



Sen. Kimberly A. Lightford

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LRB101 02940 RLC 59779 a

1 AMENDMENT TO HOUSE BILL 94

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 94 by replacing  
3 everything after the enacting clause with the following:

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;

1 (B) compliance with the rules and regulations of the  
2 Department; or

3 (C) service to the institution, service to a community,  
4 or service to the State.

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

24 (i) that a prisoner who is serving a term of  
25 imprisonment for first degree murder or for the offense of  
26 terrorism shall receive no sentence credit and shall serve

1 the entire sentence imposed by the court;

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

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

1 days of sentence credit for each month of his or her  
2 sentence of imprisonment;

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

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

1 methamphetamine is 100 grams or more shall receive no more  
2 than 7.5 days sentence credit for each month of his or her  
3 sentence of imprisonment;

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

8 (vii) that a prisoner serving a sentence for aggravated  
9 domestic battery shall receive no more than 4.5 days of  
10 sentence credit for each month of his or her sentence of  
11 imprisonment.

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

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

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

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

24 (2.4) Except as provided in paragraph (4.7) of this  
25 subsection (a), the rules and regulations on sentence credit  
26 shall provide with respect to the offenses of aggravated

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

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

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

1 imprisonment.

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

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

24 The Director shall not award sentence credit under this  
25 paragraph (3) to an inmate unless the inmate has served a  
26 minimum of 60 days of the sentence; except nothing in this



1 paragraph shall be construed to permit the Director to extend  
2 an inmate's sentence beyond that which was imposed by the  
3 court. Prior to awarding credit under this paragraph (3), the  
4 Director shall make a written determination that the inmate:

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

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

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

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

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

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

21 (A) the number of inmates awarded earned sentence  
22 credit;

23 (B) the average amount of earned sentence credit  
24 awarded;

25 (C) the holding offenses of inmates awarded earned  
26 sentence credit; and

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

2 (4) (A) Except as provided in paragraph (4.7) of this  
3 subsection (a), the rules and regulations shall also provide  
4 that the sentence credit accumulated and retained under  
5 paragraph (2.1) of subsection (a) of this Section by any inmate  
6 during specific periods of time in which such inmate is engaged  
7 full-time in substance abuse programs, correctional industry  
8 assignments, educational programs, behavior modification  
9 programs, life skills courses, or re-entry planning provided by  
10 the Department under this paragraph (4) and satisfactorily  
11 completes the assigned program as determined by the standards  
12 of the Department, shall be multiplied by a factor of 1.25 for  
13 program participation before August 11, 1993 and 1.50 for  
14 program participation on or after that date. The rules and  
15 regulations shall also provide that sentence credit, subject to  
16 the same offense limits and multiplier provided in this  
17 paragraph, may be provided to an inmate who was held in  
18 pre-trial detention prior to his or her current commitment to  
19 the Department of Corrections and successfully completed a  
20 full-time, 60-day or longer substance abuse program,  
21 educational program, behavior modification program, life  
22 skills course, or re-entry planning provided by the county  
23 department of corrections or county jail. Calculation of this  
24 county program credit shall be done at sentencing as provided  
25 in Section 5-4.5-100 of this Code and shall be included in the  
26 sentencing order. However, no inmate shall be eligible for the

1 additional sentence credit under this paragraph (4) or (4.1) of  
2 this subsection (a) while assigned to a boot camp or electronic  
3 detention.

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

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

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

1       assigned program as determined by the standards of the  
2       Department during the inmate's current term of  
3       incarceration.

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

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

1

2 Educational, vocational, substance abuse, behavior

3 modification programs, life skills courses, re-entry planning,

4 and correctional industry programs under which sentence credit

5 may be increased under this paragraph (4) and paragraph (4.1)

6 of this subsection (a) shall be evaluated by the Department on

7 the basis of documented standards. The Department shall report

8 the results of these evaluations to the Governor and the

9 General Assembly by September 30th of each year. The reports

10 shall include data relating to the recidivism rate among

11 program participants.

12 Availability of these programs shall be subject to the

13 limits of fiscal resources appropriated by the General Assembly

14 for these purposes. Eligible inmates who are denied immediate

15 admission shall be placed on a waiting list under criteria

16 established by the Department. The inability of any inmate to

17 become engaged in any such programs by reason of insufficient

18 program resources or for any other reason established under the

19 rules and regulations of the Department shall not be deemed a

20 cause of action under which the Department or any employee or

21 agent of the Department shall be liable for damages to the

22 inmate.

23 (4.1) Except as provided in paragraph (4.7) of this

24 subsection (a), the rules and regulations shall also provide

25 that an additional 90 days of sentence credit shall be awarded

26 to any prisoner who passes high school equivalency testing

1 while the prisoner is committed to the Department of  
2 Corrections. The sentence credit awarded under this paragraph  
3 (4.1) shall be in addition to, and shall not affect, the award  
4 of sentence credit under any other paragraph of this Section,  
5 but shall also be pursuant to the guidelines and restrictions  
6 set forth in paragraph (4) of subsection (a) of this Section.  
7 The sentence credit provided for in this paragraph shall be  
8 available only to those prisoners who have not previously  
9 earned a high school diploma or a high school equivalency  
10 certificate. If, after an award of the high school equivalency  
11 testing sentence credit has been made, the Department  
12 determines that the prisoner was not eligible, then the award  
13 shall be revoked. The Department may also award 90 days of  
14 sentence credit to any committed person who passed high school  
15 equivalency testing while he or she was held in pre-trial  
16 detention prior to the current commitment to the Department of  
17 Corrections.

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

1 subsection (a). The sentence credit provided for in this  
2 paragraph shall be available only to those prisoners who have  
3 not earned a bachelor's degree prior to the current commitment  
4 to the Department of Corrections. If, after an award of the  
5 bachelor's degree 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 180 days of  
8 sentence credit to any committed person who earned a bachelor's  
9 degree while he or she was held in pre-trial detention prior to  
10 the current commitment to the Department of Corrections.

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

1 revoked. The Department may also award 180 days of sentence  
2 credit to any committed person who earned a master's or  
3 professional degree while he or she was held in pre-trial  
4 detention prior to the current commitment to the Department of  
5 Corrections.

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



1 program. A prisoner on a waiting list who is not placed in a  
2 substance abuse program prior to release may be eligible for a  
3 waiver and receive sentence credit under clause (3) of this  
4 subsection (a) at the discretion of the Director.

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

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

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

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

5           (iii) 100% of his or her sentence if the prisoner is  
6           required to serve 100% of his or her sentence. This  
7           ~~paragraph (4.7) shall not apply to a prisoner serving a~~  
8           ~~sentence for an offense described in subparagraph (i) of~~  
9           ~~paragraph (2) of this subsection (a).~~

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

1 within 3 days of the inmate's release and the information may  
2 not be removed until either: completion of the first year of  
3 mandatory supervised release or return of the inmate to custody  
4 of the Department.

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

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

18 When the Department seeks to revoke, suspend or reduce the  
19 rate of accumulation of any sentence credits for an alleged  
20 infraction of its rules, it shall bring charges therefor  
21 against the prisoner sought to be so deprived of sentence  
22 credits before the Prisoner Review Board as provided in  
23 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
24 amount of credit at issue exceeds 30 days or when during any 12  
25 month period, the cumulative amount of credit revoked exceeds  
26 30 days except where the infraction is committed or discovered

1 within 60 days of scheduled release. In those cases, the  
2 Department of Corrections may revoke up to 30 days of sentence  
3 credit. The Board may subsequently approve the revocation of  
4 additional sentence credit, if the Department seeks to revoke  
5 sentence credit in excess of 30 days. However, the Board shall  
6 not be empowered to review the Department's decision with  
7 respect to the loss of 30 days of sentence credit within any  
8 calendar year for any prisoner or to increase any penalty  
9 beyond the length requested by the Department.

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

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 Corrections,  
24 or the Prisoner Review Board, or against any of their officers  
25 or employees, and the court makes a specific finding that a  
26 pleading, motion, or other paper filed by the prisoner is

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

9 For purposes of this subsection (d):

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

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

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

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

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

1 after a reasonable opportunity for further  
2 investigation or discovery; or

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

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

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

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

1 Section 5-8A-7 of this Code.

2 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,  
3 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,  
4 eff. 1-8-18.)".