



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2882

by Rep. Barbara Flynn Currie

#### 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 who is serving a term of imprisonment for first degree murder shall receive no more than 7.5 days of sentence credit for each month of his or her sentence of imprisonment (rather than a prisoner receiving no sentence credit). Increases the maximum amount of sentence credit that a prisoner may receive for various offenses from 4.5 to 8.5 (from 7.5 to 10.5 for gunrunning, drug-induced homicide, or aggravated methamphetamine-related child endangerment) days of sentence credit for each month of his or her sentence of imprisonment. Provides that prisoners sentenced before the effective date of the amendatory Act may receive the additional sentence credit provided by the amendatory Act for their service of imprisonment on or after the effective date of the amendatory Act. Provides that nothing in the amendatory Act shall be construed to permit the award of any additional sentence credit provided in the amendatory Act for any service of imprisonment before the effective date of the amendatory Act.

LRB100 08496 RLC 18616 b

FISCAL NOTE ACT  
MAY APPLY

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 community,  
20 or service to the State.

21 (2) The rules and regulations on sentence credit shall  
22 provide, with respect to offenses listed in clause (i), (ii),  
23 or (iii) of this paragraph (2) committed on or after June 19,

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

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

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

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

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

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

25 (iv) that a prisoner serving a sentence for aggravated  
26 discharge of a firearm, whether or not the conduct leading

1 to conviction for the offense resulted in great bodily harm  
2 to the victim, shall receive no more than 8.5 ~~4.5~~ days of  
3 sentence credit for each month of his or her sentence of  
4 imprisonment;

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

26 (vi) that a prisoner serving a sentence for a second or

1 subsequent offense of luring a minor shall receive no more  
2 than 8.5 ~~4.5~~ days of sentence credit for each month of his  
3 or her sentence of imprisonment; and

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

8 (2.1) For all offenses, other than those enumerated in  
9 subdivision (a)(2)(i), ~~(i-5)~~, (ii), or (iii) committed on or  
10 after June 19, 1998 or subdivision (a)(2)(iv) committed on or  
11 after June 23, 2005 (the effective date of Public Act 94-71) or  
12 subdivision (a)(2)(v) committed on or after August 13, 2007  
13 (the effective date of Public Act 95-134) or subdivision  
14 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
15 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
16 on or after July 23, 2010 (the effective date of Public Act  
17 96-1224), and other than the offense of aggravated driving  
18 under the influence of alcohol, other drug or drugs, or  
19 intoxicating compound or compounds, or any combination thereof  
20 as defined in subparagraph (F) of paragraph (1) of subsection  
21 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
22 than the offense of aggravated driving under the influence of  
23 alcohol, other drug or drugs, or intoxicating compound or  
24 compounds, or any combination thereof as defined in  
25 subparagraph (C) of paragraph (1) of subsection (d) of Section  
26 11-501 of the Illinois Vehicle Code committed on or after

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

8 (2.2) A prisoner serving a term of natural life  
9 imprisonment or a prisoner who has been sentenced to death  
10 shall receive no sentence credit.

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

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

1 prisoner serving a sentence for any of these offenses shall  
2 receive no more than 8.5 ~~4.5~~ days of sentence credit for each  
3 month of his or her sentence of imprisonment.

4 (2.5) The rules and regulations on sentence credit shall  
5 provide that a prisoner who is serving a sentence for  
6 aggravated arson committed on or after July 27, 2001 (the  
7 effective date of Public Act 92-176) shall receive no more than  
8 8.5 ~~4.5~~ days of sentence credit for each month of his or her  
9 sentence of imprisonment.

10 (2.6) The rules and regulations on sentence credit shall  
11 provide that a prisoner who is serving a sentence for  
12 aggravated driving under the influence of alcohol, other drug  
13 or drugs, or intoxicating compound or compounds or any  
14 combination thereof as defined in subparagraph (C) of paragraph  
15 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
16 Code committed on or after January 1, 2011 (the effective date  
17 of Public Act 96-1230) shall receive no more than 8.5 ~~4.5~~ days  
18 of sentence credit for each month of his or her sentence of  
19 imprisonment.

20 (3) The rules and regulations shall also provide that the  
21 Director may award up to 180 days additional sentence credit  
22 for good conduct in specific instances as the Director deems  
23 proper. The good conduct may include, but is not limited to,  
24 compliance with the rules and regulations of the Department,  
25 service to the Department, service to a community, or service  
26 to the State. However, the Director shall not award more than



1 90 days of sentence credit for good conduct to any prisoner who  
2 is serving a sentence for conviction of first degree murder,  
3 reckless homicide while under the influence of alcohol or any  
4 other drug, or aggravated driving under the influence of  
5 alcohol, other drug or drugs, or intoxicating compound or  
6 compounds, or any combination thereof as defined in  
7 subparagraph (F) of paragraph (1) of subsection (d) of Section  
8 11-501 of the Illinois Vehicle Code, aggravated kidnapping,  
9 kidnapping, predatory criminal sexual assault of a child,  
10 aggravated criminal sexual assault, criminal sexual assault,  
11 deviate sexual assault, aggravated criminal sexual abuse,  
12 aggravated indecent liberties with a child, indecent liberties  
13 with a child, child pornography, heinous battery as described  
14 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,  
15 aggravated battery of a spouse, aggravated battery of a spouse  
16 with a firearm, stalking, aggravated stalking, aggravated  
17 battery of a child as described in Section 12-4.3 or  
18 subdivision (b)(1) of Section 12-3.05, endangering the life or  
19 health of a child, or cruelty to a child. Notwithstanding the  
20 foregoing, sentence credit for good conduct shall not be  
21 awarded on a sentence of imprisonment imposed for conviction  
22 of: (i) one of the offenses enumerated in subdivision  
23 (a)(2)(i), (i-5), (ii), or (iii) when the offense is committed  
24 on or after June 19, 1998 or subdivision (a)(2)(iv) when the  
25 offense is committed on or after June 23, 2005 (the effective  
26 date of Public Act 94-71) or subdivision (a)(2)(v) when the

1 offense is committed on or after August 13, 2007 (the effective  
2 date of Public Act 95-134) or subdivision (a)(2)(vi) when the  
3 offense is committed on or after June 1, 2008 (the effective  
4 date of Public Act 95-625) or subdivision (a)(2)(vii) when the  
5 offense is committed on or after July 23, 2010 (the effective  
6 date of Public Act 96-1224), (ii) aggravated driving under the  
7 influence of alcohol, other drug or drugs, or intoxicating  
8 compound or compounds, or any combination thereof as defined in  
9 subparagraph (F) of paragraph (1) of subsection (d) of Section  
10 11-501 of the Illinois Vehicle Code, (iii) one of the offenses  
11 enumerated in subdivision (a)(2.4) when the offense is  
12 committed on or after July 15, 1999 (the effective date of  
13 Public Act 91-121), (iv) aggravated arson when the offense is  
14 committed on or after July 27, 2001 (the effective date of  
15 Public Act 92-176), (v) offenses that may subject the offender  
16 to commitment under the Sexually Violent Persons Commitment  
17 Act, or (vi) aggravated driving under the influence of alcohol,  
18 other drug or drugs, or intoxicating compound or compounds or  
19 any combination thereof as defined in subparagraph (C) of  
20 paragraph (1) of subsection (d) of Section 11-501 of the  
21 Illinois Vehicle Code committed on or after January 1, 2011  
22 (the effective date of Public Act 96-1230).

23 Eligible inmates for an award of sentence credit under this  
24 paragraph (3) may be selected to receive the credit at the  
25 Director's or his or her designee's sole discretion.  
26 Consideration may be based on, but not limited to, any

1 available risk assessment analysis on the inmate, any history  
2 of conviction for violent crimes as defined by the Rights of  
3 Crime Victims and Witnesses Act, facts and circumstances of the  
4 inmate's holding offense or offenses, and the potential for  
5 rehabilitation.

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

13 (A) is eligible for the sentence credit;

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

16 (C) has met the eligibility criteria established by  
17 rule.

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

20 (3.5) The Department shall provide annual written reports  
21 to the Governor and the General Assembly on the award of  
22 sentence credit for good conduct, with the first report due  
23 January 1, 2014. The Department must publish both reports on  
24 its website within 48 hours of transmitting the reports to the  
25 Governor and the General Assembly. The reports must include:

26 (A) the number of inmates awarded sentence credit for

1 good conduct;

2 (B) the average amount of sentence credit for good  
3 conduct awarded;

4 (C) the holding offenses of inmates awarded sentence  
5 credit for good conduct; and

6 (D) the number of sentence credit for good conduct  
7 revocations.

8 (4) The rules and regulations shall also provide that the  
9 sentence credit accumulated and retained under paragraph (2.1)  
10 of subsection (a) of this Section by any inmate during specific  
11 periods of time in which such inmate is engaged full-time in  
12 substance abuse programs, correctional industry assignments,  
13 educational programs, behavior modification programs, life  
14 skills courses, or re-entry planning provided by the Department  
15 under this paragraph (4) and satisfactorily completes the  
16 assigned program as determined by the standards of the  
17 Department, shall be multiplied by a factor of 1.25 for program  
18 participation before August 11, 1993 and 1.50 for program  
19 participation on or after that date. The rules and regulations  
20 shall also provide that sentence credit, subject to the same  
21 offense limits and multiplier provided in this paragraph, may  
22 be provided to an inmate who was held in pre-trial detention  
23 prior to his or her current commitment to the Department of  
24 Corrections and successfully completed a full-time, 60-day or  
25 longer substance abuse program, educational program, behavior  
26 modification program, life skills course, or re-entry planning

1 provided by the county department of corrections or county  
2 jail. Calculation of this county program credit shall be done  
3 at sentencing as provided in Section 5-4.5-100 of this Code and  
4 shall be included in the sentencing order. However, no inmate  
5 shall be eligible for the additional sentence credit under this  
6 paragraph (4) or (4.1) of this subsection (a) while assigned to  
7 a boot camp or electronic detention, or if convicted of an  
8 offense enumerated in subdivision (a)(2)(i), (i-5), (ii), or  
9 (iii) of this Section that is committed on or after June 19,  
10 1998 or subdivision (a)(2)(iv) of this Section that is  
11 committed on or after June 23, 2005 (the effective date of  
12 Public Act 94-71) or subdivision (a)(2)(v) of this Section that  
13 is committed on or after August 13, 2007 (the effective date of  
14 Public Act 95-134) or subdivision (a)(2)(vi) when the offense  
15 is committed on or after June 1, 2008 (the effective date of  
16 Public Act 95-625) or subdivision (a)(2)(vii) when the offense  
17 is committed on or after July 23, 2010 (the effective date of  
18 Public Act 96-1224), or if convicted of aggravated driving  
19 under the influence of alcohol, other drug or drugs, or  
20 intoxicating compound or compounds or any combination thereof  
21 as defined in subparagraph (F) of paragraph (1) of subsection  
22 (d) of Section 11-501 of the Illinois Vehicle Code, or if  
23 convicted of aggravated driving under the influence of alcohol,  
24 other drug or drugs, or intoxicating compound or compounds or  
25 any combination thereof as defined in subparagraph (C) of  
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code committed on or after January 1, 2011  
2 (the effective date of Public Act 96-1230), or if convicted of  
3 an offense enumerated in paragraph (a)(2.4) of this Section  
4 that is committed on or after July 15, 1999 (the effective date  
5 of Public Act 91-121), or first degree murder, a Class X  
6 felony, criminal sexual assault, felony criminal sexual abuse,  
7 aggravated criminal sexual abuse, aggravated battery with a  
8 firearm as described in Section 12-4.2 or subdivision (e)(1),  
9 (e)(2), (e)(3), or (e)(4) of Section 12-3.05, or any  
10 predecessor or successor offenses with the same or  
11 substantially the same elements, or any inchoate offenses  
12 relating to the foregoing offenses. No inmate shall be eligible  
13 for the additional good conduct credit under this paragraph (4)  
14 who (i) has previously received increased good conduct credit  
15 under this paragraph (4) and has subsequently been convicted of  
16 a felony, or (ii) has previously served more than one prior  
17 sentence of imprisonment for a felony in an adult correctional  
18 facility.

19 Educational, vocational, substance abuse, behavior  
20 modification programs, life skills courses, re-entry planning,  
21 and correctional industry programs under which sentence credit  
22 may be increased under this paragraph (4) and paragraph (4.1)  
23 of this subsection (a) shall be evaluated by the Department on  
24 the basis of documented standards. The Department shall report  
25 the results of these evaluations to the Governor and the  
26 General Assembly by September 30th of each year. The reports

1 shall include data relating to the recidivism rate among  
2 program participants.

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

14 (4.1) The rules and regulations shall also provide that an  
15 additional 90 days of sentence credit shall be awarded to any  
16 prisoner who passes high school equivalency testing while the  
17 prisoner is committed to the Department of Corrections. The  
18 sentence credit awarded under this paragraph (4.1) shall be in  
19 addition to, and shall not affect, the award of sentence credit  
20 under any other paragraph of this Section, but shall also be  
21 pursuant to the guidelines and restrictions set forth in  
22 paragraph (4) of subsection (a) of this Section. The sentence  
23 credit provided for in this paragraph shall be available only  
24 to those prisoners who have not previously earned a high school  
25 diploma or a high school equivalency certificate. If, after an  
26 award of the high school equivalency testing sentence credit

1 has been made, the Department determines that the prisoner was  
2 not eligible, then the award shall be revoked. The Department  
3 may also award 90 days of sentence credit to any committed  
4 person who passed high school equivalency testing while he or  
5 she was held in pre-trial detention prior to the current  
6 commitment to the Department of Corrections.

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



1 education class or attend substance abuse self-help meetings in  
2 lieu of a substance abuse treatment program. A prisoner on a  
3 waiting list who is not placed in a substance abuse program  
4 prior to release may be eligible for a waiver and receive  
5 sentence credit under clause (3) of this subsection (a) at the  
6 discretion of the Director.

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

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

1 Department must also make identification information and a  
2 recent photo of the inmate being released accessible on the  
3 Internet by means of a hyperlink labeled "Community  
4 Notification of Inmate Early Release" on the Department's World  
5 Wide Web homepage. The identification information shall  
6 include the inmate's: name, any known alias, date of birth,  
7 physical 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: completion  
11 of the first year of mandatory supervised release or return of  
12 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) The Department shall prescribe rules and regulations  
18 for revoking sentence credit, including revoking sentence  
19 credit awarded for good conduct under paragraph (3) of  
20 subsection (a) of this Section. The Department shall prescribe  
21 rules and regulations for suspending or reducing the rate of  
22 accumulation of sentence credit for specific rule violations,  
23 during imprisonment. These rules and regulations shall provide  
24 that no inmate may be penalized more than one year of sentence  
25 credit for any one infraction.

26 When the Department seeks to revoke, suspend or reduce the

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

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

25 Nothing contained in this Section shall prohibit the  
26 Prisoner Review Board from ordering, pursuant to Section

1 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the  
2 sentence imposed by the court that was not served due to the  
3 accumulation of sentence credit.

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

17 For purposes of this subsection (d):

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

22 (A) it lacks an arguable basis either in law or in  
23 fact;

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

1 (C) the claims, defenses, and other legal  
2 contentions therein are not warranted by existing law  
3 or by a nonfrivolous argument for the extension,  
4 modification, or reversal of existing law or the  
5 establishment of new law;

6 (D) the allegations and other factual contentions  
7 do not have evidentiary support or, if specifically so  
8 identified, are not likely to have evidentiary support  
9 after a reasonable opportunity for further  
10 investigation or discovery; or

11 (E) the denials of factual contentions are not  
12 warranted on the evidence, or if specifically so  
13 identified, are not reasonably based on a lack of  
14 information or belief.

15 (2) "Lawsuit" means a motion pursuant to Section 116-3  
16 of the Code of Criminal Procedure of 1963, a habeas corpus  
17 action under Article X of the Code of Civil Procedure or  
18 under federal law (28 U.S.C. 2254), a petition for claim  
19 under the Court of Claims Act, an action under the federal  
20 Civil Rights Act (42 U.S.C. 1983), or a second or  
21 subsequent petition for post-conviction relief under  
22 Article 122 of the Code of Criminal Procedure of 1963  
23 whether filed with or without leave of court or a second or  
24 subsequent petition for relief from judgment under Section  
25 2-1401 of the Code of Civil Procedure.

26 (e) Nothing in Public Act 90-592 or 90-593 affects the

1 validity of Public Act 89-404.

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

10 (g) The changes made to this Section by this amendatory Act  
11 of the 100th General Assembly apply to prisoners sentenced  
12 before the effective date of this amendatory Act of the 100th  
13 General Assembly for their serving sentences of imprisonment on  
14 or after the effective date of this amendatory Act of the 100th  
15 General Assembly and to prisoners sentenced on or after the  
16 effective date of this amendatory Act of the 100th General  
17 Assembly. Nothing in this amendatory Act of the 100th General  
18 Assembly shall be construed to permit the award of any  
19 additional sentence credit provided in this amendatory Act of  
20 the 100th General Assembly for any service of imprisonment  
21 before the effective date of this amendatory Act of the 100th  
22 General Assembly.

23 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,  
24 eff. 1-1-16; 99-642, eff. 7-28-16.)