



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3979

Introduced 1/8/2020, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Repeals provisions concerning armed habitual criminals, habitual criminals, and certain 3 time offenders. Provides that notwithstanding any provision of law to the contrary, a person convicted under those statutes shall be eligible for consideration of parole conditions if his or her final conviction was not first degree murder, aggravated criminal sexual assault, or predatory criminal sexual assault of a child. Provides that notwithstanding any provision of law to the contrary, a person convicted of being an armed habitual criminal, adjudged adjudged an habitual criminal, or 3 time offender for certain felonies before their repeal on the effective date of the amendatory Act shall not be eligible for consideration of conditions of parole or mandatory supervised release if any of his or her convictions under those statutes was first degree murder, second degree murder, or any offense under the sex offender Article of the Criminal Code of 2012 or the Criminal Code of 1961. Amends the Illinois Vehicle Code and the Code of Criminal Procedure of 1963 to make conforming changes.

LRB101 15449 RLC 64779 b

CORRECTIONAL
BUDGET AND
IMPACT 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 Illinois Vehicle Code is amended by changing
5 Sections 6-106.1 and 6-508 as follows:

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver
9 permit to those applicants who have met all the requirements of
10 the application and screening process under this Section to
11 insure the welfare and safety of children who are transported
12 on school buses throughout the State of Illinois. Applicants
13 shall obtain the proper application required by the Secretary
14 of State from their prospective or current employer and submit
15 the completed application to the prospective or current
16 employer along with the necessary fingerprint submission as
17 required by the Department of State Police to conduct
18 fingerprint based criminal background checks on current and
19 future information available in the state system and current
20 information available through the Federal Bureau of
21 Investigation's system. Applicants who have completed the
22 fingerprinting requirements shall not be subjected to the
23 fingerprinting process when applying for subsequent permits or

1 submitting proof of successful completion of the annual
2 refresher course. Individuals who on July 1, 1995 (the
3 effective date of Public Act 88-612) possess a valid school bus
4 driver permit that has been previously issued by the
5 appropriate Regional School Superintendent are not subject to
6 the fingerprinting provisions of this Section as long as the
7 permit remains valid and does not lapse. The applicant shall be
8 required to pay all related application and fingerprinting fees
9 as established by rule including, but not limited to, the
10 amounts established by the Department of State Police and the
11 Federal Bureau of Investigation to process fingerprint based
12 criminal background investigations. All fees paid for
13 fingerprint processing services under this Section shall be
14 deposited into the State Police Services Fund for the cost
15 incurred in processing the fingerprint based criminal
16 background investigations. All other fees paid under this
17 Section shall be deposited into the Road Fund for the purpose
18 of defraying the costs of the Secretary of State in
19 administering this Section. All applicants must:

20 1. be 21 years of age or older;

21 2. possess a valid and properly classified driver's
22 license issued by the Secretary of State;

23 3. possess a valid driver's license, which has not been
24 revoked, suspended, or canceled for 3 years immediately
25 prior to the date of application, or have not had his or
26 her commercial motor vehicle driving privileges

1 disqualified within the 3 years immediately prior to the
2 date of application;

3 4. successfully pass a written test, administered by
4 the Secretary of State, on school bus operation, school bus
5 safety, and special traffic laws relating to school buses
6 and submit to a review of the applicant's driving habits by
7 the Secretary of State at the time the written test is
8 given;

9 5. demonstrate ability to exercise reasonable care in
10 the operation of school buses in accordance with rules
11 promulgated by the Secretary of State;

12 6. demonstrate physical fitness to operate school
13 buses by submitting the results of a medical examination,
14 including tests for drug use for each applicant not subject
15 to such testing pursuant to federal law, conducted by a
16 licensed physician, a licensed advanced practice
17 registered nurse, or a licensed physician assistant within
18 90 days of the date of application according to standards
19 promulgated by the Secretary of State;

20 7. affirm under penalties of perjury that he or she has
21 not made a false statement or knowingly concealed a
22 material fact in any application for permit;

23 8. have completed an initial classroom course,
24 including first aid procedures, in school bus driver safety
25 as promulgated by the Secretary of State; and after
26 satisfactory completion of said initial course an annual

1 refresher course; such courses and the agency or
2 organization conducting such courses shall be approved by
3 the Secretary of State; failure to complete the annual
4 refresher course, shall result in cancellation of the
5 permit until such course is completed;

6 9. not have been under an order of court supervision
7 for or convicted of 2 or more serious traffic offenses, as
8 defined by rule, within one year prior to the date of
9 application that may endanger the life or safety of any of
10 the driver's passengers within the duration of the permit
11 period;

12 10. not have been under an order of court supervision
13 for or convicted of reckless driving, aggravated reckless
14 driving, driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or
16 any combination thereof, or reckless homicide resulting
17 from the operation of a motor vehicle within 3 years of the
18 date of application;

19 11. not have been convicted of committing or attempting
20 to commit any one or more of the following offenses: (i)
21 those offenses defined in Sections 8-1, 8-1.2, 9-1, 9-1.2,
22 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4,
23 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
24 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
25 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1, 11-14, 11-14.1,
26 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1,

1 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
2 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
3 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4, 12-4.1,
4 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
5 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1, 12-7.3,
6 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15,
7 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10,
8 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3,
9 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,
10 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7 before the
11 effective date of this amendatory Act of the 101st General
12 Assembly, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
13 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
14 of Section 24-3, and those offenses contained in Article
15 29D of the Criminal Code of 1961 or the Criminal Code of
16 2012; (ii) those offenses defined in the Cannabis Control
17 Act except those offenses defined in subsections (a) and
18 (b) of Section 4, and subsection (a) of Section 5 of the
19 Cannabis Control Act; (iii) those offenses defined in the
20 Illinois Controlled Substances Act; (iv) those offenses
21 defined in the Methamphetamine Control and Community
22 Protection Act; and (v) any offense committed or attempted
23 in any other state or against the laws of the United
24 States, which if committed or attempted in this State would
25 be punishable as one or more of the foregoing offenses;
26 (vi) the offenses defined in Section 4.1 and 5.1 of the

1 Wrongs to Children Act or Section 11-9.1A of the Criminal
2 Code of 1961 or the Criminal Code of 2012; (vii) those
3 offenses defined in Section 6-16 of the Liquor Control Act
4 of 1934; and (viii) those offenses defined in the
5 Methamphetamine Precursor Control Act;

6 12. not have been repeatedly involved as a driver in
7 motor vehicle collisions or been repeatedly convicted of
8 offenses against laws and ordinances regulating the
9 movement of traffic, to a degree which indicates lack of
10 ability to exercise ordinary and reasonable care in the
11 safe operation of a motor vehicle or disrespect for the
12 traffic laws and the safety of other persons upon the
13 highway;

14 13. not have, through the unlawful operation of a motor
15 vehicle, caused an accident resulting in the death of any
16 person;

17 14. not have, within the last 5 years, been adjudged to
18 be afflicted with or suffering from any mental disability
19 or disease;

20 15. consent, in writing, to the release of results of
21 reasonable suspicion drug and alcohol testing under
22 Section 6-106.1c of this Code by the employer of the
23 applicant to the Secretary of State; and

24 16. not have been convicted of committing or attempting
25 to commit within the last 20 years: (i) an offense defined
26 in subsection (c) of Section 4, subsection (b) of Section

1 5, and subsection (a) of Section 8 of the Cannabis Control
2 Act; or (ii) any offenses in any other state or against the
3 laws of the United States that, if committed or attempted
4 in this State, would be punishable as one or more of the
5 foregoing offenses.

6 (b) A school bus driver permit shall be valid for a period
7 specified by the Secretary of State as set forth by rule. It
8 shall be renewable upon compliance with subsection (a) of this
9 Section.

10 (c) A school bus driver permit shall contain the holder's
11 driver's license number, legal name, residence address, zip
12 code, and date of birth, a brief description of the holder and
13 a space for signature. The Secretary of State may require a
14 suitable photograph of the holder.

15 (d) The employer shall be responsible for conducting a
16 pre-employment interview with prospective school bus driver
17 candidates, distributing school bus driver applications and
18 medical forms to be completed by the applicant, and submitting
19 the applicant's fingerprint cards to the Department of State
20 Police that are required for the criminal background
21 investigations. The employer shall certify in writing to the
22 Secretary of State that all pre-employment conditions have been
23 successfully completed including the successful completion of
24 an Illinois specific criminal background investigation through
25 the Department of State Police and the submission of necessary
26 fingerprints to the Federal Bureau of Investigation for

1 criminal history information available through the Federal
2 Bureau of Investigation system. The applicant shall present the
3 certification to the Secretary of State at the time of
4 submitting the school bus driver permit application.

5 (e) Permits shall initially be provisional upon receiving
6 certification from the employer that all pre-employment
7 conditions have been successfully completed, and upon
8 successful completion of all training and examination
9 requirements for the classification of the vehicle to be
10 operated, the Secretary of State shall provisionally issue a
11 School Bus Driver Permit. The permit shall remain in a
12 provisional status pending the completion of the Federal Bureau
13 of Investigation's criminal background investigation based
14 upon fingerprinting specimens submitted to the Federal Bureau
15 of Investigation by the Department of State Police. The Federal
16 Bureau of Investigation shall report the findings directly to
17 the Secretary of State. The Secretary of State shall remove the
18 bus driver permit from provisional status upon the applicant's
19 successful completion of the Federal Bureau of Investigation's
20 criminal background investigation.

21 (f) A school bus driver permit holder shall notify the
22 employer and the Secretary of State if he or she is issued an
23 order of court supervision for or convicted in another state of
24 an offense that would make him or her ineligible for a permit
25 under subsection (a) of this Section. The written notification
26 shall be made within 5 days of the entry of the order of court

1 supervision or conviction. Failure of the permit holder to
2 provide the notification is punishable as a petty offense for a
3 first violation and a Class B misdemeanor for a second or
4 subsequent violation.

5 (g) Cancellation; suspension; notice and procedure.

6 (1) The Secretary of State shall cancel a school bus
7 driver permit of an applicant whose criminal background
8 investigation discloses that he or she is not in compliance
9 with the provisions of subsection (a) of this Section.

10 (2) The Secretary of State shall cancel a school bus
11 driver permit when he or she receives notice that the
12 permit holder fails to comply with any provision of this
13 Section or any rule promulgated for the administration of
14 this Section.

15 (3) The Secretary of State shall cancel a school bus
16 driver permit if the permit holder's restricted commercial
17 or commercial driving privileges are withdrawn or
18 otherwise invalidated.

19 (4) The Secretary of State may not issue a school bus
20 driver permit for a period of 3 years to an applicant who
21 fails to obtain a negative result on a drug test as
22 required in item 6 of subsection (a) of this Section or
23 under federal law.

24 (5) The Secretary of State shall forthwith suspend a
25 school bus driver permit for a period of 3 years upon
26 receiving notice that the holder has failed to obtain a

1 negative result on a drug test as required in item 6 of
2 subsection (a) of this Section or under federal law.

3 (6) The Secretary of State shall suspend a school bus
4 driver permit for a period of 3 years upon receiving notice
5 from the employer that the holder failed to perform the
6 inspection procedure set forth in subsection (a) or (b) of
7 Section 12-816 of this Code.

8 (7) The Secretary of State shall suspend a school bus
9 driver permit for a period of 3 years upon receiving notice
10 from the employer that the holder refused to submit to an
11 alcohol or drug test as required by Section 6-106.1c or has
12 submitted to a test required by that Section which
13 disclosed an alcohol concentration of more than 0.00 or
14 disclosed a positive result on a National Institute on Drug
15 Abuse five-drug panel, utilizing federal standards set
16 forth in 49 CFR 40.87.

17 The Secretary of State shall notify the State
18 Superintendent of Education and the permit holder's
19 prospective or current employer that the applicant has (1) has
20 failed a criminal background investigation or (2) is no longer
21 eligible for a school bus driver permit; and of the related
22 cancellation of the applicant's provisional school bus driver
23 permit. The cancellation shall remain in effect pending the
24 outcome of a hearing pursuant to Section 2-118 of this Code.
25 The scope of the hearing shall be limited to the issuance
26 criteria contained in subsection (a) of this Section. A

1 petition requesting a hearing shall be submitted to the
2 Secretary of State and shall contain the reason the individual
3 feels he or she is entitled to a school bus driver permit. The
4 permit holder's employer shall notify in writing to the
5 Secretary of State that the employer has certified the removal
6 of the offending school bus driver from service prior to the
7 start of that school bus driver's next workshift. An employing
8 school board that fails to remove the offending school bus
9 driver from service is subject to the penalties defined in
10 Section 3-14.23 of the School Code. A school bus contractor who
11 violates a provision of this Section is subject to the
12 penalties defined in Section 6-106.11.

13 All valid school bus driver permits issued under this
14 Section prior to January 1, 1995, shall remain effective until
15 their expiration date unless otherwise invalidated.

16 (h) When a school bus driver permit holder who is a service
17 member is called to active duty, the employer of the permit
18 holder shall notify the Secretary of State, within 30 days of
19 notification from the permit holder, that the permit holder has
20 been called to active duty. Upon notification pursuant to this
21 subsection, (i) the Secretary of State shall characterize the
22 permit as inactive until a permit holder renews the permit as
23 provided in subsection (i) of this Section, and (ii) if a
24 permit holder fails to comply with the requirements of this
25 Section while called to active duty, the Secretary of State
26 shall not characterize the permit as invalid.

1 (i) A school bus driver permit holder who is a service
2 member returning from active duty must, within 90 days, renew a
3 permit characterized as inactive pursuant to subsection (h) of
4 this Section by complying with the renewal requirements of
5 subsection (b) of this Section.

6 (j) For purposes of subsections (h) and (i) of this
7 Section:

8 "Active duty" means active duty pursuant to an executive
9 order of the President of the United States, an act of the
10 Congress of the United States, or an order of the Governor.

11 "Service member" means a member of the Armed Services or
12 reserve forces of the United States or a member of the Illinois
13 National Guard.

14 (k) A private carrier employer of a school bus driver
15 permit holder, having satisfied the employer requirements of
16 this Section, shall be held to a standard of ordinary care for
17 intentional acts committed in the course of employment by the
18 bus driver permit holder. This subsection (k) shall in no way
19 limit the liability of the private carrier employer for
20 violation of any provision of this Section or for the negligent
21 hiring or retention of a school bus driver permit holder.

22 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

23 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

24 Sec. 6-508. Commercial Driver's License (CDL) -
25 qualification standards.

1 (a) Testing.

2 (1) General. No person shall be issued an original or
3 renewal CDL unless that person is domiciled in this State
4 or is applying for a non-domiciled CDL under Sections 6-509
5 and 6-510 of this Code. The Secretary shall cause to be
6 administered such tests as the Secretary deems necessary to
7 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
8 H, and J.

9 (1.5) Effective July 1, 2014, no person shall be issued
10 an original CDL or an upgraded CDL that requires a skills
11 test unless that person has held a CLP, for a minimum of 14
12 calendar days, for the classification of vehicle and
13 endorsement, if any, for which the person is seeking a CDL.

14 (2) Third party testing. The Secretary of State may
15 authorize a "third party tester", pursuant to 49 C.F.R.
16 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the
17 skills test or tests specified by the Federal Motor Carrier
18 Safety Administration pursuant to the Commercial Motor
19 Vehicle Safety Act of 1986 and any appropriate federal
20 rule.

21 (3) (i) Effective February 7, 2020, unless the person is
22 exempted by 49 CFR 380.603, no person shall be issued an
23 original (first time issuance) CDL, an upgraded CDL or a
24 school bus (S), passenger (P), or hazardous Materials (H)
25 endorsement unless the person has successfully completed
26 entry-level driver training (ELDT) taught by a training

1 provider listed on the federal Training Provider Registry.

2 (ii) Persons who obtain a CLP before February 7, 2020
3 are not required to complete ELDT if the person obtains a
4 CDL before the CLP or renewed CLP expires.

5 (iii) Except for persons seeking the H endorsement,
6 persons must complete the theory and behind-the-wheel
7 (range and public road) portions of ELDT within one year of
8 completing the first portion.

9 (iv) The Secretary shall adopt rules to implement this
10 subsection.

11 (b) Waiver of Skills Test. The Secretary of State may waive
12 the skills test specified in this Section for a driver
13 applicant for a commercial driver license who meets the
14 requirements of 49 C.F.R. 383.77. The Secretary of State shall
15 waive the skills tests specified in this Section for a driver
16 applicant who has military commercial motor vehicle
17 experience, subject to the requirements of 49 C.F.R. 383.77.

18 (b-1) No person shall be issued a CDL unless the person
19 certifies to the Secretary one of the following types of
20 driving operations in which he or she will be engaged:

- 21 (1) non-excepted interstate;
22 (2) non-excepted intrastate;
23 (3) excepted interstate; or
24 (4) excepted intrastate.

25 (b-2) (Blank).

26 (c) Limitations on issuance of a CDL. A CDL shall not be

1 issued to a person while the person is subject to a
2 disqualification from driving a commercial motor vehicle, or
3 unless otherwise permitted by this Code, while the person's
4 driver's license is suspended, revoked or cancelled in any
5 state, or any territory or province of Canada; nor may a CLP or
6 CDL be issued to a person who has a CLP or CDL issued by any
7 other state, or foreign jurisdiction, nor may a CDL be issued
8 to a person who has an Illinois CLP unless the person first
9 surrenders all of these licenses or permits. However, a person
10 may hold an Illinois CLP and an Illinois CDL providing the CLP
11 is necessary to train or practice for an endorsement or vehicle
12 classification not present on the current CDL. No CDL shall be
13 issued to or renewed for a person who does not meet the
14 requirement of 49 CFR 391.41(b)(11). The requirement may be met
15 with the aid of a hearing aid.

16 (c-1) The Secretary may issue a CDL with a school bus
17 driver endorsement to allow a person to drive the type of bus
18 described in subsection (d-5) of Section 6-104 of this Code.
19 The CDL with a school bus driver endorsement may be issued only
20 to a person meeting the following requirements:

21 (1) the person has submitted his or her fingerprints to
22 the Department of State Police in the form and manner
23 prescribed by the Department of State Police. These
24 fingerprints shall be checked against the fingerprint
25 records now and hereafter filed in the Department of State
26 Police and Federal Bureau of Investigation criminal

1 history records databases;

2 (2) the person has passed a written test, administered
3 by the Secretary of State, on charter bus operation,
4 charter bus safety, and certain special traffic laws
5 relating to school buses determined by the Secretary of
6 State to be relevant to charter buses, and submitted to a
7 review of the driver applicant's driving habits by the
8 Secretary of State at the time the written test is given;

9 (3) the person has demonstrated physical fitness to
10 operate school buses by submitting the results of a medical
11 examination, including tests for drug use; and

12 (4) the person has not been convicted of committing or
13 attempting to commit any one or more of the following
14 offenses: (i) those offenses defined in Sections 8-1.2,
15 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
16 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
17 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
18 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
19 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
20 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
21 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
22 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
23 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
24 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
25 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
26 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,

1 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
2 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
3 24-1.2-5, 24-1.6, 24-1.7 before the effective date of this
4 amendatory Act of the 101st General Assembly, 24-2.1,
5 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and
6 33D-1, and in subsection (b) of Section 8-1, and in
7 subdivisions (a) (1), (a) (2), (b) (1), (e) (1), (e) (2),
8 (e) (3), (e) (4), and (f) (1) of Section 12-3.05, and in
9 subsection (a) and subsection (b), clause (1), of Section
10 12-4, and in subsection (A), clauses (a) and (b), of
11 Section 24-3, and those offenses contained in Article 29D
12 of the Criminal Code of 1961 or the Criminal Code of 2012;
13 (ii) those offenses defined in the Cannabis Control Act
14 except those offenses defined in subsections (a) and (b) of
15 Section 4, and subsection (a) of Section 5 of the Cannabis
16 Control Act; (iii) those offenses defined in the Illinois
17 Controlled Substances Act; (iv) those offenses defined in
18 the Methamphetamine Control and Community Protection Act;
19 (v) any offense committed or attempted in any other state
20 or against the laws of the United States, which if
21 committed or attempted in this State would be punishable as
22 one or more of the foregoing offenses; (vi) the offenses
23 defined in Sections 4.1 and 5.1 of the Wrongs to Children
24 Act or Section 11-9.1A of the Criminal Code of 1961 or the
25 Criminal Code of 2012; (vii) those offenses defined in
26 Section 6-16 of the Liquor Control Act of 1934; and (viii)

1 those offenses defined in the Methamphetamine Precursor
2 Control Act.

3 The Department of State Police shall charge a fee for
4 conducting the criminal history records check, which shall be
5 deposited into the State Police Services Fund and may not
6 exceed the actual cost of the records check.

7 (c-2) The Secretary shall issue a CDL with a school bus
8 endorsement to allow a person to drive a school bus as defined
9 in this Section. The CDL shall be issued according to the
10 requirements outlined in 49 C.F.R. 383. A person may not
11 operate a school bus as defined in this Section without a
12 school bus endorsement. The Secretary of State may adopt rules
13 consistent with Federal guidelines to implement this
14 subsection (c-2).

15 (d) (Blank).

16 (Source: P.A. 101-185, eff. 1-1-20.)

17 Section 10. The Criminal Code of 2012 is amended by
18 changing Section 33A-3 as follows:

19 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

20 Sec. 33A-3. Sentence.

21 (a) Violation of Section 33A-2(a) with a Category I weapon
22 is a Class X felony for which the defendant shall be sentenced
23 to a minimum term of imprisonment of 15 years.

24 (a-5) Violation of Section 33A-2(a) with a Category II

1 weapon is a Class X felony for which the defendant shall be
2 sentenced to a minimum term of imprisonment of 10 years.

3 (b) Violation of Section 33A-2(a) with a Category III
4 weapon is a Class 2 felony or the felony classification
5 provided for the same act while unarmed, whichever permits the
6 greater penalty. A second or subsequent violation of Section
7 33A-2(a) with a Category III weapon is a Class 1 felony or the
8 felony classification provided for the same act while unarmed,
9 whichever permits the greater penalty.

10 (b-5) Violation of Section 33A-2(b) with a firearm that is
11 a Category I or Category II weapon is a Class X felony for
12 which the defendant shall be sentenced to a minimum term of
13 imprisonment of 20 years.

14 (b-10) Violation of Section 33A-2(c) with a firearm that is
15 a Category I or Category II weapon is a Class X felony for
16 which the defendant shall be sentenced to a term of
17 imprisonment of not less than 25 years nor more than 40 years.

18 (c) Unless sentencing under subsection (a) of Section
19 5-4.5-95 of the Unified Code of Corrections ~~(730 ILCS~~
20 ~~5/5-4.5-95)~~ before the effective date of this amendatory Act of
21 the 101st General Assembly is applicable, any person who
22 violates subsection (a) or (b) of Section 33A-2 with a firearm,
23 when that person has been convicted in any state or federal
24 court of 3 or more of the following offenses: treason, first
25 degree murder, second degree murder, predatory criminal sexual
26 assault of a child, aggravated criminal sexual assault,

1 criminal sexual assault, robbery, burglary, arson, kidnaping,
2 aggravated battery resulting in great bodily harm or permanent
3 disability or disfigurement, a violation of the
4 Methamphetamine Control and Community Protection Act, or a
5 violation of Section 401(a) of the Illinois Controlled
6 Substances Act, when the third offense was committed after
7 conviction on the second, the second offense was committed
8 after conviction on the first, and the violation of Section
9 33A-2 was committed after conviction on the third, shall be
10 sentenced to a term of imprisonment of not less than 25 years
11 nor more than 50 years.

12 (c-5) Except as otherwise provided in paragraph (b-10) or
13 (c) of this Section, a person who violates Section 33A-2(a)
14 with a firearm that is a Category I weapon or Section 33A-2(b)
15 in any school, in any conveyance owned, leased, or contracted
16 by a school to transport students to or from school or a school
17 related activity, or on the real property comprising any school
18 or public park, and where the offense was related to the
19 activities of an organized gang, shall be sentenced to a term
20 of imprisonment of not less than the term set forth in
21 subsection (a) or (b-5) of this Section, whichever is
22 applicable, and not more than 30 years. For the purposes of
23 this subsection (c-5), "organized gang" has the meaning
24 ascribed to it in Section 10 of the Illinois Streetgang
25 Terrorism Omnibus Prevention Act.

26 (d) For armed violence based upon a predicate offense

1 listed in this subsection (d) the court shall enter the
2 sentence for armed violence to run consecutively to the
3 sentence imposed for the predicate offense. The offenses
4 covered by this provision are:

5 (i) solicitation of murder,

6 (ii) solicitation of murder for hire,

7 (iii) heinous battery as described in Section 12-4.1 or
8 subdivision (a) (2) of Section 12-3.05,

9 (iv) aggravated battery of a senior citizen as
10 described in Section 12-4.6 or subdivision (a) (4) of
11 Section 12-3.05,

12 (v) (blank),

13 (vi) a violation of subsection (g) of Section 5 of the
14 Cannabis Control Act,

15 (vii) cannabis trafficking,

16 (viii) a violation of subsection (a) of Section 401 of
17 the Illinois Controlled Substances Act,

18 (ix) controlled substance trafficking involving a
19 Class X felony amount of controlled substance under Section
20 401 of the Illinois Controlled Substances Act,

21 (x) calculated criminal drug conspiracy,

22 (xi) streetgang criminal drug conspiracy, or

23 (xii) a violation of the Methamphetamine Control and
24 Community Protection Act.

25 (Source: P.A. 95-688, eff. 10-23-07; 95-1052, eff. 7-1-09;
26 96-1551, eff. 7-1-11.)

1 (720 ILCS 5/24-1.7 rep.)

2 Section 15. The Criminal Code of 2012 is amended by
3 repealing Section 24-1.7.

4 Section 20. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 111-3 as follows:

6 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

7 Sec. 111-3. Form of charge.

8 (a) A charge shall be in writing and allege the commission
9 of an offense by:

10 (1) Stating the name of the offense;

11 (2) Citing the statutory provision alleged to have been
12 violated;

13 (3) Setting forth the nature and elements of the
14 offense charged;

15 (4) Stating the date and county of the offense as
16 definitely as can be done; and

17 (5) Stating the name of the accused, if known, and if
18 not known, designate the accused by any name or description
19 by which he can be identified with reasonable certainty.

20 (a-5) If the victim is alleged to have been subjected to an
21 offense involving an illegal sexual act including, but not
22 limited to, a sexual offense defined in Article 11 or Section
23 10-9 of the Criminal Code of 2012, the charge shall state the

1 identity of the victim by name, initials, or description.

2 (b) An indictment shall be signed by the foreman of the
3 Grand Jury and an information shall be signed by the State's
4 Attorney and sworn to by him or another. A complaint shall be
5 sworn to and signed by the complainant; provided, that when a
6 peace officer observes the commission of a misdemeanor and is
7 the complaining witness, the signing of the complaint by the
8 peace officer is sufficient to charge the defendant with the
9 commission of the offense, and the complaint need not be sworn
10 to if the officer signing the complaint certifies that the
11 statements set forth in the complaint are true and correct and
12 are subject to the penalties provided by law for false
13 certification under Section 1-109 of the Code of Civil
14 Procedure and perjury under Section 32-2 of the Criminal Code
15 of 2012; and further provided, however, that when a citation is
16 issued on a Uniform Traffic Ticket or Uniform Conservation
17 Ticket (in a form prescribed by the Conference of Chief Circuit
18 Judges and filed with the Supreme Court), the copy of such
19 Uniform Ticket which is filed with the circuit court
20 constitutes a complaint to which the defendant may plead,
21 unless he specifically requests that a verified complaint be
22 filed.

23 (c) When the State seeks an enhanced sentence because of a
24 prior conviction, the charge shall also state the intention to
25 seek an enhanced sentence and shall state such prior conviction
26 so as to give notice to the defendant. However, the fact of

1 such prior conviction and the State's intention to seek an
2 enhanced sentence are not elements of the offense and may not
3 be disclosed to the jury during trial unless otherwise
4 permitted by issues properly raised during such trial. For the
5 purposes of this Section, "enhanced sentence" means a sentence
6 which is increased by a prior conviction from one
7 classification of offense to another higher level
8 classification of offense set forth in Section 5-4.5-10 of the
9 Unified Code of Corrections ~~(730 ILCS 5/5-4.5-10)~~; it does not
10 include an increase in the sentence applied within the same
11 level of classification of offense.

12 (c-5) Notwithstanding any other provision of law, in all
13 cases in which the imposition of the death penalty is not a
14 possibility, if an alleged fact (other than the fact of a prior
15 conviction) is not an element of an offense but is sought to be
16 used to increase the range of penalties for the offense beyond
17 the statutory maximum that could otherwise be imposed for the
18 offense, the alleged fact must be included in the charging
19 instrument or otherwise provided to the defendant through a
20 written notification before trial, submitted to a trier of fact
21 as an aggravating factor, and proved beyond a reasonable doubt.
22 Failure to prove the fact beyond a reasonable doubt is not a
23 bar to a conviction for commission of the offense, but is a bar
24 to increasing, based on that fact, the range of penalties for
25 the offense beyond the statutory maximum that could otherwise
26 be imposed for that offense. Nothing in this subsection (c-5)

1 requires the imposition of a sentence that increases the range
2 of penalties for the offense beyond the statutory maximum that
3 could otherwise be imposed for the offense if the imposition of
4 that sentence is not required by law.

5 (d) At any time prior to trial, the State on motion shall
6 be permitted to amend the charge, whether brought by
7 indictment, information or complaint, to make the charge comply
8 with subsection (c) or (c-5) of this Section. Nothing in
9 Section 103-5 of this Code precludes such an amendment or a
10 written notification made in accordance with subsection (c-5)
11 of this Section.

12 (e) The provisions of subsection (a) of Section 5-4.5-95 of
13 the Unified Code of Corrections ~~(730 ILCS 5/5-4.5-95)~~ before
14 its repeal on the effective date of this amendatory Act of the
15 101st General Assembly shall not be affected by this Section.

16 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)

17 Section 25. The Unified Code of Corrections is amended by
18 changing Sections 3-2-2, 3-3-3, and 3-6-3 as follows:

19 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

20 Sec. 3-2-2. Powers and duties of the Department.

21 (1) In addition to the powers, duties, and responsibilities
22 which are otherwise provided by law, the Department shall have
23 the following powers:

24 (a) To accept persons committed to it by the courts of

1 this State for care, custody, treatment and
2 rehabilitation, and to accept federal prisoners and aliens
3 over whom the Office of the Federal Detention Trustee is
4 authorized to exercise the federal detention function for
5 limited purposes and periods of time.

6 (b) To develop and maintain reception and evaluation
7 units for purposes of analyzing the custody and
8 rehabilitation needs of persons committed to it and to
9 assign such persons to institutions and programs under its
10 control or transfer them to other appropriate agencies. In
11 consultation with the Department of Alcoholism and
12 Substance Abuse (now the Department of Human Services), the
13 Department of Corrections shall develop a master plan for
14 the screening and evaluation of persons committed to its
15 custody who have alcohol or drug abuse problems, and for
16 making appropriate treatment available to such persons;
17 the Department shall report to the General Assembly on such
18 plan not later than April 1, 1987. The maintenance and
19 implementation of such plan shall be contingent upon the
20 availability of funds.

21 (b-1) To create and implement, on January 1, 2002, a
22 pilot program to establish the effectiveness of
23 pupillometer technology (the measurement of the pupil's
24 reaction to light) as an alternative to a urine test for
25 purposes of screening and evaluating persons committed to
26 its custody who have alcohol or drug problems. The pilot

1 program shall require the pupillometer technology to be
2 used in at least one Department of Corrections facility.
3 The Director may expand the pilot program to include an
4 additional facility or facilities as he or she deems
5 appropriate. A minimum of 4,000 tests shall be included in
6 the pilot program. The Department must report to the
7 General Assembly on the effectiveness of the program by
8 January 1, 2003.

9 (b-5) To develop, in consultation with the Department
10 of State Police, a program for tracking and evaluating each
11 inmate from commitment through release for recording his or
12 her gang affiliations, activities, or ranks.

13 (c) To maintain and administer all State correctional
14 institutions and facilities under its control and to
15 establish new ones as needed. Pursuant to its power to
16 establish new institutions and facilities, the Department
17 may, with the written approval of the Governor, authorize
18 the Department of Central Management Services to enter into
19 an agreement of the type described in subsection (d) of
20 Section 405-300 of the Department of Central Management
21 Services Law ~~(20 ILCS 405/405-300)~~. The Department shall
22 designate those institutions which shall constitute the
23 State Penitentiary System.

24 Pursuant to its power to establish new institutions and
25 facilities, the Department may authorize the Department of
26 Central Management Services to accept bids from counties

1 and municipalities for the construction, remodeling or
2 conversion of a structure to be leased to the Department of
3 Corrections for the purposes of its serving as a
4 correctional institution or facility. Such construction,
5 remodeling or conversion may be financed with revenue bonds
6 issued pursuant to the Industrial Building Revenue Bond Act
7 by the municipality or county. The lease specified in a bid
8 shall be for a term of not less than the time needed to
9 retire any revenue bonds used to finance the project, but
10 not to exceed 40 years. The lease may grant to the State
11 the option to purchase the structure outright.

12 Upon receipt of the bids, the Department may certify
13 one or more of the bids and shall submit any such bids to
14 the General Assembly for approval. Upon approval of a bid
15 by a constitutional majority of both houses of the General
16 Assembly, pursuant to joint resolution, the Department of
17 Central Management Services may enter into an agreement
18 with the county or municipality pursuant to such bid.

19 (c-5) To build and maintain regional juvenile
20 detention centers and to charge a per diem to the counties
21 as established by the Department to defray the costs of
22 housing each minor in a center. In this subsection (c-5),
23 "juvenile detention center" means a facility to house
24 minors during pendency of trial who have been transferred
25 from proceedings under the Juvenile Court Act of 1987 to
26 prosecutions under the criminal laws of this State in

1 accordance with Section 5-805 of the Juvenile Court Act of
2 1987, whether the transfer was by operation of law or
3 permissive under that Section. The Department shall
4 designate the counties to be served by each regional
5 juvenile detention center.

6 (d) To develop and maintain programs of control,
7 rehabilitation and employment of committed persons within
8 its institutions.

9 (d-5) To provide a pre-release job preparation program
10 for inmates at Illinois adult correctional centers.

11 (d-10) To provide educational and visitation
12 opportunities to committed persons within its institutions
13 through temporary access to content-controlled tablets
14 that may be provided as a privilege to committed persons to
15 induce or reward compliance.

16 (e) To establish a system of supervision and guidance
17 of committed persons in the community.

18 (f) To establish in cooperation with the Department of
19 Transportation to supply a sufficient number of prisoners
20 for use by the Department of Transportation to clean up the
21 trash and garbage along State, county, township, or
22 municipal highways as designated by the Department of
23 Transportation. The Department of Corrections, at the
24 request of the Department of Transportation, shall furnish
25 such prisoners at least annually for a period to be agreed
26 upon between the Director of Corrections and the Secretary

1 of Transportation. The prisoners used on this program shall
2 be selected by the Director of Corrections on whatever
3 basis he deems proper in consideration of their term,
4 behavior and earned eligibility to participate in such
5 program - where they will be outside of the prison facility
6 but still in the custody of the Department of Corrections.
7 Prisoners convicted of first degree murder, or a Class X
8 felony, or armed violence, or aggravated kidnapping, or
9 criminal sexual assault, aggravated criminal sexual abuse
10 or a subsequent conviction for criminal sexual abuse, or
11 forcible detention, or arson, or a prisoner adjudged a
12 Habitual Criminal before the effective date of this
13 amendatory Act of the 101st General Assembly shall not be
14 eligible for selection to participate in such program. The
15 prisoners shall remain as prisoners in the custody of the
16 Department of Corrections and such Department shall
17 furnish whatever security is necessary. The Department of
18 Transportation shall furnish trucks and equipment for the
19 highway cleanup program and personnel to supervise and
20 direct the program. Neither the Department of Corrections
21 nor the Department of Transportation shall replace any
22 regular employee with a prisoner.

23 (g) To maintain records of persons committed to it and
24 to establish programs of research, statistics and
25 planning.

26 (h) To investigate the grievances of any person

1 committed to the Department and to inquire into any alleged
2 misconduct by employees or committed persons; and for these
3 purposes it may issue subpoenas and compel the attendance
4 of witnesses and the production of writings and papers, and
5 may examine under oath any witnesses who may appear before
6 it; to also investigate alleged violations of a parolee's
7 or releasee's conditions of parole or release; and for this
8 purpose it may issue subpoenas and compel the attendance of
9 witnesses and the production of documents only if there is
10 reason to believe that such procedures would provide
11 evidence that such violations have occurred.

12 If any person fails to obey a subpoena issued under
13 this subsection, the Director may apply to any circuit
14 court to secure compliance with the subpoena. The failure
15 to comply with the order of the court issued in response
16 thereto shall be punishable as contempt of court.

17 (i) To appoint and remove the chief administrative
18 officers, and administer programs of training and
19 development of personnel of the Department. Personnel
20 assigned by the Department to be responsible for the
21 custody and control of committed persons or to investigate
22 the alleged misconduct of committed persons or employees or
23 alleged violations of a parolee's or releasee's conditions
24 of parole shall be conservators of the peace for those
25 purposes, and shall have the full power of peace officers
26 outside of the facilities of the Department in the

1 protection, arrest, retaking and reconfining of committed
2 persons or where the exercise of such power is necessary to
3 the investigation of such misconduct or violations. This
4 subsection shall not apply to persons committed to the
5 Department of Juvenile Justice under the Juvenile Court Act
6 of 1987 on aftercare release.

7 (j) To cooperate with other departments and agencies
8 and with local communities for the development of standards
9 and programs for better correctional services in this
10 State.

11 (k) To administer all moneys and properties of the
12 Department.

13 (l) To report annually to the Governor on the committed
14 persons, institutions and programs of the Department.

15 (l-5) (Blank).

16 (m) To make all rules and regulations and exercise all
17 powers and duties vested by law in the Department.

18 (n) To establish rules and regulations for
19 administering a system of sentence credits, established in
20 accordance with Section 3-6-3, subject to review by the
21 Prisoner Review Board.

22 (o) To administer the distribution of funds from the
23 State Treasury to reimburse counties where State penal
24 institutions are located for the payment of assistant
25 state's attorneys' salaries under Section 4-2001 of the
26 Counties Code.

1 (p) To exchange information with the Department of
2 Human Services and the Department of Healthcare and Family
3 Services for the purpose of verifying living arrangements
4 and for other purposes directly connected with the
5 administration of this Code and the Illinois Public Aid
6 Code.

7 (q) To establish a diversion program.

8 The program shall provide a structured environment for
9 selected technical parole or mandatory supervised release
10 violators and committed persons who have violated the rules
11 governing their conduct while in work release. This program
12 shall not apply to those persons who have committed a new
13 offense while serving on parole or mandatory supervised
14 release or while committed to work release.

15 Elements of the program shall include, but shall not be
16 limited to, the following:

17 (1) The staff of a diversion facility shall provide
18 supervision in accordance with required objectives set
19 by the facility.

20 (2) Participants shall be required to maintain
21 employment.

22 (3) Each participant shall pay for room and board
23 at the facility on a sliding-scale basis according to
24 the participant's income.

25 (4) Each participant shall:

26 (A) provide restitution to victims in

1 accordance with any court order;

2 (B) provide financial support to his
3 dependents; and

4 (C) make appropriate payments toward any other
5 court-ordered obligations.

6 (5) Each participant shall complete community
7 service in addition to employment.

8 (6) Participants shall take part in such
9 counseling, educational and other programs as the
10 Department may deem appropriate.

11 (7) Participants shall submit to drug and alcohol
12 screening.

13 (8) The Department shall promulgate rules
14 governing the administration of the program.

15 (r) To enter into intergovernmental cooperation
16 agreements under which persons in the custody of the
17 Department may participate in a county impact
18 incarceration program established under Section 3-6038 or
19 3-15003.5 of the Counties Code.

20 (r-5) (Blank).

21 (r-10) To systematically and routinely identify with
22 respect to each streetgang active within the correctional
23 system: (1) each active gang; (2) every existing inter-gang
24 affiliation or alliance; and (3) the current leaders in
25 each gang. The Department shall promptly segregate leaders
26 from inmates who belong to their gangs and allied gangs.

1 "Segregate" means no physical contact and, to the extent
2 possible under the conditions and space available at the
3 correctional facility, prohibition of visual and sound
4 communication. For the purposes of this paragraph (r-10),
5 "leaders" means persons who:

6 (i) are members of a criminal streetgang;

7 (ii) with respect to other individuals within the
8 streetgang, occupy a position of organizer,
9 supervisor, or other position of management or
10 leadership; and

11 (iii) are actively and personally engaged in
12 directing, ordering, authorizing, or requesting
13 commission of criminal acts by others, which are
14 punishable as a felony, in furtherance of streetgang
15 related activity both within and outside of the
16 Department of Corrections.

17 "Streetgang", "gang", and "streetgang related" have the
18 meanings ascribed to them in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (s) To operate a super-maximum security institution,
21 in order to manage and supervise inmates who are disruptive
22 or dangerous and provide for the safety and security of the
23 staff and the other inmates.

24 (t) To monitor any unprivileged conversation or any
25 unprivileged communication, whether in person or by mail,
26 telephone, or other means, between an inmate who, before

1 commitment to the Department, was a member of an organized
2 gang and any other person without the need to show cause or
3 satisfy any other requirement of law before beginning the
4 monitoring, except as constitutionally required. The
5 monitoring may be by video, voice, or other method of
6 recording or by any other means. As used in this
7 subdivision (1)(t), "organized gang" has the meaning
8 ascribed to it in Section 10 of the Illinois Streetgang
9 Terrorism Omnibus Prevention Act.

10 As used in this subdivision (1)(t), "unprivileged
11 conversation" or "unprivileged communication" means a
12 conversation or communication that is not protected by any
13 privilege recognized by law or by decision, rule, or order
14 of the Illinois Supreme Court.

15 (u) To establish a Women's and Children's Pre-release
16 Community Supervision Program for the purpose of providing
17 housing and services to eligible female inmates, as
18 determined by the Department, and their newborn and young
19 children.

20 (u-5) To issue an order, whenever a person committed to
21 the Department absconds or absents himself or herself,
22 without authority to do so, from any facility or program to
23 which he or she is assigned. The order shall be certified
24 by the Director, the Supervisor of the Apprehension Unit,
25 or any person duly designated by the Director, with the
26 seal of the Department affixed. The order shall be directed

1 to all sheriffs, coroners, and police officers, or to any
2 particular person named in the order. Any order issued
3 pursuant to this subdivision (1) (u-5) shall be sufficient
4 warrant for the officer or person named in the order to
5 arrest and deliver the committed person to the proper
6 correctional officials and shall be executed the same as
7 criminal process.

8 (v) To do all other acts necessary to carry out the
9 provisions of this Chapter.

10 (2) The Department of Corrections shall by January 1, 1998,
11 consider building and operating a correctional facility within
12 100 miles of a county of over 2,000,000 inhabitants, especially
13 a facility designed to house juvenile participants in the
14 impact incarceration program.

15 (3) When the Department lets bids for contracts for medical
16 services to be provided to persons committed to Department
17 facilities by a health maintenance organization, medical
18 service corporation, or other health care provider, the bid may
19 only be let to a health care provider that has obtained an
20 irrevocable letter of credit or performance bond issued by a
21 company whose bonds have an investment grade or higher rating
22 by a bond rating organization.

23 (4) When the Department lets bids for contracts for food or
24 commissary services to be provided to Department facilities,
25 the bid may only be let to a food or commissary services
26 provider that has obtained an irrevocable letter of credit or

1 performance bond issued by a company whose bonds have an
2 investment grade or higher rating by a bond rating
3 organization.

4 (5) On and after the date 6 months after August 16, 2013
5 (the effective date of Public Act 98-488), as provided in the
6 Executive Order 1 (2012) Implementation Act, all of the powers,
7 duties, rights, and responsibilities related to State
8 healthcare purchasing under this Code that were transferred
9 from the Department of Corrections to the Department of
10 Healthcare and Family Services by Executive Order 3 (2005) are
11 transferred back to the Department of Corrections; however,
12 powers, duties, rights, and responsibilities related to State
13 healthcare purchasing under this Code that were exercised by
14 the Department of Corrections before the effective date of
15 Executive Order 3 (2005) but that pertain to individuals
16 resident in facilities operated by the Department of Juvenile
17 Justice are transferred to the Department of Juvenile Justice.
18 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
19 101-235, eff. 1-1-20.)

20 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

21 Sec. 3-3-3. Eligibility for parole or release.

22 (a) Except for those offenders who accept the fixed release
23 date established by the Prisoner Review Board under Section
24 3-3-2.1, every person serving a term of imprisonment under the
25 law in effect prior to the effective date of this amendatory

1 Act of 1977 shall be eligible for parole when he or she has
2 served:

3 (1) the minimum term of an indeterminate sentence less
4 time credit for good behavior, or 20 years less time credit
5 for good behavior, whichever is less; or

6 (2) 20 years of a life sentence less time credit for
7 good behavior; or

8 (3) 20 years or one-third of a determinate sentence,
9 whichever is less, less time credit for good behavior.

10 (b) No person sentenced under this amendatory Act of 1977
11 or who accepts a release date under Section 3-3-2.1 shall be
12 eligible for parole.

13 (c) Except for those sentenced to a term of natural life
14 imprisonment, every person sentenced to imprisonment under
15 this amendatory Act of 1977 or given a release date under
16 Section 3-3-2.1 of this Act shall serve the full term of a
17 determinate sentence less time credit for good behavior and
18 shall then be released under the mandatory supervised release
19 provisions of paragraph (d) of Section 5-8-1 of this Code.

20 (d) No person serving a term of natural life imprisonment
21 may be paroled or released except through executive clemency.

22 (d-5) Notwithstanding any provision of law to the contrary,
23 a person convicted under Section 24-1.7 of the Criminal Code of
24 2012 or Section 5-4.5-95 of this Code before their repeal on
25 the effective date of this amendatory Act of the 101st General
26 Assembly shall not be eligible for consideration of conditions

1 of parole or mandatory supervised release if any of his or her
2 convictions under those statutes were for first degree murder,
3 second degree murder, or any offense under Article 11 of the
4 Criminal Code of 2012 or the Criminal Code of 1961.

5 (e) Every person committed to the Department of Juvenile
6 Justice under the Juvenile Court Act of 1987 and confined in
7 the State correctional institutions or facilities if such
8 juvenile has not been tried as an adult shall be eligible for
9 aftercare release under Section 3-2.5-85 of this Code. However,
10 if a juvenile has been tried as an adult he or she shall only be
11 eligible for parole or mandatory supervised release as an adult
12 under this Section.

13 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

14 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

15 Sec. 3-6-3. Rules and regulations for sentence credit.

16 (a) (1) The Department of Corrections shall prescribe rules
17 and regulations for awarding and revoking sentence credit for
18 persons committed to the Department which shall be subject to
19 review by the Prisoner Review Board.

20 (1.5) As otherwise provided by law, sentence credit may be
21 awarded for the following:

22 (A) successful completion of programming while in
23 custody of the Department or while in custody prior to
24 sentencing;

25 (B) compliance with the rules and regulations of the

1 Department; or

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

4 (2) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations on sentence credit
6 shall provide, with respect to offenses listed in clause (i),
7 (ii), or (iii) of this paragraph (2) committed on or after June
8 19, 1998 or with respect to the offense listed in clause (iv)
9 of this paragraph (2) committed on or after June 23, 2005 (the
10 effective date of Public Act 94-71) or with respect to offense
11 listed in clause (vi) committed on or after June 1, 2008 (the
12 effective date of Public Act 95-625) but before the effective
13 date of this amendatory Act of the 101st General Assembly or
14 with respect to the offense of being an armed habitual criminal
15 committed on or after August 2, 2005 (the effective date of
16 Public Act 94-398) or with respect to the offenses listed in
17 clause (v) of this paragraph (2) committed on or after August
18 13, 2007 (the effective date of Public Act 95-134) or with
19 respect to the offense of aggravated domestic battery committed
20 on or after July 23, 2010 (the effective date of Public Act
21 96-1224) or with respect to the offense of attempt to commit
22 terrorism committed on or after January 1, 2013 (the effective
23 date of 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 before the effective date
13 of this amendatory Act of the 101st General Assembly,
14 aggravated battery of a senior citizen as described in
15 Section 12-4.6 or subdivision (a) (4) of Section 12-3.05, or
16 aggravated battery of a child as described in Section
17 12-4.3 or subdivision (b) (1) of Section 12-3.05 shall
18 receive no more than 4.5 days of sentence credit for each
19 month of his or her sentence of imprisonment;

20 (iii) that a prisoner serving a sentence for home
21 invasion, armed robbery, aggravated vehicular hijacking,
22 aggravated discharge of a firearm, or armed violence with a
23 category I weapon or category II weapon, when the court has
24 made and entered a finding, pursuant to subsection (c-1) of
25 Section 5-4-1 of this Code, that the conduct leading to
26 conviction for the enumerated offense resulted in great

1 bodily harm to a victim, shall receive no more than 4.5
2 days of sentence credit for each month of his or her
3 sentence of imprisonment;

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

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

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

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

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

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

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

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

16 (2.3) 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 (F) of paragraph
22 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
23 Code, shall receive no more than 4.5 days of sentence credit
24 for each month of his or her sentence of imprisonment.

25 (2.4) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations on sentence credit

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

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

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

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

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

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

25 The Director shall not award sentence credit under this
26 paragraph (3) to an inmate unless the inmate has served a

1 minimum of 60 days of the sentence; except nothing in this
2 paragraph shall be construed to permit the Director to extend
3 an inmate's sentence beyond that which was imposed by the
4 court. Prior to awarding credit under this paragraph (3), the
5 Director shall make a written determination that the inmate:

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

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

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

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

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

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

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

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

26 (C) the holding offenses of inmates awarded earned

1 sentence credit; and

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

3 (4)(A) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations shall also provide
5 that the sentence credit accumulated and retained under
6 paragraph (2.1) of subsection (a) of this Section by any inmate
7 during specific periods of time in which such inmate is engaged
8 full-time in substance abuse programs, correctional industry
9 assignments, educational programs, behavior modification
10 programs, life skills courses, or re-entry planning provided by
11 the Department under this paragraph (4) and satisfactorily
12 completes the assigned program as determined by the standards
13 of the Department, shall be multiplied by a factor of 1.25 for
14 program participation before August 11, 1993 and 1.50 for
15 program participation on or after that date. The rules and
16 regulations shall also provide that sentence credit, subject to
17 the same offense limits and multiplier provided in this
18 paragraph, may be provided to an inmate who was held in
19 pre-trial detention prior to his or her current commitment to
20 the Department of Corrections and successfully completed a
21 full-time, 60-day or longer substance abuse program,
22 educational program, behavior modification program, life
23 skills course, or re-entry planning provided by the county
24 department of corrections or county jail. Calculation of this
25 county program credit shall be done at sentencing as provided
26 in Section 5-4.5-100 of this Code and shall be included in the

1 sentencing order. However, no inmate shall be eligible for the
2 additional sentence credit under this paragraph (4) or (4.1) of
3 this subsection (a) while assigned to a boot camp or electronic
4 detention.

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

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

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

1 under paragraph (4) and satisfactorily completed the
2 assigned program as determined by the standards of the
3 Department during the inmate's current term of
4 incarceration.

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

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

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

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

22 (4.1) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations shall also provide
24 that an additional 90 days of sentence credit shall be awarded
25 to any prisoner who passes high school equivalency testing
26 while the prisoner is committed to the Department of

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

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

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

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

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

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

1 substance abuse program prior to release may be eligible for a
2 waiver and receive sentence credit under clause (3) of this
3 subsection (a) at the discretion of the Director.

4 (4.6) The rules and regulations on sentence credit shall
5 also provide that a prisoner who has been convicted of a sex
6 offense as defined in Section 2 of the Sex Offender
7 Registration Act shall receive no sentence credit unless he or
8 she either has successfully completed or is participating in
9 sex offender treatment as defined by the Sex Offender
10 Management Board. However, prisoners who are waiting to receive
11 treatment, but who are unable to do so due solely to the lack
12 of resources on the part of the Department, may, at the
13 Director's sole discretion, be awarded sentence credit at a
14 rate as the Director shall determine.

15 (4.7) On or after the effective date of this amendatory Act
16 of the 100th General Assembly, sentence credit under paragraph
17 (3), (4), or (4.1) of this subsection (a) may be awarded to a
18 prisoner who is serving a sentence for an offense described in
19 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
20 on or after the effective date of this amendatory Act of the
21 100th General Assembly; provided, the award of the credits
22 under this paragraph (4.7) shall not reduce the sentence of the
23 prisoner to less than the following amounts:

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

26 (ii) 60% of his or her sentence if the prisoner is

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

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

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

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

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

14 When the Department seeks to revoke, suspend or reduce the
15 rate of accumulation of any sentence credits for an alleged
16 infraction of its rules, it shall bring charges therefor
17 against the prisoner sought to be so deprived of sentence
18 credits before the Prisoner Review Board as provided in
19 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
20 amount of credit at issue exceeds 30 days or when during any 12
21 month period, the cumulative amount of credit revoked exceeds
22 30 days except where the infraction is committed or discovered
23 within 60 days of scheduled release. In those cases, the
24 Department of Corrections may revoke up to 30 days of sentence
25 credit. The Board may subsequently approve the revocation of
26 additional sentence credit, if the Department seeks to revoke

1 sentence credit in excess of 30 days. However, the Board shall
2 not be empowered to review the Department's decision with
3 respect to the loss of 30 days of sentence credit within any
4 calendar year for any prisoner or to increase any penalty
5 beyond the length requested by the Department.

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

13 Nothing contained in this Section shall prohibit the
14 Prisoner Review Board from ordering, pursuant to Section
15 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
16 sentence imposed by the court that was not served due to the
17 accumulation of sentence credit.

18 (d) If a lawsuit is filed by a prisoner in an Illinois or
19 federal court against the State, the Department of Corrections,
20 or the Prisoner Review Board, or against any of their officers
21 or employees, and the court makes a specific finding that a
22 pleading, motion, or other paper filed by the prisoner is
23 frivolous, the Department of Corrections shall conduct a
24 hearing to revoke up to 180 days of sentence credit by bringing
25 charges against the prisoner sought to be deprived of the
26 sentence credits before the Prisoner Review Board as provided

1 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
2 prisoner has not accumulated 180 days of sentence credit at the
3 time of the finding, then the Prisoner Review Board may revoke
4 all sentence credit accumulated by the prisoner.

5 For purposes of this subsection (d):

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

10 (A) it lacks an arguable basis either in law or in
11 fact;

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

15 (C) the claims, defenses, and other legal
16 contentions therein are not warranted by existing law
17 or by a nonfrivolous argument for the extension,
18 modification, or reversal of existing law or the
19 establishment of new law;

20 (D) the allegations and other factual contentions
21 do not have evidentiary support or, if specifically so
22 identified, are not likely to have evidentiary support
23 after a reasonable opportunity for further
24 investigation or discovery; or

25 (E) the denials of factual contentions are not
26 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of
2 information or belief.

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

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

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

24 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
25 101-440, eff. 1-1-20.)

1 (730 ILCS 5/5-4.5-95 rep.)

2 Section 30. The Unified Code of Corrections is amended by

3 repealing Section 5-4.5-95.

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INDEX

Statutes amended in order of appearance

- 625 ILCS 5/6-106.1 from Ch. 95 1/2, par. 6-106.1
- 625 ILCS 5/6-508 from Ch. 95 1/2, par. 6-508
- 720 ILCS 5/33A-3 from Ch. 38, par. 33A-3
- 720 ILCS 5/24-1.7 rep.
- 725 ILCS 5/111-3 from Ch. 38, par. 111-3
- 730 ILCS 5/3-2-2 from Ch. 38, par. 1003-2-2
- 730 ILCS 5/3-3-3 from Ch. 38, par. 1003-3-3
- 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3
- 730 ILCS 5/5-4.5-95 rep.