a)(2)(v) committed on or after August 13, 2007
11 (the effective date of Public Act 95-134) or subdivision
12 (a)(2)(vi) committed on or after June 1, 2008 (the effective
13 date of Public Act 95-625) or subdivision (a)(2)(vii)
14 committed on or after July 23, 2010 (the effective date of
15 Public Act 96-1224) or subdivision (a)(2)(viii) committed on
16 or after the effective date of this amendatory Act of the 103rd
17 General Assembly or subdivision (a)(2)(ix) committed on or
18 after the effective date of this amendatory Act of the 103rd
19 General Assembly, and other than the offense of aggravated
20 driving under the influence of alcohol, other drug or drugs,
21 or intoxicating compound or compounds, or any combination
22 thereof as defined in subparagraph (F) of paragraph (1) of
23 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
24 and other than the offense of aggravated driving under the
25 influence of alcohol, other drug or drugs, or intoxicating
26 compound or compounds, or any combination thereof as defined

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

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

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

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

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

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

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

1 (3) In addition to the sentence credits earned under
2 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
3 subsection (a), the rules and regulations shall also provide
4 that the Director of Corrections or the Director of Juvenile
5 Justice may award up to 180 days of earned sentence credit for
6 prisoners serving a sentence of incarceration of less than 5
7 years, and up to 365 days of earned sentence credit for
8 prisoners serving a sentence of 5 years or longer. The
9 Director may grant this credit for good conduct in specific
10 instances as either Director deems proper for eligible persons
11 in the custody of each Director's respective Department. The
12 good conduct may include, but is not limited to, compliance
13 with the rules and regulations of the Department, service to
14 the Department, service to a community, or service to the
15 State.

16 Eligible inmates for an award of earned sentence credit
17 under this paragraph (3) may be selected to receive the credit
18 at either Director's or his or her designee's sole discretion.
19 Eligibility for the additional earned sentence credit under
20 this paragraph (3) may be based on, but is not limited to,
21 participation in programming offered by the Department as
22 appropriate for the prisoner based on the results of any
23 available risk/needs assessment or other relevant assessments
24 or evaluations administered by the Department using a
25 validated instrument, the circumstances of the crime,
26 demonstrated commitment to rehabilitation by a prisoner with a

1 history of conviction for a forcible felony enumerated in
2 Section 2-8 of the Criminal Code of 2012, the inmate's
3 behavior and improvements in disciplinary history while
4 incarcerated, and the inmate's commitment to rehabilitation,
5 including participation in programming offered by the
6 Department.

7 The Director of Corrections or the Director of Juvenile
8 Justice shall not award sentence credit under this paragraph
9 (3) to an inmate unless the inmate has served a minimum of 60
10 days of the sentence; except nothing in this paragraph shall
11 be construed to permit either Director to extend an inmate's
12 sentence beyond that which was imposed by the court. Prior to
13 awarding credit under this paragraph (3), each Director shall
14 make a written determination that the inmate:

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

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

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

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

23 The Director of Corrections or the Director of Juvenile
24 Justice shall determine the form and content of the written
25 determination required in this subsection.

26 (3.5) The Department shall provide annual written reports

1 to the Governor and the General Assembly on the award of earned
2 sentence credit no later than February 1 of each year. The
3 Department must publish both reports on its website within 48
4 hours of transmitting the reports to the Governor and the
5 General Assembly. The reports must include:

6 (A) the number of inmates awarded earned sentence
7 credit;

8 (B) the average amount of earned sentence credit
9 awarded;

10 (C) the holding offenses of inmates awarded earned
11 sentence credit; and

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

13 (4) (A) Except as provided in paragraph (4.7) of this
14 subsection (a), the rules and regulations shall also provide
15 that any prisoner who is engaged full-time in substance abuse
16 programs, correctional industry assignments, educational
17 programs, work-release programs or activities in accordance
18 with Article 13 of Chapter III of this Code, behavior
19 modification programs, life skills courses, or re-entry
20 planning provided by the Department under this paragraph (4)
21 and satisfactorily completes the assigned program as
22 determined by the standards of the Department, shall receive
23 one day of sentence credit for each day in which that prisoner
24 is engaged in the activities described in this paragraph. The
25 rules and regulations shall also provide that sentence credit
26 may be provided to an inmate who was held in pre-trial

1 detention prior to his or her current commitment to the
2 Department of Corrections and successfully completed a
3 full-time, 60-day or longer substance abuse program,
4 educational program, behavior modification program, life
5 skills course, or re-entry planning provided by the county
6 department of corrections or county jail. Calculation of this
7 county program credit shall be done at sentencing as provided
8 in Section 5-4.5-100 of this Code and shall be included in the
9 sentencing order. The rules and regulations shall also provide
10 that sentence credit may be provided to an inmate who is in
11 compliance with programming requirements in an adult
12 transition center.

13 (B) The Department shall award sentence credit under this
14 paragraph (4) accumulated prior to January 1, 2020 (the
15 effective date of Public Act 101-440) in an amount specified
16 in subparagraph (C) of this paragraph (4) to an inmate serving
17 a sentence for an offense committed prior to June 19, 1998, if
18 the Department determines that the inmate is entitled to this
19 sentence credit, based upon:

20 (i) documentation provided by the Department that the
21 inmate engaged in any full-time substance abuse programs,
22 correctional industry assignments, educational programs,
23 behavior modification programs, life skills courses, or
24 re-entry planning provided by the Department under this
25 paragraph (4) and satisfactorily completed the assigned
26 program as determined by the standards of the Department

1 during the inmate's current term of incarceration; or

2 (ii) the inmate's own testimony in the form of an
3 affidavit or documentation, or a third party's
4 documentation or testimony in the form of an affidavit
5 that the inmate likely engaged in any full-time substance
6 abuse programs, correctional industry assignments,
7 educational programs, behavior modification programs, life
8 skills courses, or re-entry planning provided by the
9 Department under paragraph (4) and satisfactorily
10 completed the assigned program as determined by the
11 standards of the Department during the inmate's current
12 term of incarceration.

13 (C) If the inmate can provide documentation that he or she
14 is entitled to sentence credit under subparagraph (B) in
15 excess of 45 days of participation in those programs, the
16 inmate shall receive 90 days of sentence credit. If the inmate
17 cannot provide documentation of more than 45 days of
18 participation in those programs, the inmate shall receive 45
19 days of sentence credit. In the event of a disagreement
20 between the Department and the inmate as to the amount of
21 credit accumulated under subparagraph (B), if the Department
22 provides documented proof of a lesser amount of days of
23 participation in those programs, that proof shall control. If
24 the Department provides no documentary proof, the inmate's
25 proof as set forth in clause (ii) of subparagraph (B) shall
26 control as to the amount of sentence credit provided.

1 (D) If the inmate has been convicted of a sex offense as
2 defined in Section 2 of the Sex Offender Registration Act,
3 sentencing credits under subparagraph (B) of this paragraph
4 (4) shall be awarded by the Department only if the conditions
5 set forth in paragraph (4.6) of subsection (a) are satisfied.
6 No inmate serving a term of natural life imprisonment shall
7 receive sentence credit under subparagraph (B) of this
8 paragraph (4).

9 Educational, vocational, substance abuse, behavior
10 modification programs, life skills courses, re-entry planning,
11 and correctional industry programs under which sentence credit
12 may be earned under this paragraph (4) and paragraph (4.1) of
13 this subsection (a) shall be evaluated by the Department on
14 the basis of documented standards. The Department shall report
15 the results of these evaluations to the Governor and the
16 General Assembly by September 30th of each year. The reports
17 shall include data relating to the recidivism rate among
18 program participants.

19 Availability of these programs shall be subject to the
20 limits of fiscal resources appropriated by the General
21 Assembly for these purposes. Eligible inmates who are denied
22 immediate admission shall be placed on a waiting list under
23 criteria established by the Department. The rules and
24 regulations shall provide that a prisoner who has been placed
25 on a waiting list but is transferred for non-disciplinary
26 reasons before beginning a program shall receive priority

1 placement on the waitlist for appropriate programs at the new
2 facility. The inability of any inmate to become engaged in any
3 such programs by reason of insufficient program resources or
4 for any other reason established under the rules and
5 regulations of the Department shall not be deemed a cause of
6 action under which the Department or any employee or agent of
7 the Department shall be liable for damages to the inmate. The
8 rules and regulations shall provide that a prisoner who begins
9 an educational, vocational, substance abuse, work-release
10 programs or activities in accordance with Article 13 of
11 Chapter III of this Code, behavior modification program, life
12 skills course, re-entry planning, or correctional industry
13 programs but is unable to complete the program due to illness,
14 disability, transfer, lockdown, or another reason outside of
15 the prisoner's control shall receive prorated sentence credits
16 for the days in which the prisoner did participate.

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

1 The sentence credit provided for in this paragraph shall be
2 available only to those prisoners who have not previously
3 earned a high school diploma or a State of Illinois High School
4 Diploma. If, after an award of the high school equivalency
5 testing sentence credit has been made, the Department
6 determines that the prisoner was not eligible, then the award
7 shall be revoked. The Department may also award 90 days of
8 sentence credit to any committed person who passed high school
9 equivalency testing while he or she was held in pre-trial
10 detention prior to the current commitment to the Department of
11 Corrections. Except as provided in paragraph (4.7) of this
12 subsection (a), the rules and regulations shall provide that
13 an additional 120 days of sentence credit shall be awarded to
14 any prisoner who obtains an associate degree while the
15 prisoner is committed to the Department of Corrections,
16 regardless of the date that the associate degree was obtained,
17 including if prior to July 1, 2021 (the effective date of
18 Public Act 101-652). The sentence credit awarded under this
19 paragraph (4.1) shall be in addition to, and shall not affect,
20 the award of sentence credit under any other paragraph of this
21 Section, but shall also be under the guidelines and
22 restrictions set forth in paragraph (4) of subsection (a) of
23 this Section. The sentence credit provided for in this
24 paragraph (4.1) shall be available only to those prisoners who
25 have not previously earned an associate degree prior to the
26 current commitment to the Department of Corrections. If, after

1 an award of the associate degree sentence credit has been made
2 and the Department determines that the prisoner was not
3 eligible, then the award shall be revoked. The Department may
4 also award 120 days of sentence credit to any committed person
5 who earned an associate degree while he or she was held in
6 pre-trial detention prior to the current commitment to the
7 Department of Corrections.

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

1 Corrections.

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

23 (4.2) The rules and regulations shall also provide that
24 any prisoner engaged in self-improvement programs, volunteer
25 work, or work assignments that are not otherwise eligible
26 activities under paragraph (4), shall receive up to 0.5 days

1 of sentence credit for each day in which the prisoner is
2 engaged in activities described in this paragraph.

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

1 credit under clause (3) of this subsection (a) at the
2 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 either Director's sole discretion, be awarded sentence credit
13 at 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), sentence credit under paragraph (3), (4),
16 or (4.1) of this subsection (a) may be awarded to a prisoner
17 who is serving a sentence for an offense described in
18 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
19 on or after January 1, 2018 (the effective date of Public Act
20 100-3); provided, the award of the credits under this
21 paragraph (4.7) shall not reduce the sentence of the prisoner
22 to less than the following amounts:

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

25 (ii) 60% of his or her sentence if the prisoner is
26 required to serve 75% of his or her sentence, except if the

1 prisoner is serving a sentence for gunrunning his or her
2 sentence shall not be reduced to less than 75%.

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

5 (5) Whenever the Department is to release any inmate
6 earlier than it otherwise would because of a grant of earned
7 sentence credit under paragraph (3) of subsection (a) of this
8 Section given at any time during the term, the Department
9 shall give reasonable notice of the impending release not less
10 than 14 days prior to the date of the release to the State's
11 Attorney of the county where the prosecution of the inmate
12 took place, and if applicable, the State's Attorney of the
13 county into which the inmate will be released. The Department
14 must also make identification information and a recent photo
15 of the inmate being released accessible on the Internet by
16 means of a hyperlink labeled "Community Notification of Inmate
17 Early Release" on the Department's World Wide Web homepage.
18 The identification information shall include the inmate's:
19 name, any known alias, date of birth, physical
20 characteristics, commitment offense, and county where
21 conviction was imposed. The identification information shall
22 be placed on the website within 3 days of the inmate's release
23 and the information may not be removed until either:
24 completion of the first year of mandatory supervised release
25 or return of the inmate to custody of the Department.

26 (b) Whenever a person is or has been committed under

1 several convictions, with separate sentences, the sentences
2 shall be construed under Section 5-8-4 in granting and
3 forfeiting of sentence credit.

4 (c) (1) The Department shall prescribe rules and
5 regulations for revoking sentence credit, including revoking
6 sentence credit awarded under paragraph (3) of subsection (a)
7 of this Section. The Department shall prescribe rules and
8 regulations establishing and requiring the use of a sanctions
9 matrix for revoking sentence credit. The Department shall
10 prescribe rules and regulations for suspending or reducing the
11 rate of accumulation of sentence credit for specific rule
12 violations, during imprisonment. These rules and regulations
13 shall provide that no inmate may be penalized more than one
14 year of sentence credit for any one infraction.

15 (2) When the Department seeks to revoke, suspend, or
16 reduce 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, whether from one
22 infraction or cumulatively from multiple infractions arising
23 out of a single event, or when, during any 12-month period, the
24 cumulative amount of credit revoked exceeds 30 days except
25 where the infraction is committed or discovered within 60 days
26 of scheduled release. In those cases, the Department of

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

9 (3) The Director of Corrections or the Director of
10 Juvenile Justice, in appropriate cases, may restore sentence
11 credits which have been revoked, suspended, or reduced. The
12 Department shall prescribe rules and regulations governing the
13 restoration of sentence credits. These rules and regulations
14 shall provide for the automatic restoration of sentence
15 credits following a period in which the prisoner maintains a
16 record without a disciplinary violation.

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

22 (d) If a lawsuit is filed by a prisoner in an Illinois or
23 federal court against the State, the Department of
24 Corrections, or the Prisoner Review Board, or against any of
25 their officers or employees, and the court makes a specific
26 finding that a pleading, motion, or other paper filed by the

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

10 For purposes of this subsection (d):

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

15 (A) it lacks an arguable basis either in law or in
16 fact;

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

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

25 (D) the allegations and other factual contentions
26 do not have evidentiary support or, if specifically so

1 identified, are not likely to have evidentiary support
2 after a reasonable opportunity for further
3 investigation or discovery; or

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

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

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

21 (f) Whenever the Department is to release any inmate who
22 has been convicted of a violation of an order of protection
23 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, earlier than it otherwise would
25 because of a grant of sentence credit, the Department, as a
26 condition of release, shall require that the person, upon

1 release, be placed under electronic surveillance as provided
2 in Section 5-8A-7 of this Code.

3 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
4 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
5 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)