

1 AN ACT concerning corrections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-2-2, 3-3-1, 3-3-2, 3-3-9, 3-6-3, 3-7-6,
6 5-4-1, 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,
7 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-65, 5-4.5-100, and 5-5-3
8 as follows:

9 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

10 Sec. 3-2-2. Powers and Duties of the Department.

11 (1) In addition to the powers, duties and responsibilities
12 which are otherwise provided by law, the Department shall have
13 the following powers:

14 (a) To accept persons committed to it by the courts of
15 this State for care, custody, treatment and
16 rehabilitation, and to accept federal prisoners and aliens
17 over whom the Office of the Federal Detention Trustee is
18 authorized to exercise the federal detention function for
19 limited purposes and periods of time.

20 (b) To develop and maintain reception and evaluation
21 units for purposes of analyzing the custody and
22 rehabilitation needs of persons committed to it and to
23 assign such persons to institutions and programs under its

1 control or transfer them to other appropriate agencies. In
2 consultation with the Department of Alcoholism and
3 Substance Abuse (now the Department of Human Services), the
4 Department of Corrections shall develop a master plan for
5 the screening and evaluation of persons committed to its
6 custody who have alcohol or drug abuse problems, and for
7 making appropriate treatment available to such persons;
8 the Department shall report to the General Assembly on such
9 plan not later than April 1, 1987. The maintenance and
10 implementation of such plan shall be contingent upon the
11 availability of funds.

12 (b-1) To create and implement, on January 1, 2002, a
13 pilot program to establish the effectiveness of
14 pupillometer technology (the measurement of the pupil's
15 reaction to light) as an alternative to a urine test for
16 purposes of screening and evaluating persons committed to
17 its custody who have alcohol or drug problems. The pilot
18 program shall require the pupillometer technology to be
19 used in at least one Department of Corrections facility.
20 The Director may expand the pilot program to include an
21 additional facility or facilities as he or she deems
22 appropriate. A minimum of 4,000 tests shall be included in
23 the pilot program. The Department must report to the
24 General Assembly on the effectiveness of the program by
25 January 1, 2003.

26 (b-5) To develop, in consultation with the Department

1 of State Police, a program for tracking and evaluating each
2 inmate from commitment through release for recording his or
3 her gang affiliations, activities, or ranks.

4 (c) To maintain and administer all State correctional
5 institutions and facilities under its control and to
6 establish new ones as needed. Pursuant to its power to
7 establish new institutions and facilities, the Department
8 may, with the written approval of the Governor, authorize
9 the Department of Central Management Services to enter into
10 an agreement of the type described in subsection (d) of
11 Section 405-300 of the Department of Central Management
12 Services Law (20 ILCS 405/405-300). The Department shall
13 designate those institutions which shall constitute the
14 State Penitentiary System.

15 Pursuant to its power to establish new institutions and
16 facilities, the Department may authorize the Department of
17 Central Management Services to accept bids from counties
18 and municipalities for the construction, remodeling or
19 conversion of a structure to be leased to the Department of
20 Corrections for the purposes of its serving as a
21 correctional institution or facility. Such construction,
22 remodeling or conversion may be financed with revenue bonds
23 issued pursuant to the Industrial Building Revenue Bond Act
24 by the municipality or county. The lease specified in a bid
25 shall be for a term of not less than the time needed to
26 retire any revenue bonds used to finance the project, but

1 not to exceed 40 years. The lease may grant to the State
2 the option to purchase the structure outright.

3 Upon receipt of the bids, the Department may certify
4 one or more of the bids and shall submit any such bids to
5 the General Assembly for approval. Upon approval of a bid
6 by a constitutional majority of both houses of the General
7 Assembly, pursuant to joint resolution, the Department of
8 Central Management Services may enter into an agreement
9 with the county or municipality pursuant to such bid.

10 (c-5) To build and maintain regional juvenile
11 detention centers and to charge a per diem to the counties
12 as established by the Department to defray the costs of
13 housing each minor in a center. In this subsection (c-5),
14 "juvenile detention center" means a facility to house
15 minors during pendency of trial who have been transferred
16 from proceedings under the Juvenile Court Act of 1987 to
17 prosecutions under the criminal laws of this State in
18 accordance with Section 5-805 of the Juvenile Court Act of
19 1987, whether the transfer was by operation of law or
20 permissive under that Section. The Department shall
21 designate the counties to be served by each regional
22 juvenile detention center.

23 (d) To develop and maintain programs of control,
24 rehabilitation and employment of committed persons within
25 its institutions.

26 (d-5) To provide a pre-release job preparation program

1 for inmates at Illinois adult correctional centers.

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

4 (f) To establish in cooperation with the Department of
5 Transportation to supply a sufficient number of prisoners
6 for use by the Department of Transportation to clean up the
7 trash and garbage along State, county, township, or
8 municipal highways as designated by the Department of
9 Transportation. The Department of Corrections, at the
10 request of the Department of Transportation, shall furnish
11 such prisoners at least annually for a period to be agreed
12 upon between the Director of Corrections and the Director
13 of Transportation. The prisoners used on this program shall
14 be selected by the Director of Corrections on whatever
15 basis he deems proper in consideration of their term,
16 behavior and earned eligibility to participate in such
17 program - where they will be outside of the prison facility
18 but still in the custody of the Department of Corrections.
19 Prisoners convicted of first degree murder, or a Class X
20 felony, or armed violence, or aggravated kidnapping, or
21 criminal sexual assault, aggravated criminal sexual abuse
22 or a subsequent conviction for criminal sexual abuse, or
23 forcible detention, or arson, or a prisoner adjudged a
24 Habitual Criminal shall not be eligible for selection to
25 participate in such program. The prisoners shall remain as
26 prisoners in the custody of the Department of Corrections

1 and such Department shall furnish whatever security is
2 necessary. The Department of Transportation shall furnish
3 trucks and equipment for the highway cleanup program and
4 personnel to supervise and direct the program. Neither the
5 Department of Corrections nor the Department of
6 Transportation shall replace any regular employee with a
7 prisoner.

8 (g) To maintain records of persons committed to it and
9 to establish programs of research, statistics and
10 planning.

11 (h) To investigate the grievances of any person
12 committed to the Department, to inquire into any alleged
13 misconduct by employees or committed persons, and to
14 investigate the assets of committed persons to implement
15 Section 3-7-6 of this Code; and for these purposes it may
16 issue subpoenas and compel the attendance of witnesses and
17 the production of writings and papers, and may examine
18 under oath any witnesses who may appear before it; to also
19 investigate alleged violations of a parolee's or
20 releasee's conditions of parole or release; and for this
21 purpose it may issue subpoenas and compel the attendance of
22 witnesses and the production of documents only if there is
23 reason to believe that such procedures would provide
24 evidence that such violations have occurred.

25 If any person fails to obey a subpoena issued under
26 this subsection, the Director may apply to any circuit

1 court to secure compliance with the subpoena. The failure
2 to comply with the order of the court issued in response
3 thereto shall be punishable as contempt of court.

4 (i) To appoint and remove the chief administrative
5 officers, and administer programs of training and
6 development of personnel of the Department. Personnel
7 assigned by the Department to be responsible for the
8 custody and control of committed persons or to investigate
9 the alleged misconduct of committed persons or employees or
10 alleged violations of a parolee's or releasee's conditions
11 of parole shall be conservators of the peace for those
12 purposes, and shall have the full power of peace officers
13 outside of the facilities of the Department in the
14 protection, arrest, retaking and reconfining of committed
15 persons or where the exercise of such power is necessary to
16 the investigation of such misconduct or violations.

17 (j) To cooperate with other departments and agencies
18 and with local communities for the development of standards
19 and programs for better correctional services in this
20 State.

21 (k) To administer all moneys and properties of the
22 Department.

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

25 (l-5) In a confidential annual report to the Governor,
26 the Department shall identify all inmate gangs by

1 specifying each current gang's name, population and allied
2 gangs. The Department shall further specify the number of
3 top leaders identified by the Department for each gang
4 during the past year, and the measures taken by the
5 Department to segregate each leader from his or her gang
6 and allied gangs. The Department shall further report the
7 current status of leaders identified and segregated in
8 previous years. All leaders described in the report shall
9 be identified by inmate number or other designation to
10 enable tracking, auditing, and verification without
11 revealing the names of the leaders. Because this report
12 contains law enforcement intelligence information
13 collected by the Department, the report is confidential and
14 not subject to public disclosure.

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

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

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

26 (p) To exchange information with the Department of

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

6 (q) To establish a diversion program.

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

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

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

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

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

24 (4) Each participant shall:

25 (A) provide restitution to victims in
26 accordance with any court order;

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

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

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

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

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

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

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

19 (r-5) (Blank).

20 (r-10) To systematically and routinely identify with
21 respect to each streetgang active within the correctional
22 system: (1) each active gang; (2) every existing inter-gang
23 affiliation or alliance; and (3) the current leaders in
24 each gang. The Department shall promptly segregate leaders
25 from inmates who belong to their gangs and allied gangs.
26 "Segregate" means no physical contact and, to the extent

1 possible under the conditions and space available at the
2 correctional facility, prohibition of visual and sound
3 communication. For the purposes of this paragraph (r-10),
4 "leaders" means persons who:

5 (i) are members of a criminal streetgang;

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

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

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

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

23 (t) To monitor any unprivileged conversation or any
24 unprivileged communication, whether in person or by mail,
25 telephone, or other means, between an inmate who, before
26 commitment to the Department, was a member of an organized

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

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

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

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

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

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

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

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

22 (4) When the Department lets bids for contracts for food or
23 commissary services to be provided to Department facilities,
24 the bid may only be let to a food or commissary services
25 provider that has obtained an irrevocable letter of credit or
26 performance bond issued by a company whose bonds are rated AAA

1 by a bond rating organization.

2 (Source: P.A. 96-1265, eff. 7-26-10.)

3 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

4 Sec. 3-3-1. Establishment and Appointment of Prisoner
5 Review Board.

6 (a) There shall be a Prisoner Review Board independent of
7 the Department of Corrections which shall be:

8 (1) the paroling authority for persons sentenced under
9 the law in effect prior to the effective date of this
10 amendatory Act of 1977;

11 (2) the board of review for cases involving the
12 revocation of sentence ~~good-conduct~~ credits or a suspension
13 or reduction in the rate of accumulating the ~~such~~ credit;

14 (3) the board of review and recommendation for the
15 exercise of executive clemency by the Governor;

16 (4) the authority for establishing release dates for
17 certain prisoners sentenced under the law in existence
18 prior to the effective date of this amendatory Act of 1977,
19 in accordance with Section 3-3-2.1 of this Code;

20 (5) the authority for setting conditions for parole,
21 mandatory supervised release under Section 5-8-1(a) of
22 this Code, and determining whether a violation of those
23 conditions warrant revocation of parole or mandatory
24 supervised release or the imposition of other sanctions.

25 (b) The Board shall consist of 15 persons appointed by the

1 Governor by and with the advice and consent of the Senate. One
2 member of the Board shall be designated by the Governor to be
3 Chairman and shall serve as Chairman at the pleasure of the
4 Governor. The members of the Board shall have had at least 5
5 years of actual experience in the fields of penology,
6 corrections work, law enforcement, sociology, law, education,
7 social work, medicine, psychology, other behavioral sciences,
8 or a combination thereof. At least 6 members so appointed must
9 have had at least 3 years experience in the field of juvenile
10 matters. No more than 8 Board members may be members of the
11 same political party.

12 Each member of the Board shall serve on a full-time basis
13 and shall not hold any other salaried public office, whether
14 elective or appointive, nor any other office or position of
15 profit, nor engage in any other business, employment, or
16 vocation. The Chairman of the Board shall receive \$35,000 a
17 year, or an amount set by the Compensation Review Board,
18 whichever is greater, and each other member \$30,000, or an
19 amount set by the Compensation Review Board, whichever is
20 greater.

21 (c) Notwithstanding any other provision of this Section,
22 the term of each member of the Board who was appointed by the
23 Governor and is in office on June 30, 2003 shall terminate at
24 the close of business on that date or when all of the successor
25 members to be appointed pursuant to this amendatory Act of the
26 93rd General Assembly have been appointed by the Governor,

1 whichever occurs later. As soon as possible, the Governor shall
2 appoint persons to fill the vacancies created by this
3 amendatory Act.

4 Of the initial members appointed under this amendatory Act
5 of the 93rd General Assembly, the Governor shall appoint 5
6 members whose terms shall expire on the third Monday in January
7 2005, 5 members whose terms shall expire on the third Monday in
8 January 2007, and 5 members whose terms shall expire on the
9 third Monday in January 2009. Their respective successors shall
10 be appointed for terms of 6 years from the third Monday in
11 January of the year of appointment. Each member shall serve
12 until his successor is appointed and qualified.

13 Any member may be removed by the Governor for incompetence,
14 neglect of duty, malfeasance or inability to serve.

15 (d) The Chairman of the Board shall be its chief executive
16 and administrative officer. The Board may have an Executive
17 Director; if so, the Executive Director shall be appointed by
18 the Governor with the advice and consent of the Senate. The
19 salary and duties of the Executive Director shall be fixed by
20 the Board.

21 (Source: P.A. 93-509, eff. 8-11-03; 94-165, eff. 7-11-05.)

22 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

23 Sec. 3-3-2. Powers and Duties.

24 (a) The Parole and Pardon Board is abolished and the term
25 "Parole and Pardon Board" as used in any law of Illinois, shall

1 read "Prisoner Review Board." After the effective date of this
2 amendatory Act of 1977, the Prisoner Review Board shall provide
3 by rule for the orderly transition of all files, records, and
4 documents of the Parole and Pardon Board and for such other
5 steps as may be necessary to effect an orderly transition and
6 shall:

7 (1) hear by at least one member and through a panel of
8 at least 3 members decide, cases of prisoners who were
9 sentenced under the law in effect prior to the effective
10 date of this amendatory Act of 1977, and who are eligible
11 for parole;

12 (2) hear by at least one member and through a panel of
13 at least 3 members decide, the conditions of parole and the
14 time of discharge from parole, impose sanctions for
15 violations of parole, and revoke parole for those sentenced
16 under the law in effect prior to this amendatory Act of
17 1977; provided that the decision to parole and the
18 conditions of parole for all prisoners who were sentenced
19 for first degree murder or who received a minimum sentence
20 of 20 years or more under the law in effect prior to
21 February 1, 1978 shall be determined by a majority vote of
22 the Prisoner Review Board. One representative supporting
23 parole and one representative opposing parole will be
24 allowed to speak. Their comments shall be limited to making
25 corrections and filling in omissions to the Board's
26 presentation and discussion;

1 (3) hear by at least one member and through a panel of
2 at least 3 members decide, the conditions of mandatory
3 supervised release and the time of discharge from mandatory
4 supervised release, impose sanctions for violations of
5 mandatory supervised release, and revoke mandatory
6 supervised release for those sentenced under the law in
7 effect after the effective date of this amendatory Act of
8 1977;

9 (3.5) hear by at least one member and through a panel
10 of at least 3 members decide, the conditions of mandatory
11 supervised release and the time of discharge from mandatory
12 supervised release, to impose sanctions for violations of
13 mandatory supervised release and revoke mandatory
14 supervised release for those serving extended supervised
15 release terms pursuant to paragraph (4) of subsection (d)
16 of Section 5-8-1;

17 (4) hear by at least 1 member and through a panel of at
18 least 3 members, decide cases brought by the Department of
19 Corrections against a prisoner in the custody of the
20 Department for alleged violation of Department rules with
21 respect to sentence ~~good-conduct~~ credits under ~~pursuant to~~
22 Section 3-6-3 of this Code in which the Department seeks to
23 revoke sentence ~~good-conduct~~ credits, if the amount of time
24 at issue exceeds 30 days or when, during any 12 month
25 period, the cumulative amount of credit revoked exceeds 30
26 days except where the infraction is committed or discovered

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

11 (5) hear by at least one member and through a panel of
12 at least 3 members decide, the release dates for certain
13 prisoners sentenced under the law in existence prior to the
14 effective date of this amendatory Act of 1977, in
15 accordance with Section 3-3-2.1 of this Code;

16 (6) hear by at least one member and through a panel of
17 at least 3 members decide, all requests for pardon,
18 reprieve or commutation, and make confidential
19 recommendations to the Governor;

20 (7) comply with the requirements of the Open Parole
21 Hearings Act;

22 (8) hear by at least one member and, through a panel of
23 at least 3 members, decide cases brought by the Department
24 of Corrections against a prisoner in the custody of the
25 Department for court dismissal of a frivolous lawsuit
26 pursuant to Section 3-6-3(d) of this Code in which the

1 Department seeks to revoke up to 180 days of sentence ~~good~~
2 ~~conduct~~ credit, and if the prisoner has not accumulated 180
3 days of sentence ~~good conduct~~ credit at the time of the
4 dismissal, then all sentence ~~good conduct~~ credit
5 accumulated by the prisoner shall be revoked; ~~and~~

6 (9) hear by at least 3 members, and, through a panel of
7 at least 3 members, decide whether to grant certificates of
8 relief from disabilities or certificates of good conduct as
9 provided in Article 5.5 of Chapter V.

10 (a-5) The Prisoner Review Board, with the cooperation of
11 and in coordination with the Department of Corrections and the
12 Department of Central Management Services, shall implement a
13 pilot project in 3 correctional institutions providing for the
14 conduct of hearings under paragraphs (1) and (4) of subsection
15 (a) of this Section through interactive video conferences. The
16 project shall be implemented within 6 months after the
17 effective date of this amendatory Act of 1996. Within 6 months
18 after the implementation of the pilot project, the Prisoner
19 Review Board, with the cooperation of and in coordination with
20 the Department of Corrections and the Department of Central
21 Management Services, shall report to the Governor and the
22 General Assembly regarding the use, costs, effectiveness, and
23 future viability of interactive video conferences for Prisoner
24 Review Board hearings.

25 (b) Upon recommendation of the Department the Board may
26 restore sentence ~~good conduct~~ credit previously revoked.

1 (c) The Board shall cooperate with the Department in
2 promoting an effective system of parole and mandatory
3 supervised release.

4 (d) The Board shall promulgate rules for the conduct of its
5 work, and the Chairman shall file a copy of such rules and any
6 amendments thereto with the Director and with the Secretary of
7 State.

8 (e) The Board shall keep records of all of its official
9 actions and shall make them accessible in accordance with law
10 and the rules of the Board.

11 (f) The Board or one who has allegedly violated the
12 conditions of his parole or mandatory supervised release may
13 require by subpoena the attendance and testimony of witnesses
14 and the production of documentary evidence relating to any
15 matter under investigation or hearing. The Chairman of the
16 Board may sign subpoenas which shall be served by any agent or
17 public official authorized by the Chairman of the Board, or by
18 any person lawfully authorized to serve a subpoena under the
19 laws of the State of Illinois. The attendance of witnesses, and
20 the production of documentary evidence, may be required from
21 any place in the State to a hearing location in the State
22 before the Chairman of the Board or his designated agent or
23 agents or any duly constituted Committee or Subcommittee of the
24 Board. Witnesses so summoned shall be paid the same fees and
25 mileage that are paid witnesses in the circuit courts of the
26 State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further attendance.

5 In case of disobedience to a subpoena, the Board may
6 petition any circuit court of the State for an order requiring
7 the attendance and testimony of witnesses or the production of
8 documentary evidence or both. A copy of such petition shall be
9 served by personal service or by registered or certified mail
10 upon the person who has failed to obey the subpoena, and such
11 person shall be advised in writing that a hearing upon the
12 petition will be requested in a court room to be designated in
13 such notice before the judge hearing motions or extraordinary
14 remedies at a specified time, on a specified date, not less
15 than 10 nor more than 15 days after the deposit of the copy of
16 the written notice and petition in the U.S. mails addressed to
17 the person at his last known address or after the personal
18 service of the copy of the notice and petition upon such
19 person. The court upon the filing of such a petition, may order
20 the person refusing to obey the subpoena to appear at an
21 investigation or hearing, or to there produce documentary
22 evidence, if so ordered, or to give evidence relative to the
23 subject matter of that investigation or hearing. Any failure to
24 obey such order of the circuit court may be punished by that
25 court as a contempt of court.

26 Each member of the Board and any hearing officer designated

1 by the Board shall have the power to administer oaths and to
2 take the testimony of persons under oath.

3 (g) Except under subsection (a) of this Section, a majority
4 of the members then appointed to the Prisoner Review Board
5 shall constitute a quorum for the transaction of all business
6 of the Board.

7 (h) The Prisoner Review Board shall annually transmit to
8 the Director a detailed report of its work for the preceding
9 calendar year. The annual report shall also be transmitted to
10 the Governor for submission to the Legislature.

11 (Source: P.A. 96-875, eff. 1-22-10.)

12 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

13 Sec. 3-3-9. Violations; changes of conditions; preliminary
14 hearing; revocation of parole or mandatory supervised release;
15 revocation hearing.

16 (a) If prior to expiration or termination of the term of
17 parole or mandatory supervised release, a person violates a
18 condition set by the Prisoner Review Board or a condition of
19 parole or mandatory supervised release under Section 3-3-7 of
20 this Code to govern that term, the Board may:

21 (1) continue the existing term, with or without
22 modifying or enlarging the conditions; or

23 (2) parole or release the person to a half-way house;
24 or

25 (3) revoke the parole or mandatory supervised release

1 and reconfine the person for a term computed in the
2 following manner:

3 (i) (A) For those sentenced under the law in effect
4 prior to this amendatory Act of 1977, the recommitment
5 shall be for any portion of the imposed maximum term of
6 imprisonment or confinement which had not been served
7 at the time of parole and the parole term, less the
8 time elapsed between the parole of the person and the
9 commission of the violation for which parole was
10 revoked;

11 (B) Except as set forth in paragraph (C), for those
12 subject to mandatory supervised release under
13 paragraph (d) of Section 5-8-1 of this Code, the
14 recommitment shall be for the total mandatory
15 supervised release term, less the time elapsed between
16 the release of the person and the commission of the
17 violation for which mandatory supervised release is
18 revoked. The Board may also order that a prisoner serve
19 up to one year of the sentence imposed by the court
20 which was not served due to the accumulation of
21 sentence ~~good conduct~~ credit;

22 (C) For those subject to sex offender supervision
23 under clause (d) (4) of Section 5-8-1 of this Code, the
24 reconfinement period for violations of clauses (a) (3)
25 through (b-1) (15) of Section 3-3-7 shall not exceed 2
26 years from the date of reconfinement.

1 (ii) the person shall be given credit against the
2 term of reimprisonment or reconfinement for time spent
3 in custody since he was paroled or released which has
4 not been credited against another sentence or period of
5 confinement;

6 (iii) persons committed under the Juvenile Court
7 Act or the Juvenile Court Act of 1987 may be continued
8 under the existing term of parole with or without
9 modifying the conditions of parole, paroled or
10 released to a group home or other residential facility,
11 or recommitted until the age of 21 unless sooner
12 terminated;

13 (iv) this Section is subject to the release under
14 supervision and the reparole and rerelease provisions
15 of Section 3-3-10.

16 (b) The Board may revoke parole or mandatory supervised
17 release for violation of a condition for the duration of the
18 term and for any further period which is reasonably necessary
19 for the adjudication of matters arising before its expiration.
20 The issuance of a warrant of arrest for an alleged violation of
21 the conditions of parole or mandatory supervised release shall
22 toll the running of the term until the final determination of
23 the charge. When parole or mandatory supervised release is not
24 revoked that period shall be credited to the term, unless a
25 community-based sanction is imposed as an alternative to
26 revocation and reincarceration, including a diversion

1 established by the Illinois Department of Corrections Parole
2 Services Unit prior to the holding of a preliminary parole
3 revocation hearing. Parolees who are diverted to a
4 community-based sanction shall serve the entire term of parole
5 or mandatory supervised release, if otherwise appropriate.

6 (b-5) The Board shall revoke parole or mandatory supervised
7 release for violation of the conditions prescribed in paragraph
8 (7.6) of subsection (a) of Section 3-3-7.

9 (c) A person charged with violating a condition of parole
10 or mandatory supervised release shall have a preliminary
11 hearing before a hearing officer designated by the Board to
12 determine if there is cause to hold the person for a revocation
13 hearing. However, no preliminary hearing need be held when
14 revocation is based upon new criminal charges and a court finds
15 probable cause on the new criminal charges or when the
16 revocation is based upon a new criminal conviction and a
17 certified copy of that conviction is available.

18 (d) Parole or mandatory supervised release shall not be
19 revoked without written notice to the offender setting forth
20 the violation of parole or mandatory supervised release charged
21 against him.

22 (e) A hearing on revocation shall be conducted before at
23 least one member of the Prisoner Review Board. The Board may
24 meet and order its actions in panels of 3 or more members. The
25 action of a majority of the panel shall be the action of the
26 Board. In consideration of persons committed to the Department

1 of Juvenile Justice, the member hearing the matter and at least
2 a majority of the panel shall be experienced in juvenile
3 matters. A record of the hearing shall be made. At the hearing
4 the offender shall be permitted to:

5 (1) appear and answer the charge; and

6 (2) bring witnesses on his behalf.

7 (f) The Board shall either revoke parole or mandatory
8 supervised release or order the person's term continued with or
9 without modification or enlargement of the conditions.

10 (g) Parole or mandatory supervised release shall not be
11 revoked for failure to make payments under the conditions of
12 parole or release unless the Board determines that such failure
13 is due to the offender's willful refusal to pay.

14 (Source: P.A. 95-82, eff. 8-13-07; 96-1271, eff. 1-1-11.)

15 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

16 Sec. 3-6-3. Rules and Regulations for Sentence Credit ~~Early~~
17 ~~Release~~.

18 (a) (1) The Department of Corrections shall prescribe
19 rules and regulations for awarding and revoking sentence
20 credit for ~~the early release on account of good conduct of~~
21 persons committed to the Department which shall be subject
22 to review by the Prisoner Review Board.

23 (1.5) As otherwise provided by law, sentence credit may
24 be awarded for the following:

25 (A) successful completion of programming while in

1 custody of the Department or while in custody prior to
2 sentencing;

3 (B) compliance with the rules and regulations of
4 the Department; or

5 (C) service to the institution, service to a
6 community, or service to the State.

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

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

1 credit and shall serve the entire sentence imposed by
2 the court;

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

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

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

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

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

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

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

13 (vii) that a prisoner serving a sentence for
14 aggravated domestic battery shall receive no more than
15 4.5 days of sentence ~~good conduct~~ credit for each month
16 of his or her sentence of imprisonment.

17 (2.1) For all offenses, other than those enumerated in
18 subdivision (a)(2)(i), (ii), or (iii) committed on or after
19 June 19, 1998 or subdivision (a)(2)(iv) committed on or
20 after June 23, 2005 (the effective date of Public Act
21 94-71) or subdivision (a)(2)(v) committed on or after
22 August 13, 2007 (the effective date of Public Act 95-134)
23 or subdivision (a)(2)(vi) committed on or after June 1,
24 2008 (the effective date of Public Act 95-625) or
25 subdivision (a)(2)(vii) committed on or after July 23, 2010
26 (the effective date of Public Act 96-1224), and other than

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

19 (2.2) A prisoner serving a term of natural life
20 imprisonment or a prisoner who has been sentenced to death
21 shall receive no sentence ~~good conduct~~ credit.

22 (2.3) The rules and regulations on sentence credit
23 ~~early release~~ shall provide that a prisoner who is serving
24 a sentence for aggravated driving under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of
2 Section 11-501 of the Illinois Vehicle Code, shall receive
3 no more than 4.5 days of sentence ~~good conduct~~ credit for
4 each month of his or her sentence of imprisonment.

5 (2.4) The rules and regulations on sentence credit
6 ~~early release~~ shall provide with respect to the offenses of
7 aggravated battery with a machine gun or a firearm equipped
8 with any device or attachment designed or used for
9 silencing the report of a firearm or aggravated discharge
10 of a machine gun or a firearm equipped with any device or
11 attachment designed or used for silencing the report of a
12 firearm, committed on or after July 15, 1999 (the effective
13 date of Public Act 91-121), that a prisoner serving a
14 sentence for any of these offenses shall receive no more
15 than 4.5 days of sentence ~~good conduct~~ credit for each
16 month of his or her sentence of imprisonment.

17 (2.5) The rules and regulations on sentence credit
18 ~~early release~~ shall provide that a prisoner who is serving
19 a sentence for aggravated arson committed on or after July
20 27, 2001 (the effective date of Public Act 92-176) shall
21 receive no more than 4.5 days of sentence ~~good conduct~~
22 credit for each month of his or her sentence of
23 imprisonment.

24 (2.6) The rules and regulations on sentence credit
25 ~~early release~~ shall provide that a prisoner who is serving
26 a sentence for 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
4 Section 11-501 of the Illinois Vehicle Code committed on or
5 after January 1, 2011 (the effective date of Public Act
6 96-1230) shall receive no more than 4.5 days of sentence
7 ~~good conduct~~ credit for each month of his or her sentence
8 of imprisonment.

9 (3) The rules and regulations shall also provide that
10 the Director may award up to 180 days additional sentence
11 ~~good conduct~~ credit for good conduct ~~meritorious service~~ in
12 specific instances as the Director deems proper. The good
13 conduct may include, but is not limited to, compliance with
14 the rules and regulations of the Department, service to the
15 Department, service to a community, or service to the
16 State. However, the Director shall not award ; except that
17 ~~no~~ more than 90 days of sentence ~~good conduct~~ credit for
18 good conduct ~~meritorious service~~ shall be awarded to any
19 prisoner who is serving a sentence for conviction of first
20 degree murder, reckless homicide while under the influence
21 of alcohol or any other drug, or aggravated driving under
22 the influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds, or any combination
24 thereof as defined in subparagraph (F) of paragraph (1) of
25 subsection (d) of Section 11-501 of the Illinois Vehicle
26 Code, aggravated kidnapping, kidnapping, predatory

1 criminal sexual assault of a child, aggravated criminal
2 sexual assault, criminal sexual assault, deviate sexual
3 assault, aggravated criminal sexual abuse, aggravated
4 indecent liberties with a child, indecent liberties with a
5 child, child pornography, heinous battery as described in
6 Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
7 aggravated battery of a spouse, aggravated battery of a
8 spouse with a firearm, stalking, aggravated stalking,
9 aggravated battery of a child as described in Section
10 12-4.3 or subdivision (b)(1) of Section 12-3.05,
11 endangering the life or health of a child, or cruelty to a
12 child. Notwithstanding the foregoing, sentence ~~good~~
13 ~~conduct~~ credit for good conduct ~~meritorious service~~ shall
14 not be awarded on a sentence of imprisonment imposed for
15 conviction of: (i) one of the offenses enumerated in
16 subdivision (a)(2)(i), (ii), or (iii) when the offense is
17 committed on or after June 19, 1998 or subdivision
18 (a)(2)(iv) when the offense is committed on or after June
19 23, 2005 (the effective date of Public Act 94-71) or
20 subdivision (a)(2)(v) when the offense is committed on or
21 after August 13, 2007 (the effective date of Public Act
22 95-134) or subdivision (a)(2)(vi) when the offense is
23 committed on or after June 1, 2008 (the effective date of
24 Public Act 95-625) or subdivision (a)(2)(vii) when the
25 offense is committed on or after July 23, 2010 (the
26 effective date of Public Act 96-1224), (ii) aggravated

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

19 Eligible inmates for an award of sentence credit under this
20 paragraph (3) may be selected to receive the credit at the
21 Director's or his or her designee's sole discretion.
22 Consideration may be based on, but not limited to, any
23 available risk assessment analysis on the inmate, any history
24 of conviction for violent crimes as defined by the Rights of
25 Crime Victims and Witnesses Act, facts and circumstances of the
26 inmate's holding offense or offenses, and the potential for

1 rehabilitation.

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

10 (A) is eligible for the sentence ~~good conduct~~
11 credit ~~for meritorious service~~;

12 (B) has served a minimum of 60 days, or as close to
13 60 days as the sentence will allow; and

14 (C) has met the eligibility criteria established
15 by rule.

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

18 (3.5) The Department shall provide annual written
19 reports to the Governor and the General Assembly on the
20 award of sentence credit for good conduct, with the first
21 report due January 1, 2014. The Department must publish
22 both reports on its website within 48 hours of transmitting
23 the reports to the Governor and the General Assembly. The
24 reports must include:

25 (A) the number of inmates awarded sentence credit
26 for good conduct;

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

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

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

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

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

1 influence of alcohol, other drug or drugs, or intoxicating
2 compound or compounds or any combination thereof as defined
3 in subparagraph (C) of paragraph (1) of subsection (d) of
4 Section 11-501 of the Illinois Vehicle Code committed on or
5 after January 1, 2011 (the effective date of Public Act
6 96-1230), or if convicted of an offense enumerated in
7 paragraph (a) (2.4) of this Section that is committed on or
8 after July 15, 1999 (the effective date of Public Act
9 91-121), or first degree murder, a Class X felony, criminal
10 sexual assault, felony criminal sexual abuse, aggravated
11 criminal sexual abuse, aggravated battery with a firearm as
12 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
13 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
14 successor offenses with the same or substantially the same
15 elements, or any inchoate offenses relating to the
16 foregoing offenses. No inmate shall be eligible for the
17 additional good conduct credit under this paragraph (4) who
18 (i) has previously received increased good conduct credit
19 under this paragraph (4) and has subsequently been
20 convicted of a felony, or (ii) has previously served more
21 than one prior sentence of imprisonment for a felony in an
22 adult correctional facility.

23 Educational, vocational, substance abuse, behavior
24 modification programs, life skills courses, re-entry
25 planning, and correctional industry programs under which
26 sentence ~~good conduct~~ credit may be increased under this

1 paragraph (4) and paragraph (4.1) of this subsection (a)
2 shall be evaluated by the Department on the basis of
3 documented standards. The Department shall report the
4 results of these evaluations to the Governor and the
5 General Assembly by September 30th of each year. The
6 reports shall include data relating to the recidivism rate
7 among program participants.

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

20 (4.1) The rules and regulations shall also provide that
21 an additional 60 days of sentence ~~good conduct~~ credit shall
22 be awarded to any prisoner who passes the high school level
23 Test of General Educational Development (GED) while the
24 prisoner is committed to the Department of Corrections
25 ~~incarcerated~~. The sentence ~~good conduct~~ credit awarded
26 under this paragraph (4.1) shall be in addition to, and

1 shall not affect, the award of sentence credit ~~good conduct~~
2 under any other paragraph of this Section, but shall also
3 be pursuant to the guidelines and restrictions set forth in
4 paragraph (4) of subsection (a) of this Section. The
5 sentence ~~good conduct~~ credit provided for in this paragraph
6 shall be available only to those prisoners who have not
7 previously earned a high school diploma or a GED. If, after
8 an award of the GED sentence ~~good conduct~~ credit has been
9 made and the Department determines that the prisoner was
10 not eligible, then the award shall be revoked. The
11 Department may also award 60 days of sentence credit to any
12 committed person who passed the high school level Test of
13 General Educational Development (GED) while he or she was
14 held in pre-trial detention prior to the current commitment
15 to the Department of Corrections.

16 (4.5) The rules and regulations on sentence credit
17 ~~early release~~ shall also provide that when the court's
18 sentencing order recommends a prisoner for substance abuse
19 treatment and the crime was committed on or after September
20 1, 2003 (the effective date of Public Act 93-354), the
21 prisoner shall receive no sentence ~~good conduct~~ credit
22 awarded under clause (3) of this subsection (a) unless he
23 or she participates in and completes a substance abuse
24 treatment program. The Director may waive the requirement
25 to participate in or complete a substance abuse treatment
26 program and award the sentence ~~good conduct~~ credit in

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

18 (4.6) The rules and regulations on sentence credit
19 ~~early release~~ shall also provide that a prisoner who has
20 been convicted of a sex offense as defined in Section 2 of
21 the Sex Offender Registration Act shall receive no sentence
22 ~~good conduct~~ credit unless he or she either has
23 successfully completed or is participating in sex offender
24 treatment as defined by the Sex Offender Management Board.
25 However, prisoners who are waiting to receive ~~such~~
26 treatment, but who are unable to do so due solely to the

1 lack of resources on the part of the Department, may, at
2 the Director's sole discretion, be awarded sentence ~~good~~
3 ~~conduct~~ credit at a ~~such~~ rate as the Director shall
4 determine.

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

1 the inmate to custody of the Department.

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

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

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

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

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

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

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

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

8 For purposes of this subsection (d):

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

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

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

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

23 (D) the allegations and other factual contentions
24 do not have evidentiary support or, if specifically so
25 identified, are not likely to have evidentiary support
26 after a reasonable opportunity for further

1 investigation or discovery; or

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

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

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

19 (f) Whenever the Department is to release any inmate who
20 has been convicted of a violation of an order of protection
21 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,
22 earlier than it otherwise would because of a grant of sentence
23 ~~good-conduct~~ credit, the Department, as a condition of ~~such~~
24 ~~early~~ release, shall require that the person, upon release, be
25 placed under electronic surveillance as provided in Section
26 5-8A-7 of this Code.

1 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
2 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
3 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
4 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
5 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;
6 97-333, eff. 8-12-11.)

7 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

8 Sec. 3-7-6. Reimbursement for expenses.

9 (a) Responsibility of committed persons. For the purposes
10 of this Section, "committed persons" mean those persons who
11 through judicial determination have been placed in the custody
12 of the Department on the basis of a conviction as an adult.
13 Committed persons shall be responsible to reimburse the
14 Department for the expenses incurred by their incarceration at
15 a rate to be determined by the Department in accordance with
16 this Section.

17 (1) Committed persons shall fully cooperate with the
18 Department by providing complete financial information for
19 the purposes under this Section.

20 (2) The failure of a committed person to fully
21 cooperate as provided for in clauses (3) and (4) of
22 subsection (a-5) shall be considered for purposes of a
23 parole determination. Any committed person who willfully
24 refuses to cooperate with the obligations set forth in this
25 Section may be subject to the loss of sentence ~~good conduct~~

1 credit towards his or her sentence of up to 180 days.

2 (a-5) Assets information form.

3 (1) The Department shall develop a form, which shall be
4 used by the Department to obtain information from all
5 committed persons regarding assets of the persons.

6 (2) In order to enable the Department to determine the
7 financial status of the committed person, the form shall
8 provide for obtaining the age and marital status of a
9 committed person, the number and ages of children of the
10 person, the number and ages of other dependents, the type
11 and value of real estate, the type and value of personal
12 property, cash and bank accounts, the location of any lock
13 boxes, the type and value of investments, pensions and
14 annuities and any other personalty of significant cash
15 value, including but not limited to jewelry, art work and
16 collectables, and all medical or dental insurance policies
17 covering the committed person. The form may also provide
18 for other information deemed pertinent by the Department in
19 the investigation of a committed person's assets.

20 (3) Upon being developed, the form shall be submitted
21 to each committed person as of the date the form is
22 developed and to every committed person who thereafter is
23 sentenced to imprisonment under the jurisdiction of the
24 Department. The form may be resubmitted to a committed
25 person by the Department for purpose of obtaining current
26 information regarding the assets of the person.

1 (4) Every committed person shall complete the form or
2 provide for completion of the form and the committed person
3 shall swear under oath or affirm that to the best of his or
4 her knowledge the information provided is complete and
5 accurate.

6 (b) Expenses. The rate at which sums to be charged for the
7 expenses incurred by a committed person for his or her
8 confinement shall be computed by the Department as the average
9 per capita cost per day for all inmates of that institution or
10 facility for that fiscal year. The average per capita cost per
11 day shall be computed by the Department based on the average
12 per capita cost per day for the operation of that institution
13 or facility for the fiscal year immediately preceding the
14 period of incarceration for which the rate is being calculated.
15 The Department shall establish rules and regulations providing
16 for the computation of the above costs, and shall determine the
17 average per capita cost per day for each of its institutions or
18 facilities for each fiscal year. The Department shall have the
19 power to modify its rules and regulations, so as to provide for
20 the most accurate and most current average per capita cost per
21 day computation. Where the committed person is placed in a
22 facility outside the Department, the Department may pay the
23 actual cost of services in that facility, and may collect
24 reimbursement for the entire amount paid from the committed
25 person receiving those services.

26 (c) Records. The records of the Department, including, but

1 not limited to, those relating to: the average per capita cost
2 per day for a particular institution or facility for a
3 particular year, and the calculation of the average per capita
4 cost per day; the average daily population of a particular
5 Department correctional institution or facility for a
6 particular year; the specific placement of a particular
7 committed person in various Department correctional
8 institutions or facilities for various periods of time; and the
9 record of transactions of a particular committed person's trust
10 account under Section 3-4-3 of this Act; may be proved in any
11 legal proceeding, by a reproduced copy thereof or by a computer
12 printout of Department records, under the certificate of the
13 Director. If reproduced copies are used, the Director must
14 certify that those are true and exact copies of the records on
15 file with the Department. If computer printouts of records of
16 the Department are offered as proof, the Director must certify
17 that those computer printouts are true and exact
18 representations of records properly entered into standard
19 electronic computing equipment, in the regular course of the
20 Department's business, at or reasonably near the time of the
21 occurrence of the facts recorded, from trustworthy and reliable
22 information. The reproduced copy or computer printout shall,
23 without further proof, be admitted into evidence in any legal
24 proceeding, and shall be prima facie correct and prima facie
25 evidence of the accuracy of the information contained therein.

26 (d) Authority. The Director, or the Director's designee,

1 may, when he or she knows or reasonably believes that a
2 committed person, or the estate of that person, has assets
3 which may be used to satisfy all or part of a judgment rendered
4 under this Act, or when he or she knows or reasonably believes
5 that a committed person is engaged in gang-related activity and
6 has a substantial sum of money or other assets, provide for the
7 forwarding to the Attorney General of a report on the committed
8 person and that report shall contain a completed form under
9 subsection (a-5) together with all other information available
10 concerning the assets of the committed person and an estimate
11 of the total expenses for that committed person, and authorize
12 the Attorney General to institute proceedings to require the
13 persons, or the estates of the persons, to reimburse the
14 Department for the expenses incurred by their incarceration.
15 The Attorney General, upon authorization of the Director, or
16 the Director's designee, shall institute actions on behalf of
17 the Department and pursue claims on the Department's behalf in
18 probate and bankruptcy proceedings, to recover from committed
19 persons the expenses incurred by their confinement. For
20 purposes of this subsection (d), "gang-related" activity has
21 the meaning ascribed to it in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act.

23 (e) Scope and limitations.

24 (1) No action under this Section shall be initiated
25 more than 2 years after the release or death of the
26 committed person in question.

1 (2) The death of a convicted person, by execution or
2 otherwise, while committed to a Department correctional
3 institution or facility shall not act as a bar to any
4 action or proceeding under this Section.

5 (3) The assets of a committed person, for the purposes
6 of this Section, shall include any property, tangible or
7 intangible, real or personal, belonging to or due to a
8 committed or formerly committed person including income or
9 payments to the person from social security, worker's
10 compensation, veteran's compensation, pension benefits, or
11 from any other source whatsoever and any and all assets and
12 property of whatever character held in the name of the
13 person, held for the benefit of the person, or payable or
14 otherwise deliverable to the person. Any trust, or portion
15 of a trust, of which a convicted person is a beneficiary,
16 shall be construed as an asset of the person, to the extent
17 that benefits thereunder are required to be paid to the
18 person, or shall in fact be paid to the person. At the time
19 of a legal proceeding by the Attorney General under this
20 Section, if it appears that the committed person has any
21 assets which ought to be subjected to the claim of the
22 Department under this Section, the court may issue an order
23 requiring any person, corporation, or other legal entity
24 possessed or having custody of those assets to appropriate
25 any of the assets or a portion thereof toward reimbursing
26 the Department as provided for under this Section. No

1 provision of this Section shall be construed in violation
2 of any State or federal limitation on the collection of
3 money judgments.

4 (4) Nothing in this Section shall preclude the
5 Department from applying federal benefits that are
6 specifically provided for the care and treatment of a
7 committed person toward the cost of care provided by a
8 State facility or private agency.

9 (Source: P.A. 94-1017, eff. 7-7-06.)

10 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

11 Sec. 5-4-1. Sentencing Hearing.

12 (a) Except when the death penalty is sought under hearing
13 procedures otherwise specified, after a determination of
14 guilt, a hearing shall be held to impose the sentence. However,
15 prior to the imposition of sentence on an individual being
16 sentenced for an offense based upon a charge for a violation of
17 Section 11-501 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance, the individual must undergo a
19 professional evaluation to determine if an alcohol or other
20 drug abuse problem exists and the extent of such a problem.
21 Programs conducting these evaluations shall be licensed by the
22 Department of Human Services. However, if the individual is not
23 a resident of Illinois, the court may, in its discretion,
24 accept an evaluation from a program in the state of such
25 individual's residence. The court may in its sentencing order

1 approve an eligible defendant for placement in a Department of
2 Corrections impact incarceration program as provided in
3 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
4 order recommend a defendant for placement in a Department of
5 Corrections substance abuse treatment program as provided in
6 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
7 upon the defendant being accepted in a program by the
8 Department of Corrections. At the hearing the court shall:

9 (1) consider the evidence, if any, received upon the
10 trial;

11 (2) consider any presentence reports;

12 (3) consider the financial impact of incarceration
13 based on the financial impact statement filed with the
14 clerk of the court by the Department of Corrections;

15 (4) consider evidence and information offered by the
16 parties in aggravation and mitigation;

17 (4.5) consider substance abuse treatment, eligibility
18 screening, and an assessment, if any, of the defendant by
19 an agent designated by the State of Illinois to provide
20 assessment services for the Illinois courts;

21 (5) hear arguments as to sentencing alternatives;

22 (6) afford the defendant the opportunity to make a
23 statement in his own behalf;

24 (7) afford the victim of a violent crime or a violation
25 of Section 11-501 of the Illinois Vehicle Code, or a
26 similar provision of a local ordinance, or a qualified

1 individual affected by: (i) a violation of Section 405,
2 405.1, 405.2, or 407 of the Illinois Controlled Substances
3 Act or a violation of Section 55 or Section 65 of the
4 Methamphetamine Control and Community Protection Act, or
5 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
6 except as described in subdivisions (a)(2)(A) and
7 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
8 Criminal Code of 1961, committed by the defendant the
9 opportunity to make a statement concerning the impact on
10 the victim and to offer evidence in aggravation or
11 mitigation; provided that the statement and evidence
12 offered in aggravation or mitigation must first be prepared
13 in writing in conjunction with the State's Attorney before
14 it may be presented orally at the hearing. Any sworn
15 testimony offered by the victim is subject to the
16 defendant's right to cross-examine. All statements and
17 evidence offered under this paragraph (7) shall become part
18 of the record of the court. For the purpose of this
19 paragraph (7), "qualified individual" means any person who
20 (i) lived or worked within the territorial jurisdiction
21 where the offense took place when the offense took place;
22 and (ii) is familiar with various public places within the
23 territorial jurisdiction where the offense took place when
24 the offense took place. For the purposes of this paragraph
25 (7), "qualified individual" includes any peace officer, or
26 any member of any duly organized State, county, or

1 municipal peace unit assigned to the territorial
2 jurisdiction where the offense took place when the offense
3 took place;

4 (8) in cases of reckless homicide afford the victim's
5 spouse, guardians, parents or other immediate family
6 members an opportunity to make oral statements;

7 (9) in cases involving a felony sex offense as defined
8 under the Sex Offender Management Board Act, consider the
9 results of the sex offender evaluation conducted pursuant
10 to Section 5-3-2 of this Act; and

11 (10) make a finding of whether a motor vehicle was used
12 in the commission of the offense for which the defendant is
13 being sentenced.

14 (b) All sentences shall be imposed by the judge based upon
15 his independent assessment of the elements specified above and
16 any agreement as to sentence reached by the parties. The judge
17 who presided at the trial or the judge who accepted the plea of
18 guilty shall impose the sentence unless he is no longer sitting
19 as a judge in that court. Where the judge does not impose
20 sentence at the same time on all defendants who are convicted
21 as a result of being involved in the same offense, the
22 defendant or the State's Attorney may advise the sentencing
23 court of the disposition of any other defendants who have been
24 sentenced.

25 (c) In imposing a sentence for a violent crime or for an
26 offense of operating or being in physical control of a vehicle

1 while under the influence of alcohol, any other drug or any
2 combination thereof, or a similar provision of a local
3 ordinance, when such offense resulted in the personal injury to
4 someone other than the defendant, the trial judge shall specify
5 on the record the particular evidence, information, factors in
6 mitigation and aggravation or other reasons that led to his
7 sentencing determination. The full verbatim record of the
8 sentencing hearing shall be filed with the clerk of the court
9 and shall be a public record.

10 (c-1) In imposing a sentence for the offense of aggravated
11 kidnapping for ransom, home invasion, armed robbery,
12 aggravated vehicular hijacking, aggravated discharge of a
13 firearm, or armed violence with a category I weapon or category
14 II weapon, the trial judge shall make a finding as to whether
15 the conduct leading to conviction for the offense resulted in
16 great bodily harm to a victim, and shall enter that finding and
17 the basis for that finding in the record.

18 (c-2) If the defendant is sentenced to prison, other than
19 when a sentence of natural life imprisonment or a sentence of
20 death is imposed, at the time the sentence is imposed the judge
21 shall state on the record in open court the approximate period
22 of time the defendant will serve in custody according to the
23 then current statutory rules and regulations for sentence
24 credit ~~early release~~ found in Section 3-6-3 and other related
25 provisions of this Code. This statement is intended solely to
26 inform the public, has no legal effect on the defendant's

1 actual release, and may not be relied on by the defendant on
2 appeal.

3 The judge's statement, to be given after pronouncing the
4 sentence, other than when the sentence is imposed for one of
5 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
6 shall include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois as
11 applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, assuming the defendant receives all of his or her
14 sentence ~~good conduct~~ credit, the period of estimated actual
15 custody is ... years and ... months, less up to 180 days
16 additional sentence ~~good conduct~~ credit for good conduct
17 ~~meritorious service~~. If the defendant, because of his or her
18 own misconduct or failure to comply with the institutional
19 regulations, does not receive those credits, the actual time
20 served in prison will be longer. The defendant may also receive
21 an additional one-half day sentence ~~good conduct~~ credit for
22 each day of participation in vocational, industry, substance
23 abuse, and educational programs as provided for by Illinois
24 statute."

25 When the sentence is imposed for one of the offenses
26 enumerated in paragraph (a)(3) of Section 3-6-3, other than

1 when the sentence is imposed for one of the offenses enumerated
2 in paragraph (a) (2) of Section 3-6-3 committed on or after June
3 19, 1998, and other than when the sentence is imposed for
4 reckless homicide as defined in subsection (e) of Section 9-3
5 of the Criminal Code of 1961 if the offense was committed on or
6 after January 1, 1999, and other than when the sentence is
7 imposed for aggravated arson if the offense was committed on or
8 after July 27, 2001 (the effective date of Public Act 92-176),
9 and other than when the sentence is imposed for aggravated
10 driving under the influence of alcohol, other drug or drugs, or
11 intoxicating compound or compounds, or any combination thereof
12 as defined in subparagraph (C) of paragraph (1) of subsection
13 (d) of Section 11-501 of the Illinois Vehicle Code committed on
14 or after January 1, 2011 (the effective date of Public Act
15 96-1230), the judge's statement, to be given after pronouncing
16 the sentence, shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois as
21 applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, assuming the defendant receives all of his or her
24 sentence ~~good conduct~~ credit, the period of estimated actual
25 custody is ... years and ... months, less up to 90 days
26 additional sentence ~~good conduct~~ credit for good conduct

1 ~~meritorious service~~. If the defendant, because of his or her
2 own misconduct or failure to comply with the institutional
3 regulations, does not receive those credits, the actual time
4 served in prison will be longer. The defendant may also receive
5 an additional one-half day sentence ~~good conduct~~ credit for
6 each day of participation in vocational, industry, substance
7 abuse, and educational programs as provided for by Illinois
8 statute."

9 When the sentence is imposed for one of the offenses
10 enumerated in paragraph (a)(2) of Section 3-6-3, other than
11 first degree murder, and the offense was committed on or after
12 June 19, 1998, and when the sentence is imposed for reckless
13 homicide as defined in subsection (e) of Section 9-3 of the
14 Criminal Code of 1961 if the offense was committed on or after
15 January 1, 1999, and when the sentence is imposed for
16 aggravated driving under the influence of alcohol, other drug
17 or drugs, or intoxicating compound or compounds, or any
18 combination thereof as defined in subparagraph (F) of paragraph
19 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
20 Code, and when the sentence is imposed for aggravated arson if
21 the offense was committed on or after July 27, 2001 (the
22 effective date of Public Act 92-176), and when the sentence is
23 imposed for aggravated driving under the influence of alcohol,
24 other drug or drugs, or intoxicating compound or compounds, or
25 any combination thereof as defined in subparagraph (C) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code committed on or after January 1, 2011
2 (the effective date of Public Act 96-1230), the judge's
3 statement, to be given after pronouncing the sentence, shall
4 include the following:

5 "The purpose of this statement is to inform the public of
6 the actual period of time this defendant is likely to spend in
7 prison as a result of this sentence. The actual period of
8 prison time served is determined by the statutes of Illinois as
9 applied to this sentence by the Illinois Department of
10 Corrections and the Illinois Prisoner Review Board. In this
11 case, the defendant is entitled to no more than 4 1/2 days of
12 sentence ~~good conduct~~ credit for each month of his or her
13 sentence of imprisonment. Therefore, this defendant will serve
14 at least 85% of his or her sentence. Assuming the defendant
15 receives 4 1/2 days credit for each month of his or her
16 sentence, the period of estimated actual custody is ... years
17 and ... months. If the defendant, because of his or her own
18 misconduct or failure to comply with the institutional
19 regulations receives lesser credit, the actual time served in
20 prison will be longer."

21 When a sentence of imprisonment is imposed for first degree
22 murder and the offense was committed on or after June 19, 1998,
23 the judge's statement, to be given after pronouncing the
24 sentence, shall include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant is not entitled to sentence ~~good conduct~~
6 credit. Therefore, this defendant will serve 100% of his or her
7 sentence."

8 When the sentencing order recommends placement in a
9 substance abuse program for any offense that results in
10 incarceration in a Department of Corrections facility and the
11 crime was committed on or after September 1, 2003 (the
12 effective date of Public Act 93-354), the judge's statement, in
13 addition to any other judge's statement required under this
14 Section, to be given after pronouncing the sentence, shall
15 include the following:

16 "The purpose of this statement is to inform the public of
17 the actual period of time this defendant is likely to spend in
18 prison as a result of this sentence. The actual period of
19 prison time served is determined by the statutes of Illinois as
20 applied to this sentence by the Illinois Department of
21 Corrections and the Illinois Prisoner Review Board. In this
22 case, the defendant shall receive no sentence credit for good
23 conduct ~~credit~~ under clause (3) of subsection (a) of Section
24 3-6-3 until he or she participates in and completes a substance
25 abuse treatment program or receives a waiver from the Director
26 of Corrections pursuant to clause (4.5) of subsection (a) of

1 Section 3-6-3."

2 (c-4) Before the sentencing hearing and as part of the
3 presentence investigation under Section 5-3-1, the court shall
4 inquire of the defendant whether the defendant is currently
5 serving in or is a veteran of the Armed Forces of the United
6 States. If the defendant is currently serving in the Armed
7 Forces of the United States or is a veteran of the Armed Forces
8 of the United States and has been diagnosed as having a mental
9 illness by a qualified psychiatrist or clinical psychologist or
10 physician, the court may:

11 (1) order that the officer preparing the presentence
12 report consult with the United States Department of
13 Veterans Affairs, Illinois Department of Veterans'
14 Affairs, or another agency or person with suitable
15 knowledge or experience for the purpose of providing the
16 court with information regarding treatment options
17 available to the defendant, including federal, State, and
18 local programming; and

19 (2) consider the treatment recommendations of any
20 diagnosing or treating mental health professionals
21 together with the treatment options available to the
22 defendant in imposing sentence.

23 For the purposes of this subsection (c-4), "qualified
24 psychiatrist" means a reputable physician licensed in Illinois
25 to practice medicine in all its branches, who has specialized
26 in the diagnosis and treatment of mental and nervous disorders

1 for a period of not less than 5 years.

2 (c-6) In imposing a sentence, the trial judge shall
3 specify, on the record, the particular evidence and other
4 reasons which led to his or her determination that a motor
5 vehicle was used in the commission of the offense.

6 (d) When the defendant is committed to the Department of
7 Corrections, the State's Attorney shall and counsel for the
8 defendant may file a statement with the clerk of the court to
9 be transmitted to the department, agency or institution to
10 which the defendant is committed to furnish such department,
11 agency or institution with the facts and circumstances of the
12 offense for which the person was committed together with all
13 other factual information accessible to them in regard to the
14 person prior to his commitment relative to his habits,
15 associates, disposition and reputation and any other facts and
16 circumstances which may aid such department, agency or
17 institution during its custody of such person. The clerk shall
18 within 10 days after receiving any such statements transmit a
19 copy to such department, agency or institution and a copy to
20 the other party, provided, however, that this shall not be
21 cause for delay in conveying the person to the department,
22 agency or institution to which he has been committed.

23 (e) The clerk of the court shall transmit to the
24 department, agency or institution, if any, to which the
25 defendant is committed, the following:

26 (1) the sentence imposed;

1 (2) any statement by the court of the basis for
2 imposing the sentence;

3 (3) any presentence reports;

4 (3.5) any sex offender evaluations;

5 (3.6) any substance abuse treatment eligibility
6 screening and assessment of the defendant by an agent
7 designated by the State of Illinois to provide assessment
8 services for the Illinois courts;

9 (4) the number of days, if any, which the defendant has
10 been in custody and for which he is entitled to credit
11 against the sentence, which information shall be provided
12 to the clerk by the sheriff;

13 (4.1) any finding of great bodily harm made by the
14 court with respect to an offense enumerated in subsection
15 (c-1);

16 (5) all statements filed under subsection (d) of this
17 Section;

18 (6) any medical or mental health records or summaries
19 of the defendant;

20 (7) the municipality where the arrest of the offender
21 or the commission of the offense has occurred, where such
22 municipality has a population of more than 25,000 persons;

23 (8) all statements made and evidence offered under
24 paragraph (7) of subsection (a) of this Section; and

25 (9) all additional matters which the court directs the
26 clerk to transmit.

1 (f) In cases in which the court finds that a motor vehicle
2 was used in the commission of the offense for which the
3 defendant is being sentenced, the clerk of the court shall,
4 within 5 days thereafter, forward a report of such conviction
5 to the Secretary of State.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;
7 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; 96-1551, eff.
8 7-1-11; 97-333, eff. 8-12-11.)

9 (730 ILCS 5/5-4.5-20)

10 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
11 degree murder:

12 (a) TERM. The defendant shall be sentenced to imprisonment
13 or, if appropriate, death under Section 9-1 of the Criminal
14 Code of 1961 (720 ILCS 5/9-1). Imprisonment shall be for a
15 determinate term of (1) not less than 20 years and not more
16 than 60 years; (2) not less than 60 years and not more than 100
17 years when an extended term is imposed under Section 5-8-2 (730
18 ILCS 5/5-8-2); or (3) natural life as provided in Section 5-8-1
19 (730 ILCS 5/5-8-1).

20 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
21 shall not be imposed.

22 (c) IMPACT INCARCERATION. The impact incarceration program
23 or the county impact incarceration program is not an authorized
24 disposition.

25 (d) PROBATION; CONDITIONAL DISCHARGE. A period of

1 probation or conditional discharge shall not be imposed.

2 (e) FINE. Fines may be imposed as provided in Section
3 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
7 be concurrent or consecutive as provided in Section 5-8-4 (730
8 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

9 (h) DRUG COURT. Drug court is not an authorized
10 disposition.

11 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
12 ILCS 5/5-4.5-100) concerning no credit for time spent in home
13 detention prior to judgment.

14 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
15 Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for
16 sentence credit ~~early release based on good conduct~~.

17 (k) ELECTRONIC HOME DETENTION. Electronic home detention
18 is not an authorized disposition, except in limited
19 circumstances as provided in Section 5-8A-3 (730 ILCS
20 5/5-8A-3).

21 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
22 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
23 mandatory supervised release term shall be 3 years upon release
24 from imprisonment.

25 (Source: P.A. 95-1052, eff. 7-1-09.)

1 (730 ILCS 5/5-4.5-25)

2 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of not less than 6 years and not more than
6 30 years. The sentence of imprisonment for an extended term
7 Class X felony, as provided in Section 5-8-2 (730 ILCS
8 5/5-8-2), shall be not less than 30 years and not more than 60
9 years.

10 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
11 shall not be imposed.

12 (c) IMPACT INCARCERATION. The impact incarceration program
13 or the county impact incarceration program is not an authorized
14 disposition.

15 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
16 probation or conditional discharge shall not be imposed.

17 (e) FINE. Fines may be imposed as provided in Section
18 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

19 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
20 concerning restitution.

21 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
22 be concurrent or consecutive as provided in Section 5-8-4 (730
23 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

24 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
25 Act (730 ILCS 166/20) concerning eligibility for a drug court
26 program.

1 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
2 ILCS 5/5-4.5-100) concerning no credit for time spent in home
3 detention prior to judgment.

4 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
5 Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for
6 sentence credit ~~early release based on good conduct~~.

7 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
8 5/5-8A-3) concerning eligibility for electronic home
9 detention.

10 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
11 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
12 5/5-8-1), the parole or mandatory supervised release term shall
13 be 3 years upon release from imprisonment.

14 (Source: P.A. 95-1052, eff. 7-1-09.)

15 (730 ILCS 5/5-4.5-30)

16 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
17 felony:

18 (a) TERM. The sentence of imprisonment, other than for
19 second degree murder, shall be a determinate sentence of not
20 less than 4 years and not more than 15 years. The sentence of
21 imprisonment for second degree murder shall be a determinate
22 sentence of not less than 4 years and not more than 20 years.
23 The sentence of imprisonment for an extended term Class 1
24 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
25 be a term not less than 15 years and not more than 30 years.

1 (b) PERIODIC IMPRISONMENT. A sentence of periodic
2 imprisonment shall be for a definite term of from 3 to 4 years,
3 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
4 ILCS 5/5-5-3 or 5/5-7-1).

5 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
6 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
7 the impact incarceration program or the county impact
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
11 period of probation or conditional discharge shall not exceed 4
12 years. The court shall specify the conditions of probation or
13 conditional discharge as set forth in Section 5-6-3 (730 ILCS
14 5/5-6-3). In no case shall an offender be eligible for a
15 disposition of probation or conditional discharge for a Class 1
16 felony committed while he or she was serving a term of
17 probation or conditional discharge for a felony.

18 (e) FINE. Fines may be imposed as provided in Section
19 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

20 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
21 concerning restitution.

22 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
23 be concurrent or consecutive as provided in Section 5-8-4 (730
24 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

25 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
26 Act (730 ILCS 166/20) concerning eligibility for a drug court

1 program.

2 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
3 ILCS 5/5-4.5-100) concerning credit for time spent in home
4 detention prior to judgment.

5 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
6 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
7 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
8 regulations for sentence credit ~~early release based on good~~
9 ~~conduct~~.

10 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
11 5/5-8A-3) concerning eligibility for electronic home
12 detention.

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
14 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
15 5/5-8-1), the parole or mandatory supervised release term shall
16 be 2 years upon release from imprisonment.

17 (Source: P.A. 95-1052, eff. 7-1-09.)

18 (730 ILCS 5/5-4.5-35)

19 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
20 felony:

21 (a) TERM. The sentence of imprisonment shall be a
22 determinate sentence of not less than 3 years and not more than
23 7 years. The sentence of imprisonment for an extended term
24 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
25 5/5-8-2), shall be a term not less than 7 years and not more

1 than 14 years.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic
3 imprisonment shall be for a definite term of from 18 to 30
4 months, except as otherwise provided in Section 5-5-3 or 5-7-1
5 (730 ILCS 5/5-5-3 or 5/5-7-1).

6 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
7 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
8 the impact incarceration program or the county impact
9 incarceration program.

10 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
11 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
12 period of probation or conditional discharge shall not exceed 4
13 years. The court shall specify the conditions of probation or
14 conditional discharge as set forth in Section 5-6-3 (730 ILCS
15 5/5-6-3).

16 (e) FINE. Fines may be imposed as provided in Section
17 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

18 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
19 concerning restitution.

20 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
21 be concurrent or consecutive as provided in Section 5-8-4 (730
22 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

23 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
24 Act (730 ILCS 166/20) concerning eligibility for a drug court
25 program.

26 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730

1 ILCS 5/5-4.5-100) concerning credit for time spent in home
2 detention prior to judgment.

3 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
4 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
5 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
6 regulations for sentence credit ~~early release based on good~~
7 ~~conduct~~.

8 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
9 5/5-8A-3) concerning eligibility for electronic home
10 detention.

11 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
12 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
13 5/5-8-1), the parole or mandatory supervised release term shall
14 be 2 years upon release from imprisonment.

15 (Source: P.A. 95-1052, eff. 7-1-09.)

16 (730 ILCS 5/5-4.5-40)

17 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
18 felony:

19 (a) TERM. The sentence of imprisonment shall be a
20 determinate sentence of not less than 2 years and not more than
21 5 years. The sentence of imprisonment for an extended term
22 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
23 5/5-8-2), shall be a term not less than 5 years and not more
24 than 10 years.

25 (b) PERIODIC IMPRISONMENT. A sentence of periodic

1 imprisonment shall be for a definite term of up to 18 months,
2 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
3 ILCS 5/5-5-3 or 5/5-7-1).

4 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
5 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
6 the impact incarceration program or the county impact
7 incarceration program.

8 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
9 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
10 period of probation or conditional discharge shall not exceed
11 30 months. The court shall specify the conditions of probation
12 or conditional discharge as set forth in Section 5-6-3 (730
13 ILCS 5/5-6-3).

14 (e) FINE. Fines may be imposed as provided in Section
15 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
25 ILCS 5/5-4.5-100) concerning credit for time spent in home
26 detention prior to judgment.

1 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
2 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
3 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
4 regulations for sentence credit ~~early release based on good~~
5 ~~conduct~~.

6 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
7 5/5-8A-3) concerning eligibility for electronic home
8 detention.

9 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
10 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
11 5/5-8-1), the parole or mandatory supervised release term shall
12 be one year upon release from imprisonment.

13 (Source: P.A. 95-1052, eff. 7-1-09.)

14 (730 ILCS 5/5-4.5-45)

15 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
16 felony:

17 (a) TERM. The sentence of imprisonment shall be a
18 determinate sentence of not less than one year and not more
19 than 3 years. The sentence of imprisonment for an extended term
20 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
21 5/5-8-2), shall be a term not less than 3 years and not more
22 than 6 years.

23 (b) PERIODIC IMPRISONMENT. A sentence of periodic
24 imprisonment shall be for a definite term of up to 18 months,
25 except as otherwise provided in Section 5-5-3 or 5-7-1 (730

1 ILCS 5/5-5-3 or 5/5-7-1).

2 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
3 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
4 the impact incarceration program or the county impact
5 incarceration program.

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
7 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
8 period of probation or conditional discharge shall not exceed
9 30 months. The court shall specify the conditions of probation
10 or conditional discharge as set forth in Section 5-6-3 (730
11 ILCS 5/5-6-3).

12 (e) FINE. Fines may be imposed as provided in Section
13 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

14 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
15 concerning restitution.

16 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
17 be concurrent or consecutive as provided in Section 5-8-4 (730
18 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

19 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
20 Act (730 ILCS 166/20) concerning eligibility for a drug court
21 program.

22 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
23 ILCS 5/5-4.5-100) concerning credit for time spent in home
24 detention prior to judgment.

25 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
26 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County

1 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
2 regulations for sentence credit ~~early release based on good~~
3 ~~conduct~~.

4 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
5 5/5-8A-3) concerning eligibility for electronic home
6 detention.

7 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
8 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
9 5/5-8-1), the parole or mandatory supervised release term shall
10 be one year upon release from imprisonment.

11 (Source: P.A. 95-1052, eff. 7-1-09.)

12 (730 ILCS 5/5-4.5-55)

13 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
14 A misdemeanor:

15 (a) TERM. The sentence of imprisonment shall be a
16 determinate sentence of less than one year.

17 (b) PERIODIC IMPRISONMENT. A sentence of periodic
18 imprisonment shall be for a definite term of less than one
19 year, except as otherwise provided in Section 5-5-3 or 5-7-1
20 (730 ILCS 5/5-5-3 or 5/5-7-1).

21 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
22 5/5-8-1.2) concerning eligibility for the county impact
23 incarceration program.

24 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
25 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the

1 period of probation or conditional discharge shall not exceed 2
2 years. The court shall specify the conditions of probation or
3 conditional discharge as set forth in Section 5-6-3 (730 ILCS
4 5/5-6-3).

5 (e) FINE. A fine not to exceed \$2,500 for each offense or
6 the amount specified in the offense, whichever is greater, may
7 be imposed. A fine may be imposed in addition to a sentence of
8 conditional discharge, probation, periodic imprisonment, or
9 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
10 Art. 9) for imposition of additional amounts and determination
11 of amounts and payment.

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning credit for time spent in home
22 detention prior to judgment.

23 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.
24 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)
25 for rules and regulations for good behavior allowance ~~early~~
26 ~~release based on good conduct~~.

1 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
2 5/5-8A-3) concerning eligibility for electronic home
3 detention.

4 (Source: P.A. 95-1052, eff. 7-1-09.)

5 (730 ILCS 5/5-4.5-60)

6 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
7 B misdemeanor:

8 (a) TERM. The sentence of imprisonment shall be a
9 determinate sentence of not more than 6 months.

10 (b) PERIODIC IMPRISONMENT. A sentence of periodic
11 imprisonment shall be for a definite term of up to 6 months or
12 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

13 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
14 5/5-8-1.2) concerning eligibility for the county impact
15 incarceration program.

16 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
17 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
18 conditional discharge shall not exceed 2 years. The court shall
19 specify the conditions of probation or conditional discharge as
20 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

21 (e) FINE. A fine not to exceed \$1,500 for each offense or
22 the amount specified in the offense, whichever is greater, may
23 be imposed. A fine may be imposed in addition to a sentence of
24 conditional discharge, probation, periodic imprisonment, or
25 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,

1 Art. 9) for imposition of additional amounts and determination
2 of amounts and payment.

3 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
4 concerning restitution.

5 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
6 be concurrent or consecutive as provided in Section 5-8-4 (730
7 ILCS 5/5-8-4).

8 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
9 Act (730 ILCS 166/20) concerning eligibility for a drug court
10 program.

11 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
12 ILCS 5/5-4.5-100) concerning credit for time spent in home
13 detention prior to judgment.

14 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.
15 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)
16 for rules and regulations for good behavior allowance ~~early~~
17 ~~release based on good conduct~~.

18 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
19 5/5-8A-3) concerning eligibility for electronic home
20 detention.

21 (Source: P.A. 95-1052, eff. 7-1-09.)

22 (730 ILCS 5/5-4.5-65)

23 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
24 C misdemeanor:

25 (a) TERM. The sentence of imprisonment shall be a

1 determinate sentence of not more than 30 days.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic
3 imprisonment shall be for a definite term of up to 30 days or
4 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

5 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
6 5/5-8-1.2) concerning eligibility for the county impact
7 incarceration program.

8 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
9 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
10 conditional discharge shall not exceed 2 years. The court shall
11 specify the conditions of probation or conditional discharge as
12 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

13 (e) FINE. A fine not to exceed \$1,500 for each offense or
14 the amount specified in the offense, whichever is greater, may
15 be imposed. A fine may be imposed in addition to a sentence of
16 conditional discharge, probation, periodic imprisonment, or
17 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
18 Art. 9) for imposition of additional amounts and determination
19 of amounts and payment.

20 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
21 concerning restitution.

22 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
23 be concurrent or consecutive as provided in Section 5-8-4 (730
24 ILCS 5/5-8-4).

25 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
26 Act (730 ILCS 166/20) concerning eligibility for a drug court

1 program.

2 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
3 ILCS 5/5-4.5-100) concerning credit for time spent in home
4 detention prior to judgment.

5 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.
6 See the County Jail Good Behavior Allowance Act (730 ILCS 130/
7 for rules and regulations for good behavior allowance ~~early~~
8 ~~release based on good conduct~~.

9 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
10 5/5-8A-3) concerning eligibility for electronic home
11 detention.

12 (Source: P.A. 95-1052, eff. 7-1-09.)

13 (730 ILCS 5/5-4.5-100)

14 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

15 (a) COMMENCEMENT. A sentence of imprisonment shall
16 commence on the date on which the offender is received by the
17 Department or the institution at which the sentence is to be
18 served.

19 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
20 forth in subsection (e), the offender shall be given credit on
21 the determinate sentence or maximum term and the minimum period
22 of imprisonment for the number of days ~~time~~ spent in custody as
23 a result of the offense for which the sentence was imposed. The
24 Department shall calculate the credit~~7~~ at the rate specified in
25 Section 3-6-3 (730 ILCS 5/3-6-3). Except when prohibited by

1 subsection (d), the trial court shall ~~may~~ give credit to the
2 defendant for time spent in home detention on the same
3 sentencing terms as incarceration as provided in Section 5-8A-3
4 (730 ILCS 5/5-8A-3). The trial court may give credit to the
5 defendant for the number of days spent, ~~or when the defendant~~
6 ~~has been~~ confined for psychiatric or substance abuse treatment
7 prior to judgment, if the court finds that the detention or
8 confinement was custodial.

9 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
10 arrested on one charge and prosecuted on another charge for
11 conduct that occurred prior to his or her arrest shall be given
12 credit on the determinate sentence or maximum term and the
13 minimum term of imprisonment for time spent in custody under
14 the former charge not credited against another sentence.

15 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
16 defendant credit for successfully completing county
17 programming while in custody prior to imposition of sentence at
18 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the
19 purposes of this subsection, "custody" includes time spent in
20 home detention.

21 (d) NO CREDIT; SOME HOME DETENTION. An offender sentenced
22 to a term of imprisonment for an offense listed in paragraph
23 (2) of subsection (c) of Section 5-5-3 (730 ILCS 5/5-5-3) or in
24 paragraph (3) of subsection (c-1) of Section 11-501 of the
25 Illinois Vehicle Code (625 ILCS 5/11-501) shall not receive
26 credit for time spent in home detention prior to judgment.

1 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
2 RELEASE, OR PROBATION. An offender charged with the commission
3 of an offense committed while on parole, mandatory supervised
4 release, or probation shall not be given credit for time spent
5 in custody under subsection (b) for that offense for any time
6 spent in custody as a result of a revocation of parole,
7 mandatory supervised release, or probation where such
8 revocation is based on a sentence imposed for a previous
9 conviction, regardless of the facts upon which the revocation
10 of parole, mandatory supervised release, or probation is based,
11 unless both the State and the defendant agree that the time
12 served for a violation of mandatory supervised release, parole,
13 or probation shall be credited towards the sentence for the
14 current offense.

15 (Source: P.A. 95-1052, eff. 7-1-09; incorporates 96-427, eff.
16 8-13-09; 96-1000, eff. 7-2-10.)

17 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) (Blank).

20 (b) (Blank).

21 (c) (1) (Blank).

22 (2) A period of probation, a term of periodic
23 imprisonment or conditional discharge shall not be imposed
24 for the following offenses. The court shall sentence the
25 offender to not less than the minimum term of imprisonment

1 set forth in this Code for the following offenses, and may
2 order a fine or restitution or both in conjunction with
3 such term of imprisonment:

4 (A) First degree murder where the death penalty is
5 not imposed.

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

8 (D) A violation of Section 401.1 or 407 of the
9 Illinois Controlled Substances Act, or a violation of
10 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
11 of that Act which relates to more than 5 grams of a
12 substance containing heroin, cocaine, fentanyl, or an
13 analog thereof.

14 (E) A violation of Section 5.1 or 9 of the Cannabis
15 Control Act.

16 (F) A Class 2 or greater felony if the offender had
17 been convicted of a Class 2 or greater felony,
18 including any state or federal conviction for an
19 offense that contained, at the time it was committed,
20 the same elements as an offense now (the date of the
21 offense committed after the prior Class 2 or greater
22 felony) classified as a Class 2 or greater felony,
23 within 10 years of the date on which the offender
24 committed the offense for which he or she is being
25 sentenced, except as otherwise provided in Section
26 40-10 of the Alcoholism and Other Drug Abuse and

1 Dependency Act.

2 (F-5) A violation of Section 24-1, 24-1.1, or
3 24-1.6 of the Criminal Code of 1961 for which
4 imprisonment is prescribed in those Sections.

5 (G) Residential burglary, except as otherwise
6 provided in Section 40-10 of the Alcoholism and Other
7 Drug Abuse and Dependency Act.

8 (H) Criminal sexual assault.

9 (I) 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 (J) A forcible felony if the offense was related to
13 the activities of an organized gang.

14 Before July 1, 1994, for the purposes of this
15 paragraph, "organized gang" means an association of 5
16 or more persons, with an established hierarchy, that
17 encourages members of the association to perpetrate
18 crimes or provides support to the members of the
19 association who do commit crimes.

20 Beginning July 1, 1994, for the purposes of this
21 paragraph, "organized gang" has the meaning ascribed
22 to it in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act.

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the
26 offense of hate crime when the underlying offense upon

1 which the hate crime is based is felony aggravated
2 assault or felony mob action.

3 (M) A second or subsequent conviction for the
4 offense of institutional vandalism if the damage to the
5 property exceeds \$300.

6 (N) A Class 3 felony violation of paragraph (1) of
7 subsection (a) of Section 2 of the Firearm Owners
8 Identification Card Act.

9 (O) A violation of Section 12-6.1 or 12-6.5 of the
10 Criminal Code of 1961.

11 (P) A violation of paragraph (1), (2), (3), (4),
12 (5), or (7) of subsection (a) of Section 11-20.1 of the
13 Criminal Code of 1961.

14 (Q) A violation of Section 20-1.2 or 20-1.3 of the
15 Criminal Code of 1961.

16 (R) A violation of Section 24-3A of the Criminal
17 Code of 1961.

18 (S) (Blank).

19 (T) A second or subsequent violation of the
20 Methamphetamine Control and Community Protection Act.

21 (U) A second or subsequent violation of Section
22 6-303 of the Illinois Vehicle Code committed while his
23 or her driver's license, permit, or privilege was
24 revoked because of a violation of Section 9-3 of the
25 Criminal Code of 1961, relating to the offense of
26 reckless homicide, or a similar provision of a law of

1 another state.

2 (V) A violation of paragraph (4) of subsection (c)
3 of Section 11-20.1B or paragraph (4) of subsection (c)
4 of Section 11-20.3 of the Criminal Code of 1961.

5 (W) A violation of Section 24-3.5 of the Criminal
6 Code of 1961.

7 (X) A violation of subsection (a) of Section 31-1a
8 of the Criminal Code of 1961.

9 (Y) A conviction for unlawful possession of a
10 firearm by a street gang member when the firearm was
11 loaded or contained firearm ammunition.

12 (Z) A Class 1 felony committed while he or she was
13 serving a term of probation or conditional discharge
14 for a felony.

15 (AA) Theft of property exceeding \$500,000 and not
16 exceeding \$1,000,000 in value.

17 (BB) Laundering of criminally derived property of
18 a value exceeding \$500,000.

19 (CC) Knowingly selling, offering for sale, holding
20 for sale, or using 2,000 or more counterfeit items or
21 counterfeit items having a retail value in the
22 aggregate of \$500,000 or more.

23 (DD) A conviction for aggravated assault under
24 paragraph (6) of subsection (c) of Section 12-2 of the
25 Criminal Code of 1961 if the firearm is aimed toward
26 the person against whom the firearm is being used.

1 (3) (Blank).

2 (4) A minimum term of imprisonment of not less than 10
3 consecutive days or 30 days of community service shall be
4 imposed for a violation of paragraph (c) of Section 6-303
5 of the Illinois Vehicle Code.

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraphs (4.3) and (4.8)
8 of this subsection (c), a minimum of 100 hours of community
9 service shall be imposed for a second violation of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300
12 hours of community service, as determined by the court,
13 shall be imposed for a second violation of subsection (c)
14 of Section 6-303 of the Illinois Vehicle Code.

15 (4.4) Except as provided in paragraphs (4.5), (4.6),
16 and (4.9) of this subsection (c), a minimum term of
17 imprisonment of 30 days or 300 hours of community service,
18 as determined by the court, shall be imposed for a third or
19 subsequent violation of Section 6-303 of the Illinois
20 Vehicle Code.

21 (4.5) A minimum term of imprisonment of 30 days shall
22 be imposed for a third violation of subsection (c) of
23 Section 6-303 of the Illinois Vehicle Code.

24 (4.6) Except as provided in paragraph (4.10) of this
25 subsection (c), a minimum term of imprisonment of 180 days
26 shall be imposed for a fourth or subsequent violation of

1 subsection (c) of Section 6-303 of the Illinois Vehicle
2 Code.

3 (4.7) A minimum term of imprisonment of not less than
4 30 consecutive days, or 300 hours of community service,
5 shall be imposed for a violation of subsection (a-5) of
6 Section 6-303 of the Illinois Vehicle Code, as provided in
7 subsection (b-5) of that Section.

8 (4.8) A mandatory prison sentence shall be imposed for
9 a second violation of subsection (a-5) of Section 6-303 of
10 the Illinois Vehicle Code, as provided in subsection (c-5)
11 of that Section. The person's driving privileges shall be
12 revoked for a period of not less than 5 years from the date
13 of his or her release from prison.

14 (4.9) A mandatory prison sentence of not less than 4
15 and not more than 15 years shall be imposed for a third
16 violation of subsection (a-5) of Section 6-303 of the
17 Illinois Vehicle Code, as provided in subsection (d-2.5) of
18 that Section. The person's driving privileges shall be
19 revoked for the remainder of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony
21 shall be imposed, and the person shall be eligible for an
22 extended term sentence, for a fourth or subsequent
23 violation of subsection (a-5) of Section 6-303 of the
24 Illinois Vehicle Code, as provided in subsection (d-3.5) of
25 that Section. The person's driving privileges shall be
26 revoked for the remainder of his or her life.

1 (5) The court may sentence a corporation or
2 unincorporated association convicted of any offense to:

3 (A) a period of conditional discharge;

4 (B) a fine;

5 (C) make restitution to the victim under Section
6 5-5-6 of this Code.

7 (5.1) In addition to any other penalties imposed, and
8 except as provided in paragraph (5.2) or (5.3), a person
9 convicted of violating subsection (c) of Section 11-907 of
10 the Illinois Vehicle Code shall have his or her driver's
11 license, permit, or privileges suspended for at least 90
12 days but not more than one year, if the violation resulted
13 in damage to the property of another person.

14 (5.2) In addition to any other penalties imposed, and
15 except as provided in paragraph (5.3), a person convicted
16 of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's
18 license, permit, or privileges suspended for at least 180
19 days but not more than 2 years, if the violation resulted
20 in injury to another person.

21 (5.3) In addition to any other penalties imposed, a
22 person convicted of violating subsection (c) of Section
23 11-907 of the Illinois Vehicle Code shall have his or her
24 driver's license, permit, or privileges suspended for 2
25 years, if the violation resulted in the death of another
26 person.

1 (5.4) In addition to any other penalties imposed, a
2 person convicted of violating Section 3-707 of the Illinois
3 Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for 3 months and until he
5 or she has paid a reinstatement fee of \$100.

6 (5.5) In addition to any other penalties imposed, a
7 person convicted of violating Section 3-707 of the Illinois
8 Vehicle Code during a period in which his or her driver's
9 license, permit, or privileges were suspended for a
10 previous violation of that Section shall have his or her
11 driver's license, permit, or privileges suspended for an
12 additional 6 months after the expiration of the original
13 3-month suspension and until he or she has paid a
14 reinstatement fee of \$100.

15 (6) (Blank).

16 (7) (Blank).

17 (8) (Blank).

18 (9) A defendant convicted of a second or subsequent
19 offense of ritualized abuse of a child may be sentenced to
20 a term of natural life imprisonment.

21 (10) (Blank).

22 (11) The court shall impose a minimum fine of \$1,000
23 for a first offense and \$2,000 for a second or subsequent
24 offense upon a person convicted of or placed on supervision
25 for battery when the individual harmed was a sports
26 official or coach at any level of competition and the act

1 causing harm to the sports official or coach occurred
2 within an athletic facility or within the immediate
3 vicinity of the athletic facility at which the sports
4 official or coach was an active participant of the athletic
5 contest held at the athletic facility. For the purposes of
6 this paragraph (11), "sports official" means a person at an
7 athletic contest who enforces the rules of the contest,
8 such as an umpire or referee; "athletic facility" means an
9 indoor or outdoor playing field or recreational area where
10 sports activities are conducted; and "coach" means a person
11 recognized as a coach by the sanctioning authority that
12 conducted the sporting event.

13 (12) A person may not receive a disposition of court
14 supervision for a violation of Section 5-16 of the Boat
15 Registration and Safety Act if that person has previously
16 received a disposition of court supervision for a violation
17 of that Section.

18 (13) A person convicted of or placed on court
19 supervision for an assault or aggravated assault when the
20 victim and the offender are family or household members as
21 defined in Section 103 of the Illinois Domestic Violence
22 Act of 1986 or convicted of domestic battery or aggravated
23 domestic battery may be required to attend a Partner Abuse
24 Intervention Program under protocols set forth by the
25 Illinois Department of Human Services under such terms and
26 conditions imposed by the court. The costs of such classes

1 shall be paid by the offender.

2 (d) In any case in which a sentence originally imposed is
3 vacated, the case shall be remanded to the trial court. The
4 trial court shall hold a hearing under Section 5-4-1 of the
5 Unified Code of Corrections which may include evidence of the
6 defendant's life, moral character and occupation during the
7 time since the original sentence was passed. The trial court
8 shall then impose sentence upon the defendant. The trial court
9 may impose any sentence which could have been imposed at the
10 original trial subject to Section 5-5-4 of the Unified Code of
11 Corrections. If a sentence is vacated on appeal or on
12 collateral attack due to the failure of the trier of fact at
13 trial to determine beyond a reasonable doubt the existence of a
14 fact (other than a prior conviction) necessary to increase the
15 punishment for the offense beyond the statutory maximum
16 otherwise applicable, either the defendant may be re-sentenced
17 to a term within the range otherwise provided or, if the State
18 files notice of its intention to again seek the extended
19 sentence, the defendant shall be afforded a new trial.

20 (e) In cases where prosecution for aggravated criminal
21 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
22 Code of 1961 results in conviction of a defendant who was a
23 family member of the victim at the time of the commission of
24 the offense, the court shall consider the safety and welfare of
25 the victim and may impose a sentence of probation only where:

26 (1) the court finds (A) or (B) or both are appropriate:

1 (A) the defendant is willing to undergo a court
2 approved counseling program for a minimum duration of 2
3 years; or

4 (B) the defendant is willing to participate in a
5 court approved plan including but not limited to the
6 defendant's:

7 (i) removal from the household;

8 (ii) restricted contact with the victim;

9 (iii) continued financial support of the
10 family;

11 (iv) restitution for harm done to the victim;

12 and

13 (v) compliance with any other measures that
14 the court may deem appropriate; and

15 (2) the court orders the defendant to pay for the
16 victim's counseling services, to the extent that the court
17 finds, after considering the defendant's income and
18 assets, that the defendant is financially capable of paying
19 for such services, if the victim was under 18 years of age
20 at the time the offense was committed and requires
21 counseling as a result of the offense.

22 Probation may be revoked or modified pursuant to Section
23 5-6-4; except where the court determines at the hearing that
24 the defendant violated a condition of his or her probation
25 restricting contact with the victim or other family members or
26 commits another offense with the victim or other family

1 members, the court shall revoke the defendant's probation and
2 impose a term of imprisonment.

3 For the purposes of this Section, "family member" and
4 "victim" shall have the meanings ascribed to them in Section
5 11-0.1 of the Criminal Code of 1961.

6 (f) (Blank).

7 (g) Whenever a defendant is convicted of an offense under
8 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
9 11-14.3, 11-14.4 except for an offense that involves keeping a
10 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
11 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
12 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
13 defendant shall undergo medical testing to determine whether
14 the defendant has any sexually transmissible disease,
15 including a test for infection with human immunodeficiency
16 virus (HIV) or any other identified causative agent of acquired
17 immunodeficiency syndrome (AIDS). Any such medical test shall
18 be performed only by appropriately licensed medical
19 practitioners and may include an analysis of any bodily fluids
20 as well as an examination of the defendant's person. Except as
21 otherwise provided by law, the results of such test shall be
22 kept strictly confidential by all medical personnel involved in
23 the testing and must be personally delivered in a sealed
24 envelope to the judge of the court in which the conviction was
25 entered for the judge's inspection in camera. Acting in
26 accordance with the best interests of the victim and the

1 public, the judge shall have the discretion to determine to
2 whom, if anyone, the results of the testing may be revealed.
3 The court shall notify the defendant of the test results. The
4 court shall also notify the victim if requested by the victim,
5 and if the victim is under the age of 15 and if requested by the
6 victim's parents or legal guardian, the court shall notify the
7 victim's parents or legal guardian of the test results. The
8 court shall provide information on the availability of HIV
9 testing and counseling at Department of Public Health
10 facilities to all parties to whom the results of the testing
11 are revealed and shall direct the State's Attorney to provide
12 the information to the victim when possible. A State's Attorney
13 may petition the court to obtain the results of any HIV test
14 administered under this Section, and the court shall grant the
15 disclosure if the State's Attorney shows it is relevant in
16 order to prosecute a charge of criminal transmission of HIV
17 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
18 against the defendant. The court shall order that the cost of
19 any such test shall be paid by the county and may be taxed as
20 costs against the convicted defendant.

21 (g-5) When an inmate is tested for an airborne communicable
22 disease, as determined by the Illinois Department of Public
23 Health including but not limited to tuberculosis, the results
24 of the test shall be personally delivered by the warden or his
25 or her designee in a sealed envelope to the judge of the court
26 in which the inmate must appear for the judge's inspection in

1 camera if requested by the judge. Acting in accordance with the
2 best interests of those in the courtroom, the judge shall have
3 the discretion to determine what if any precautions need to be
4 taken to prevent transmission of the disease in the courtroom.

5 (h) Whenever a defendant is convicted of an offense under
6 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has been exposed to human immunodeficiency virus
9 (HIV) or any other identified causative agent of acquired
10 immunodeficiency syndrome (AIDS). Except as otherwise provided
11 by law, the results of such test shall be kept strictly
12 confidential by all medical personnel involved in the testing
13 and must be personally delivered in a sealed envelope to the
14 judge of the court in which the conviction was entered for the
15 judge's inspection in camera. Acting in accordance with the
16 best interests of the public, the judge shall have the
17 discretion to determine to whom, if anyone, the results of the
18 testing may be revealed. The court shall notify the defendant
19 of a positive test showing an infection with the human
20 immunodeficiency virus (HIV). The court shall provide
21 information on the availability of HIV testing and counseling
22 at Department of Public Health facilities to all parties to
23 whom the results of the testing are revealed and shall direct
24 the State's Attorney to provide the information to the victim
25 when possible. A State's Attorney may petition the court to
26 obtain the results of any HIV test administered under this

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-5.01 or
4 12-16.2 of the Criminal Code of 1961 against the defendant. The
5 court shall order that the cost of any such test shall be paid
6 by the county and may be taxed as costs against the convicted
7 defendant.

8 (i) All fines and penalties imposed under this Section for
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, and
11 any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under Section 27.5
14 of the Clerks of Courts Act.

15 (j) In cases when prosecution for any violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
17 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
18 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
19 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
20 12-15, or 12-16 of the Criminal Code of 1961, any violation of
21 the Illinois Controlled Substances Act, any violation of the
22 Cannabis Control Act, or any violation of the Methamphetamine
23 Control and Community Protection Act results in conviction, a
24 disposition of court supervision, or an order of probation
25 granted under Section 10 of the Cannabis Control Act, Section
26 410 of the Illinois Controlled Substance Act, or Section 70 of

1 the Methamphetamine Control and Community Protection Act of a
2 defendant, the court shall determine whether the defendant is
3 employed by a facility or center as defined under the Child
4 Care Act of 1969, a public or private elementary or secondary
5 school, or otherwise works with children under 18 years of age
6 on a daily basis. When a defendant is so employed, the court
7 shall order the Clerk of the Court to send a copy of the
8 judgment of conviction or order of supervision or probation to
9 the defendant's employer by certified mail. If the employer of
10 the defendant is a school, the Clerk of the Court shall direct
11 the mailing of a copy of the judgment of conviction or order of
12 supervision or probation to the appropriate regional
13 superintendent of schools. The regional superintendent of
14 schools shall notify the State Board of Education of any
15 notification under this subsection.

16 (j-5) A defendant at least 17 years of age who is convicted
17 of a felony and who has not been previously convicted of a
18 misdemeanor or felony and who is sentenced to a term of
19 imprisonment in the Illinois Department of Corrections shall as
20 a condition of his or her sentence be required by the court to
21 attend educational courses designed to prepare the defendant
22 for a high school diploma and to work toward a high school
23 diploma or to work toward passing the high school level Test of
24 General Educational Development (GED) or to work toward
25 completing a vocational training program offered by the
26 Department of Corrections. If a defendant fails to complete the

1 educational training required by his or her sentence during the
2 term of incarceration, the Prisoner Review Board shall, as a
3 condition of mandatory supervised release, require the
4 defendant, at his or her own expense, to pursue a course of
5 study toward a high school diploma or passage of the GED test.
6 The Prisoner Review Board shall revoke the mandatory supervised
7 release of a defendant who wilfully fails to comply with this
8 subsection (j-5) upon his or her release from confinement in a
9 penal institution while serving a mandatory supervised release
10 term; however, the inability of the defendant after making a
11 good faith effort to obtain financial aid or pay for the
12 educational training shall not be deemed a wilful failure to
13 comply. The Prisoner Review Board shall recommit the defendant
14 whose mandatory supervised release term has been revoked under
15 this subsection (j-5) as provided in Section 3-3-9. This
16 subsection (j-5) does not apply to a defendant who has a high
17 school diploma or has successfully passed the GED test. This
18 subsection (j-5) does not apply to a defendant who is
19 determined by the court to be developmentally disabled or
20 otherwise mentally incapable of completing the educational or
21 vocational program.

22 (k) (Blank).

23 (l) (A) Except as provided in paragraph (C) of subsection
24 (l), whenever a defendant, who is an alien as defined by
25 the Immigration and Nationality Act, is convicted of any
26 felony or misdemeanor offense, the court after sentencing

1 the defendant may, upon motion of the State's Attorney,
2 hold sentence in abeyance and remand the defendant to the
3 custody of the Attorney General of the United States or his
4 or her designated agent to be deported when:

5 (1) a final order of deportation has been issued
6 against the defendant pursuant to proceedings under
7 the Immigration and Nationality Act, and

8 (2) the deportation of the defendant would not
9 deprecate the seriousness of the defendant's conduct
10 and would not be inconsistent with the ends of justice.

11 Otherwise, the defendant shall be sentenced as
12 provided in this Chapter V.

13 (B) If the defendant has already been sentenced for a
14 felony or misdemeanor offense, or has been placed on
15 probation under Section 10 of the Cannabis Control Act,
16 Section 410 of the Illinois Controlled Substances Act, or
17 Section 70 of the Methamphetamine Control and Community
18 Protection Act, the court may, upon motion of the State's
19 Attorney to suspend the sentence imposed, commit the
20 defendant to the custody of the Attorney General of the
21 United States or his or her designated agent when:

22 (1) a final order of deportation has been issued
23 against the defendant pursuant to proceedings under
24 the Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct

1 and would not be inconsistent with the ends of justice.

2 (C) This subsection (1) does not apply to offenders who
3 are subject to the provisions of paragraph (2) of
4 subsection (a) of Section 3-6-3.

5 (D) Upon motion of the State's Attorney, if a defendant
6 sentenced under this Section returns to the jurisdiction of
7 the United States, the defendant shall be recommitted to
8 the custody of the county from which he or she was
9 sentenced. Thereafter, the defendant shall be brought
10 before the sentencing court, which may impose any sentence
11 that was available under Section 5-5-3 at the time of
12 initial sentencing. In addition, the defendant shall not be
13 eligible for additional sentence ~~good conduct~~ credit for
14 good conduct ~~meritorious service~~ as provided under Section
15 3-6-3 ~~3-6-6~~.

16 (m) A person convicted of criminal defacement of property
17 under Section 21-1.3 of the Criminal Code of 1961, in which the
18 property damage exceeds \$300 and the property damaged is a
19 school building, shall be ordered to perform community service
20 that may include cleanup, removal, or painting over the
21 defacement.

22 (n) The court may sentence a person convicted of a
23 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
24 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
25 of 1961 (i) to an impact incarceration program if the person is
26 otherwise eligible for that program under Section 5-8-1.1, (ii)

1 to community service, or (iii) if the person is an addict or
2 alcoholic, as defined in the Alcoholism and Other Drug Abuse
3 and Dependency Act, to a substance or alcohol abuse program
4 licensed under that Act.

5 (o) Whenever a person is convicted of a sex offense as
6 defined in Section 2 of the Sex Offender Registration Act, the
7 defendant's driver's license or permit shall be subject to
8 renewal on an annual basis in accordance with the provisions of
9 license renewal established by the Secretary of State.

10 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
11 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
12 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
13 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
14 97-159, eff. 7-21-11; revised 9-14-11.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.