



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 2621

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2621 by replacing  
3 everything after the enacting clause with the following:

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

1 over whom the Office of the Federal Detention Trustee is  
2 authorized to exercise the federal detention function for  
3 limited purposes and periods of time.

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

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

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

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

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

22 Pursuant to its power to establish new institutions and  
23 facilities, the Department may authorize the Department of  
24 Central Management Services to accept bids from counties  
25 and municipalities for the construction, remodeling or  
26 conversion of a structure to be leased to the Department of

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

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

17 (c-5) To build and maintain regional juvenile  
18 detention centers and to charge a per diem to the counties  
19 as established by the Department to defray the costs of  
20 housing each minor in a center. In this subsection (c-5),  
21 "juvenile detention center" means a facility to house  
22 minors during pendency of trial who have been transferred  
23 from proceedings under the Juvenile Court Act of 1987 to  
24 prosecutions under the criminal laws of this State in  
25 accordance with Section 5-805 of the Juvenile Court Act of  
26 1987, whether the transfer was by operation of law or

1 permissive under that Section. The Department shall  
2 designate the counties to be served by each regional  
3 juvenile detention center.

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

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

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

11 (f) To establish in cooperation with the Department of  
12 Transportation to supply a sufficient number of prisoners  
13 for use by the Department of Transportation to clean up the  
14 trash and garbage along State, county, township, or  
15 municipal highways as designated by the Department of  
16 Transportation. The Department of Corrections, at the  
17 request of the Department of Transportation, shall furnish  
18 such prisoners at least annually for a period to be agreed  
19 upon between the Director of Corrections and the Director  
20 of Transportation. The prisoners used on this program shall  
21 be selected by the Director of Corrections on whatever  
22 basis he deems proper in consideration of their term,  
23 behavior and earned eligibility to participate in such  
24 program - where they will be outside of the prison facility  
25 but still in the custody of the Department of Corrections.  
26 Prisoners convicted of first degree murder, or a Class X

1 felony, or armed violence, or aggravated kidnapping, or  
2 criminal sexual assault, aggravated criminal sexual abuse  
3 or a subsequent conviction for criminal sexual abuse, or  
4 forcible detention, or arson, or a prisoner adjudged a  
5 Habitual Criminal shall not be eligible for selection to  
6 participate in such program. The prisoners shall remain as  
7 prisoners in the custody of the Department of Corrections  
8 and such Department shall furnish whatever security is  
9 necessary. The Department of Transportation shall furnish  
10 trucks and equipment for the highway cleanup program and  
11 personnel to supervise and direct the program. Neither the  
12 Department of Corrections nor the Department of  
13 Transportation shall replace any regular employee with a  
14 prisoner.

15 (g) To maintain records of persons committed to it and  
16 to establish programs of research, statistics and  
17 planning.

18 (h) To investigate the grievances of any person  
19 committed to the Department, to inquire into any alleged  
20 misconduct by employees or committed persons, and to  
21 investigate the assets of committed persons to implement  
22 Section 3-7-6 of this Code; and for these purposes it may  
23 issue subpoenas and compel the attendance of witnesses and  
24 the production of writings and papers, and may examine  
25 under oath any witnesses who may appear before it; to also  
26 investigate alleged violations of a parolee's or

1 releasee's conditions of parole or release; and for this  
2 purpose it may issue subpoenas and compel the attendance of  
3 witnesses and the production of documents only if there is  
4 reason to believe that such procedures would provide  
5 evidence that such violations have occurred.

6 If any person fails to obey a subpoena issued under  
7 this subsection, the Director may apply to any circuit  
8 court to secure compliance with the subpoena. The failure  
9 to comply with the order of the court issued in response  
10 thereto shall be punishable as contempt of court.

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

24 (j) To cooperate with other departments and agencies  
25 and with local communities for the development of standards  
26 and programs for better correctional services in this

1 State.

2 (k) To administer all moneys and properties of the  
3 Department.

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

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

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

24 (n) To establish rules and regulations for  
25 administering a system of sentence ~~good conduct~~ credits,  
26 established in accordance with Section 3-6-3, subject to



1 review by the Prisoner Review Board.

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

7 (p) To exchange information with the Department of  
8 Human Services and the Department of Healthcare and Family  
9 Services for the purpose of verifying living arrangements  
10 and for other purposes directly connected with the  
11 administration of this Code and the Illinois Public Aid  
12 Code.

13 (q) To establish a diversion program.

14 The program shall provide a structured environment for  
15 selected technical parole or mandatory supervised release  
16 violators and committed persons who have violated the rules  
17 governing their conduct while in work release. This program  
18 shall not apply to those persons who have committed a new  
19 offense while serving on parole or mandatory supervised  
20 release or while committed to work release.

21 Elements of the program shall include, but shall not be  
22 limited to, the following:

23 (1) The staff of a diversion facility shall provide  
24 supervision in accordance with required objectives set  
25 by the facility.

26 (2) Participants shall be required to maintain

1 employment.

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

5 (4) Each participant shall:

6 (A) provide restitution to victims in  
7 accordance with any court order;

8 (B) provide financial support to his  
9 dependents; and

10 (C) make appropriate payments toward any other  
11 court-ordered obligations.

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

14 (6) Participants shall take part in such  
15 counseling, educational and other programs as the  
16 Department may deem appropriate.

17 (7) Participants shall submit to drug and alcohol  
18 screening.

19 (8) The Department shall promulgate rules  
20 governing the administration of the program.

21 (r) To enter into intergovernmental cooperation  
22 agreements under which persons in the custody of the  
23 Department may participate in a county impact  
24 incarceration program established under Section 3-6038 or  
25 3-15003.5 of the Counties Code.

26 (r-5) (Blank).

1 (r-10) To systematically and routinely identify with  
2 respect to each streetgang active within the correctional  
3 system: (1) each active gang; (2) every existing inter-gang  
4 affiliation or alliance; and (3) the current leaders in  
5 each gang. The Department shall promptly segregate leaders  
6 from inmates who belong to their gangs and allied gangs.  
7 "Segregate" means no physical contact and, to the extent  
8 possible under the conditions and space available at the  
9 correctional facility, prohibition of visual and sound  
10 communication. For the purposes of this paragraph (r-10),  
11 "leaders" means persons who:

12 (i) are members of a criminal streetgang;

13 (ii) with respect to other individuals within the  
14 streetgang, occupy a position of organizer,  
15 supervisor, or other position of management or  
16 leadership; and

17 (iii) are actively and personally engaged in  
18 directing, ordering, authorizing, or requesting  
19 commission of criminal acts by others, which are  
20 punishable as a felony, in furtherance of streetgang  
21 related activity both within and outside of the  
22 Department of Corrections.

23 "Streetgang", "gang", and "streetgang related" have the  
24 meanings ascribed to them in Section 10 of the Illinois  
25 Streetgang Terrorism Omnibus Prevention Act.

26 (s) To operate a super-maximum security institution,

1 in order to manage and supervise inmates who are disruptive  
2 or dangerous and provide for the safety and security of the  
3 staff and the other inmates.

4 (t) To monitor any unprivileged conversation or any  
5 unprivileged communication, whether in person or by mail,  
6 telephone, or other means, between an inmate who, before  
7 commitment to the Department, was a member of an organized  
8 gang and any other person without the need to show cause or  
9 satisfy any other requirement of law before beginning the  
10 monitoring, except as constitutionally required. The  
11 monitoring may be by video, voice, or other method of  
12 recording or by any other means. As used in this  
13 subdivision (1)(t), "organized gang" has the meaning  
14 ascribed to it in Section 10 of the Illinois Streetgang  
15 Terrorism Omnibus Prevention Act.

16 As used in this subdivision (1)(t), "unprivileged  
17 conversation" or "unprivileged communication" means a  
18 conversation or communication that is not protected by any  
19 privilege recognized by law or by decision, rule, or order  
20 of the Illinois Supreme Court.

21 (u) To establish a Women's and Children's Pre-release  
22 Community Supervision Program for the purpose of providing  
23 housing and services to eligible female inmates, as  
24 determined by the Department, and their newborn and young  
25 children.

26 (u-5) To issue an order, whenever a person committed to

1 the Department absconds or absents himself or herself,  
2 without authority to do so, from any facility or program to  
3 which he or she is assigned. The order shall be certified  
4 by the Director, the Supervisor of the Apprehension Unit,  
5 or any person duly designated by the Director, with the  
6 seal of the Department affixed. The order shall be directed  
7 to all sheriffs, coroners, and police officers, or to any  
8 particular person named in the order. Any order issued  
9 pursuant to this subdivision (1) (u-5) shall be sufficient  
10 warrant for the officer or person named in the order to  
11 arrest and deliver the committed person to the proper  
12 correctional officials and shall be executed the same as  
13 criminal process.

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

16 (2) The Department of Corrections shall by January 1, 1998,  
17 consider building and operating a correctional facility within  
18 100 miles of a county of over 2,000,000 inhabitants, especially  
19 a facility designed to house juvenile participants in the  
20 impact incarceration program.

21 (3) When the Department lets bids for contracts for medical  
22 services to be provided to persons committed to Department  
23 facilities by a health maintenance organization, medical  
24 service corporation, or other health care provider, the bid may  
25 only be let to a health care provider that has obtained an  
26 irrevocable letter of credit or performance bond issued by a

1 company whose bonds are rated AAA by a bond rating  
2 organization.

3 (4) When the Department lets bids for contracts for food or  
4 commissary services to be provided to Department facilities,  
5 the bid may only be let to a food or commissary services  
6 provider that has obtained an irrevocable letter of credit or  
7 performance bond issued by a company whose bonds are rated AAA  
8 by a bond rating organization.

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

10 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

11 Sec. 3-3-1. Establishment and Appointment of Prisoner  
12 Review Board.

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

15 (1) the paroling authority for persons sentenced under  
16 the law in effect prior to the effective date of this  
17 amendatory Act of 1977;

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

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

23 (4) the authority for establishing release dates for  
24 certain prisoners sentenced under the law in existence  
25 prior to the effective date of this amendatory Act of 1977,

1 in accordance with Section 3-3-2.1 of this Code;

2 (5) the authority for setting conditions for parole,  
3 mandatory supervised release under Section 5-8-1(a) of  
4 this Code, and determining whether a violation of those  
5 conditions warrant revocation of parole or mandatory  
6 supervised release or the imposition of other sanctions.

7 (b) The Board shall consist of 15 persons appointed by the  
8 Governor by and with the advice and consent of the Senate. One  
9 member of the Board shall be designated by the Governor to be  
10 Chairman and shall serve as Chairman at the pleasure of the  
11 Governor. The members of the Board shall have had at least 5  
12 years of actual experience in the fields of penology,  
13 corrections work, law enforcement, sociology, law, education,  
14 social work, medicine, psychology, other behavioral sciences,  
15 or a combination thereof. At least 6 members so appointed must  
16 have had at least 3 years experience in the field of juvenile  
17 matters. No more than 8 Board members may be members of the  
18 same political party.

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

1 greater.

2 (c) Notwithstanding any other provision of this Section,  
3 the term of each member of the Board who was appointed by the  
4 Governor and is in office on June 30, 2003 shall terminate at  
5 the close of business on that date or when all of the successor  
6 members to be appointed pursuant to this amendatory Act of the  
7 93rd General Assembly have been appointed by the Governor,  
8 whichever occurs later. As soon as possible, the Governor shall  
9 appoint persons to fill the vacancies created by this  
10 amendatory Act.

11 Of the initial members appointed under this amendatory Act  
12 of the 93rd General Assembly, the Governor shall appoint 5  
13 members whose terms shall expire on the third Monday in January  
14 2005, 5 members whose terms shall expire on the third Monday in  
15 January 2007, and 5 members whose terms shall expire on the  
16 third Monday in January 2009. Their respective successors shall  
17 be appointed for terms of 6 years from the third Monday in  
18 January of the year of appointment. Each member shall serve  
19 until his successor is appointed and qualified.

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

22 (d) The Chairman of the Board shall be its chief executive  
23 and administrative officer. The Board may have an Executive  
24 Director; if so, the Executive Director shall be appointed by  
25 the Governor with the advice and consent of the Senate. The  
26 salary and duties of the Executive Director shall be fixed by



1 the Board.

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

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

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

5 (a) The Parole and Pardon Board is abolished and the term  
6 "Parole and Pardon Board" as used in any law of Illinois, shall  
7 read "Prisoner Review Board." After the effective date of this  
8 amendatory Act of 1977, the Prisoner Review Board shall provide  
9 by rule for the orderly transition of all files, records, and  
10 documents of the Parole and Pardon Board and for such other  
11 steps as may be necessary to effect an orderly transition and  
12 shall:

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

18 (2) hear by at least one member and through a panel of  
19 at least 3 members decide, the conditions of parole and the  
20 time of discharge from parole, impose sanctions for  
21 violations of parole, and revoke parole for those sentenced  
22 under the law in effect prior to this amendatory Act of  
23 1977; provided that the decision to parole and the  
24 conditions of parole for all prisoners who were sentenced  
25 for first degree murder or who received a minimum sentence

1 of 20 years or more under the law in effect prior to  
2 February 1, 1978 shall be determined by a majority vote of  
3 the Prisoner Review Board. One representative supporting  
4 parole and one representative opposing parole will be  
5 allowed to speak. Their comments shall be limited to making  
6 corrections and filling in omissions to the Board's  
7 presentation and discussion;

8 (3) hear by at least one member and through a panel of  
9 at least 3 members decide, the conditions of mandatory  
10 supervised release and the time of discharge from mandatory  
11 supervised release, impose sanctions for violations of  
12 mandatory supervised release, and revoke mandatory  
13 supervised release for those sentenced under the law in  
14 effect after the effective date of this amendatory Act of  
15 1977;

16 (3.5) hear by at least one member and through a panel  
17 of at least 3 members decide, the conditions of mandatory  
18 supervised release and the time of discharge from mandatory  
19 supervised release, to impose sanctions for violations of  
20 mandatory supervised release and revoke mandatory  
21 supervised release for those serving extended supervised  
22 release terms pursuant to paragraph (4) of subsection (d)  
23 of Section 5-8-1;

24 (4) hear by at least 1 member and through a panel of at  
25 least 3 members, decide cases brought by the Department of  
26 Corrections against a prisoner in the custody of the

1 Department for alleged violation of Department rules with  
2 respect to sentence ~~good conduct~~ credits under ~~pursuant to~~  
3 Section 3-6-3 of this Code in which the Department seeks to  
4 revoke sentence ~~good conduct~~ credits, if the amount of time  
5 at issue exceeds 30 days or when, during any 12 month  
6 period, the cumulative amount of credit revoked exceeds 30  
7 days except where the infraction is committed or discovered  
8 within 60 days of scheduled release. In such cases, the  
9 Department of Corrections may revoke up to 30 days of  
10 sentence ~~good conduct~~ credit. The Board may subsequently  
11 approve the revocation of additional sentence ~~good conduct~~  
12 credit, if the Department seeks to revoke sentence ~~good~~  
13 ~~conduct~~ credit in excess of thirty days. However, the Board  
14 shall not be empowered to review the Department's decision  
15 with respect to the loss of 30 days of sentence ~~good~~  
16 ~~conduct~~ credit for any prisoner or to increase any penalty  
17 beyond the length requested by the Department;

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

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

1           (7) comply with the requirements of the Open Parole  
2 Hearings Act;

3           (8) hear by at least one member and, through a panel of  
4 at least 3 members, decide cases brought by the Department  
5 of Corrections against a prisoner in the custody of the  
6 Department for court dismissal of a frivolous lawsuit  
7 pursuant to Section 3-6-3(d) of this Code in which the  
8 Department seeks to revoke up to 180 days of sentence ~~good~~  
9 ~~conduct~~ credit, and if the prisoner has not accumulated 180  
10 days of sentence ~~good conduct~~ credit at the time of the  
11 dismissal, then all sentence ~~good conduct~~ credit  
12 accumulated by the prisoner shall be revoked; ~~and~~

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

17           (a-5) The Prisoner Review Board, with the cooperation of  
18 and in coordination with the Department of Corrections and the  
19 Department of Central Management Services, shall implement a  
20 pilot project in 3 correctional institutions providing for the  
21 conduct of hearings under paragraphs (1) and (4) of subsection  
22 (a) of this Section through interactive video conferences. The  
23 project shall be implemented within 6 months after the  
24 effective date of this amendatory Act of 1996. Within 6 months  
25 after the implementation of the pilot project, the Prisoner  
26 Review Board, with the cooperation of and in coordination with

1 the Department of Corrections and the Department of Central  
2 Management Services, shall report to the Governor and the  
3 General Assembly regarding the use, costs, effectiveness, and  
4 future viability of interactive video conferences for Prisoner  
5 Review Board hearings.

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

8 (c) The Board shall cooperate with the Department in  
9 promoting an effective system of parole and mandatory  
10 supervised release.

11 (d) The Board shall promulgate rules for the conduct of its  
12 work, and the Chairman shall file a copy of such rules and any  
13 amendments thereto with the Director and with the Secretary of  
14 State.

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

18 (f) The Board or one who has allegedly violated the  
19 conditions of his parole or mandatory supervised release may  
20 require by subpoena the attendance and testimony of witnesses  
21 and the production of documentary evidence relating to any  
22 matter under investigation or hearing. The Chairman of the  
23 Board may sign subpoenas which shall be served by any agent or  
24 public official authorized by the Chairman of the Board, or by  
25 any person lawfully authorized to serve a subpoena under the  
26 laws of the State of Illinois. The attendance of witnesses, and

1 the production of documentary evidence, may be required from  
2 any place in the State to a hearing location in the State  
3 before the Chairman of the Board or his designated agent or  
4 agents or any duly constituted Committee or Subcommittee of the  
5 Board. Witnesses so summoned shall be paid the same fees and  
6 mileage that are paid witnesses in the circuit courts of the  
7 State, and witnesses whose depositions are taken and the  
8 persons taking those depositions are each entitled to the same  
9 fees as are paid for like services in actions in the circuit  
10 courts of the State. Fees and mileage shall be vouchered for  
11 payment when the witness is discharged from further attendance.

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

1 the person refusing to obey the subpoena to appear at an  
2 investigation or hearing, or to there produce documentary  
3 evidence, if so ordered, or to give evidence relative to the  
4 subject matter of that investigation or hearing. Any failure to  
5 obey such order of the circuit court may be punished by that  
6 court as a contempt of court.

7 Each member of the Board and any hearing officer designated  
8 by the Board shall have the power to administer oaths and to  
9 take the testimony of persons under oath.

10 (g) Except under subsection (a) of this Section, a majority  
11 of the members then appointed to the Prisoner Review Board  
12 shall constitute a quorum for the transaction of all business  
13 of the Board.

14 (h) The Prisoner Review Board shall annually transmit to  
15 the Director a detailed report of its work for the preceding  
16 calendar year. The annual report shall also be transmitted to  
17 the Governor for submission to the Legislature.

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

19 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

20 Sec. 3-3-9. Violations; changes of conditions; preliminary  
21 hearing; revocation of parole or mandatory supervised release;  
22 revocation hearing.

23 (a) If prior to expiration or termination of the term of  
24 parole or mandatory supervised release, a person violates a  
25 condition set by the Prisoner Review Board or a condition of

1 parole or mandatory supervised release under Section 3-3-7 of  
2 this Code to govern that term, the Board may:

3 (1) continue the existing term, with or without  
4 modifying or enlarging the conditions; or

5 (2) parole or release the person to a half-way house;  
6 or

7 (3) revoke the parole or mandatory supervised release  
8 and reconfine the person for a term computed in the  
9 following manner:

10 (i) (A) For those sentenced under the law in effect  
11 prior to this amendatory Act of 1977, the recommitment  
12 shall be for any portion of the imposed maximum term of  
13 imprisonment or confinement which had not been served  
14 at the time of parole and the parole term, less the  
15 time elapsed between the parole of the person and the  
16 commission of the violation for which parole was  
17 revoked;

18 (B) Except as set forth in paragraph (C), for those  
19 subject to mandatory supervised release under  
20 paragraph (d) of Section 5-8-1 of this Code, the  
21 recommitment shall be for the total mandatory  
22 supervised release term, less the time elapsed between  
23 the release of the person and the commission of the  
24 violation for which mandatory supervised release is  
25 revoked. The Board may also order that a prisoner serve  
26 up to one year of the sentence imposed by the court



1           which was not served due to the accumulation of  
2           sentence ~~good conduct~~ credit;

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

8           (ii) the person shall be given credit against the  
9           term of reimprisonment or reconfinement for time spent  
10          in custody since he was paroled or released which has  
11          not been credited against another sentence or period of  
12          confinement;

13          (iii) persons committed under the Juvenile Court  
14          Act or the Juvenile Court Act of 1987 may be continued  
15          under the existing term of parole with or without  
16          modifying the conditions of parole, paroled or  
17          released to a group home or other residential facility,  
18          or recommitted until the age of 21 unless sooner  
19          terminated;

20          (iv) this Section is subject to the release under  
21          supervision and the reparole and rerelease provisions  
22          of Section 3-3-10.

23          (b) The Board may revoke parole or mandatory supervised  
24          release for violation of a condition for the duration of the  
25          term and for any further period which is reasonably necessary  
26          for the adjudication of matters arising before its expiration.

1 The issuance of a warrant of arrest for an alleged violation of  
2 the conditions of parole or mandatory supervised release shall  
3 toll the running of the term until the final determination of  
4 the charge. When parole or mandatory supervised release is not  
5 revoked that period shall be credited to the term, unless a  
6 community-based sanction is imposed as an alternative to  
7 revocation and reincarceration, including a diversion  
8 established by the Illinois Department of Corrections Parole  
9 Services Unit prior to the holding of a preliminary parole  
10 revocation hearing. Parolees who are diverted to a  
11 community-based sanction shall serve the entire term of parole  
12 or mandatory supervised release, if otherwise appropriate.

13 (b-5) The Board shall revoke parole or mandatory supervised  
14 release for violation of the conditions prescribed in paragraph  
15 (7.6) of subsection (a) of Section 3-3-7.

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

25 (d) Parole or mandatory supervised release shall not be  
26 revoked without written notice to the offender setting forth

1 the violation of parole or mandatory supervised release charged  
2 against him.

3 (e) A hearing on revocation shall be conducted before at  
4 least one member of the Prisoner Review Board. The Board may  
5 meet and order its actions in panels of 3 or more members. The  
6 action of a majority of the panel shall be the action of the  
7 Board. In consideration of persons committed to the Department  
8 of Juvenile Justice, the member hearing the matter and at least  
9 a majority of the panel shall be experienced in juvenile  
10 matters. A record of the hearing shall be made. At the hearing  
11 the offender shall be permitted to:

- 12 (1) appear and answer the charge; and  
13 (2) bring witnesses on his behalf.

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

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

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

22 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

23 Sec. 3-6-3. Rules and Regulations for Sentence Credit ~~Early~~  
24 ~~Release~~.

25 (a) (1) The Department of Corrections shall prescribe

1 rules and regulations for awarding and revoking sentence  
2 credit for ~~the early release on account of good conduct of~~  
3 persons committed to the Department which shall be subject  
4 to review by the Prisoner Review Board.

5 (1.5) As otherwise provided by law, sentence credit may  
6 be awarded for the following:

7 (A) successful completion of programming while in  
8 custody of the Department or while in custody prior to  
9 sentencing;

10 (B) compliance with the rules and regulations of  
11 the Department; or

12 (C) service to the institution, service to a  
13 community, or service to the State.

14 (2) The rules and regulations on sentence credit ~~early~~  
15 ~~release~~ shall provide, with respect to offenses listed in  
16 clause (i), (ii), or (iii) of this paragraph (2) committed  
17 on or after June 19, 1998 or with respect to the offense  
18 listed in clause (iv) of this paragraph (2) committed on or  
19 after June 23, 2005 (the effective date of Public Act  
20 94-71) or with respect to offense listed in clause (vi)  
21 committed on or after June 1, 2008 (the effective date of  
22 Public Act 95-625) or with respect to the offense of being  
23 an armed habitual criminal committed on or after August 2,  
24 2005 (the effective date of Public Act 94-398) or with  
25 respect to the offenses listed in clause (v) of this  
26 paragraph (2) committed on or after August 13, 2007 (the

1 effective date of Public Act 95-134) or with respect to the  
2 offense of aggravated domestic battery committed on or  
3 after July 23, 2010 (the effective date of Public Act  
4 96-1224), the following:

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

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

1 sentence of imprisonment;

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

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

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

1 possession of a controlled substance with intent to  
2 manufacture or deliver, calculated criminal drug  
3 conspiracy, criminal drug conspiracy, street gang  
4 criminal drug conspiracy, participation in  
5 methamphetamine manufacturing, aggravated  
6 participation in methamphetamine manufacturing,  
7 delivery of methamphetamine, possession with intent to  
8 deliver methamphetamine, aggravated delivery of  
9 methamphetamine, aggravated possession with intent to  
10 deliver methamphetamine, methamphetamine conspiracy  
11 when the substance containing the controlled substance  
12 or methamphetamine is 100 grams or more shall receive  
13 no more than 7.5 days sentence ~~good conduct~~ credit for  
14 each month of his or her sentence of imprisonment;

15 (vi) that a prisoner serving a sentence for a  
16 second or subsequent offense of luring a minor shall  
17 receive no more than 4.5 days of sentence ~~good conduct~~  
18 credit for each month of his or her sentence of  
19 imprisonment; and

20 (vii) that a prisoner serving a sentence for  
21 aggravated domestic battery shall receive no more than  
22 4.5 days of sentence ~~good conduct~~ credit for each month  
23 of his or her sentence of imprisonment.

24 (2.1) For all offenses, other than those enumerated in  
25 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
26 June 19, 1998 or subdivision (a)(2)(iv) committed on or

1 after June 23, 2005 (the effective date of Public Act  
2 94-71) or subdivision (a)(2)(v) committed on or after  
3 August 13, 2007 (the effective date of Public Act 95-134)  
4 or subdivision (a)(2)(vi) committed on or after June 1,  
5 2008 (the effective date of Public Act 95-625) or  
6 subdivision (a)(2)(vii) committed on or after July 23, 2010  
7 (the effective date of Public Act 96-1224), and other than  
8 the offense of aggravated driving under the influence of  
9 alcohol, other drug or drugs, or intoxicating compound or  
10 compounds, or any combination thereof as defined in  
11 subparagraph (F) of paragraph (1) of subsection (d) of  
12 Section 11-501 of the Illinois Vehicle Code, and other than  
13 the offense of aggravated driving under the influence of  
14 alcohol, other drug or drugs, or intoxicating compound or  
15 compounds, or any combination thereof as defined in  
16 subparagraph (C) of paragraph (1) of subsection (d) of  
17 Section 11-501 of the Illinois Vehicle Code committed on or  
18 after January 1, 2011 (the effective date of Public Act  
19 96-1230), the rules and regulations shall provide that a  
20 prisoner who is serving a term of imprisonment shall  
21 receive one day of sentence ~~good-conduct~~ credit for each  
22 day of his or her sentence of imprisonment or recommitment  
23 under Section 3-3-9. Each day of sentence ~~good-conduct~~  
24 credit shall reduce by one day the prisoner's period of  
25 imprisonment or recommitment under Section 3-3-9.

26 (2.2) A prisoner serving a term of natural life



1 imprisonment or a prisoner who has been sentenced to death  
2 shall receive no sentence ~~good conduct~~ credit.

3 (2.3) The rules and regulations on sentence credit  
4 ~~early release~~ shall provide that a prisoner who is serving  
5 a sentence for aggravated driving under the influence of  
6 alcohol, other drug or drugs, or intoxicating compound or  
7 compounds, or any combination thereof as defined in  
8 subparagraph (F) of paragraph (1) of subsection (d) of  
9 Section 11-501 of the Illinois Vehicle Code, shall receive  
10 no more than 4.5 days of sentence ~~good conduct~~ credit for  
11 each month of his or her sentence of imprisonment.

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

24 (2.5) The rules and regulations on sentence credit  
25 ~~early release~~ shall provide that a prisoner who is serving  
26 a sentence for aggravated arson committed on or after July

1 27, 2001 (the effective date of Public Act 92-176) shall  
2 receive no more than 4.5 days of sentence ~~good conduct~~  
3 credit for each month of his or her sentence of  
4 imprisonment.

5 (2.6) The rules and regulations on sentence credit  
6 ~~early release~~ shall provide that a prisoner who is serving  
7 a sentence for aggravated driving under the influence of  
8 alcohol, other drug or drugs, or intoxicating compound or  
9 compounds or any combination thereof as defined in  
10 subparagraph (C) of paragraph (1) of subsection (d) of  
11 Section 11-501 of the Illinois Vehicle Code committed on or  
12 after January 1, 2011 (the effective date of Public Act  
13 96-1230) shall receive no more than 4.5 days of sentence  
14 ~~good conduct~~ credit for each month of his or her sentence  
15 of imprisonment.

16 (3) The rules and regulations shall also provide that  
17 the Director may award up to 180 days additional sentence  
18 ~~good conduct~~ credit for good conduct meritorious service in  
19 specific instances as the Director deems proper. The good  
20 conduct may include, but is not limited to, compliance with  
21 the rules and regulations of the Department, service to the  
22 Department, service to a community, or service to the  
23 State. However, the Director shall not award ; except that  
24 no more than 90 days of sentence ~~good conduct~~ credit for  
25 good conduct meritorious service shall be awarded to any  
26 prisoner who is serving a sentence for conviction of first

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

1 subdivision (a)(2)(v) when the offense is committed on or  
2 after August 13, 2007 (the effective date of Public Act  
3 95-134) or subdivision (a)(2)(vi) when the offense is  
4 committed on or after June 1, 2008 (the effective date of  
5 Public Act 95-625) or subdivision (a)(2)(vii) when the  
6 offense is committed on or after July 23, 2010 (the  
7 effective date of Public Act 96-1224), (ii) aggravated  
8 driving under the influence of alcohol, other drug or  
9 drugs, or intoxicating compound or compounds, or any  
10 combination thereof as defined in subparagraph (F) of  
11 paragraph (1) of subsection (d) of Section 11-501 of the  
12 Illinois Vehicle Code, (iii) one of the offenses enumerated  
13 in subdivision (a)(2.4) when the offense is committed on or  
14 after July 15, 1999 (the effective date of Public Act  
15 91-121), (iv) aggravated arson when the offense is  
16 committed on or after July 27, 2001 (the effective date of  
17 Public Act 92-176), (v) offenses that may subject the  
18 offender to commitment under the Sexually Violent Persons  
19 Commitment Act, or (vi) aggravated driving under the  
20 influence of alcohol, other drug or drugs, or intoxicating  
21 compound or compounds or any combination thereof as defined  
22 in subparagraph (C) of paragraph (1) of subsection (d) of  
23 Section 11-501 of the Illinois Vehicle Code committed on or  
24 after January 1, 2011 (the effective date of Public Act  
25 96-1230).

26 The Director shall not award sentence ~~good conduct~~ credit

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

8 (A) is eligible for the sentence ~~good conduct~~  
9 credit ~~for meritorious service~~;

10 (B) has served a minimum of 60 days, or as close to  
11 60 days as the sentence will allow; and

12 (C) has met the eligibility criteria established  
13 by rule.

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

16 (3.5) The Department shall provide annual written  
17 reports to the Governor and the General Assembly on the  
18 award of sentence credit for good conduct, with the first  
19 report due January 1, 2014. The Department must publish  
20 both reports on its website within 48 hours of transmitting  
21 the reports to the Governor and the General Assembly. The  
22 reports must include:

23 (A) the number of inmates awarded sentence credit  
24 for good conduct;

25 (B) the average amount of sentence credit for good  
26 conduct awarded;

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

3           (D) the number of sentence credit for good conduct  
4           revocations.

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

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

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

21 Educational, vocational, substance abuse, behavior  
22 modification programs, life skills courses, re-entry  
23 planning, and correctional industry programs under which  
24 sentence ~~good conduct~~ credit may be increased under this  
25 paragraph (4) and paragraph (4.1) of this subsection (a)  
26 shall be evaluated by the Department on the basis of



1 documented standards. The Department shall report the  
2 results of these evaluations to the Governor and the  
3 General Assembly by September 30th of each year. The  
4 reports shall include data relating to the recidivism rate  
5 among program participants.

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

18 (4.1) The rules and regulations shall also provide that  
19 an additional 60 days of sentence ~~good conduct~~ credit shall  
20 be awarded to any prisoner who passes the high school level  
21 Test of General Educational Development (GED) while the  
22 prisoner is committed to the Department of Corrections  
23 ~~incarcerated~~. The sentence ~~good conduct~~ credit awarded  
24 under this paragraph (4.1) shall be in addition to, and  
25 shall not affect, the award of sentence credit ~~good conduct~~  
26 under any other paragraph of this Section, but shall also

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

14 (4.5) The rules and regulations on sentence credit  
15 ~~early release~~ shall also provide that when the court's  
16 sentencing order recommends a prisoner for substance abuse  
17 treatment and the crime was committed on or after September  
18 1, 2003 (the effective date of Public Act 93-354), the  
19 prisoner shall receive no sentence ~~good conduct~~ credit  
20 awarded under clause (3) of this subsection (a) unless he  
21 or she participates in and completes a substance abuse  
22 treatment program. The Director may waive the requirement  
23 to participate in or complete a substance abuse treatment  
24 program and award the sentence ~~good conduct~~ credit in  
25 specific instances if the prisoner is not a good candidate  
26 for a substance abuse treatment program for medical,

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

16 (4.6) The rules and regulations on sentence credit  
17 ~~early release~~ shall also provide that a prisoner who has  
18 been convicted of a sex offense as defined in Section 2 of  
19 the Sex Offender Registration Act shall receive no sentence  
20 ~~good conduct~~ credit unless he or she either has  
21 successfully completed or is participating in sex offender  
22 treatment as defined by the Sex Offender Management Board.  
23 However, prisoners who are waiting to receive ~~such~~  
24 treatment, but who are unable to do so due solely to the  
25 lack of resources on the part of the Department, may, at  
26 the Director's sole discretion, be awarded sentence ~~good~~

1 ~~conduct~~ credit at a ~~such~~ rate as the Director shall  
2 determine.

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

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

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

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

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

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

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

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

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

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

6 For purposes of this subsection (d):

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

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

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

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

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

26 (E) the denials of factual contentions are not

1 warranted on the evidence, or if specifically so  
2 identified, are not reasonably based on a lack of  
3 information or belief.

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

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

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

25 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;  
26 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;



1 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.  
2 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,  
3 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;  
4 97-333, eff. 8-12-11.)

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

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

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

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

18 (2) The failure of a committed person to fully  
19 cooperate as provided for in clauses (3) and (4) of  
20 subsection (a-5) shall be considered for purposes of a  
21 parole determination. Any committed person who willfully  
22 refuses to cooperate with the obligations set forth in this  
23 Section may be subject to the loss of sentence ~~good conduct~~  
24 credit towards his or her sentence of up to 180 days.

25 (a-5) Assets information form.

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

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

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

25           (4) Every committed person shall complete the form or  
26 provide for completion of the form and the committed person

1           shall swear under oath or affirm that to the best of his or  
2           her knowledge the information provided is complete and  
3           accurate.

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

24          (c) Records. The records of the Department, including, but  
25          not limited to, those relating to: the average per capita cost  
26          per day for a particular institution or facility for a

1 particular year, and the calculation of the average per capita  
2 cost per day; the average daily population of a particular  
3 Department correctional institution or facility for a  
4 particular year; the specific placement of a particular  
5 committed person in various Department correctional  
6 institutions or facilities for various periods of time; and the  
7 record of transactions of a particular committed person's trust  
8 account under Section 3-4-3 of this Act; may be proved in any  
9 legal proceeding, by a reproduced copy thereof or by a computer  
10 printout of Department records, under the certificate of the  
11 Director. If reproduced copies are used, the Director must  
12 certify that those are true and exact copies of the records on  
13 file with the Department. If computer printouts of records of  
14 the Department are offered as proof, the Director must certify  
15 that those computer printouts are true and exact  
16 representations of records properly entered into standard  
17 electronic computing equipment, in the regular course of the  
18 Department's business, at or reasonably near the time of the  
19 occurrence of the facts recorded, from trustworthy and reliable  
20 information. The reproduced copy or computer printout shall,  
21 without further proof, be admitted into evidence in any legal  
22 proceeding, and shall be prima facie correct and prima facie  
23 evidence of the accuracy of the information contained therein.

24 (d) Authority. The Director, or the Director's designee,  
25 may, when he or she knows or reasonably believes that a  
26 committed person, or the estate of that person, has assets

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

21 (e) Scope and limitations.

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

25 (2) The death of a convicted person, by execution or  
26 otherwise, while committed to a Department correctional

1 institution or facility shall not act as a bar to any  
2 action or proceeding under this Section.

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

1 money judgments.

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

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

8 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

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

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

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

7 (1) consider the evidence, if any, received upon the  
8 trial;

9 (2) consider any presentence reports;

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

13 (4) consider evidence and information offered by the  
14 parties in aggravation and mitigation;

15 (4.5) consider substance abuse treatment, eligibility  
16 screening, and an assessment, if any, of the defendant by  
17 an agent designated by the State of Illinois to provide  
18 assessment services for the Illinois courts;

19 (5) hear arguments as to sentencing alternatives;

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

22 (7) afford the victim of a violent crime or a violation  
23 of Section 11-501 of the Illinois Vehicle Code, or a  
24 similar provision of a local ordinance, or a qualified  
25 individual affected by: (i) a violation of Section 405,  
26 405.1, 405.2, or 407 of the Illinois Controlled Substances



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

1           took place;

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

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

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

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

23           (c) In imposing a sentence for a violent crime or for an  
24 offense of operating or being in physical control of a vehicle  
25 while under the influence of alcohol, any other drug or any  
26 combination thereof, or a similar provision of a local

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

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

16 (c-2) If the defendant is sentenced to prison, other than  
17 when a sentence of natural life imprisonment or a sentence of  
18 death is imposed, at the time the sentence is imposed the judge  
19 shall state on the record in open court the approximate period  
20 of time the defendant will serve in custody according to the  
21 then current statutory rules and regulations for sentence  
22 credit ~~early release~~ found in Section 3-6-3 and other related  
23 provisions of this Code. This statement is intended solely to  
24 inform the public, has no legal effect on the defendant's  
25 actual release, and may not be relied on by the defendant on  
26 appeal.

1           The judge's statement, to be given after pronouncing the  
2 sentence, other than when the sentence is imposed for one of  
3 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
4 shall 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, assuming the defendant receives all of his or her  
12 sentence ~~good conduct~~ credit, the period of estimated actual  
13 custody is ... years and ... months, less up to 180 days  
14 additional sentence ~~good conduct~~ credit for good conduct  
15 ~~meritorious service~~. If the defendant, because of his or her  
16 own misconduct or failure to comply with the institutional  
17 regulations, does not receive those credits, the actual time  
18 served in prison will be longer. The defendant may also receive  
19 an additional one-half day sentence ~~good conduct~~ credit for  
20 each day of participation in vocational, industry, substance  
21 abuse, and educational programs as provided for by Illinois  
22 statute."

23           When the sentence is imposed for one of the offenses  
24 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
25 when the sentence is imposed for one of the offenses enumerated  
26 in paragraph (a)(2) of Section 3-6-3 committed on or after June

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

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

1 regulations, does not receive those credits, the actual time  
2 served in prison will be longer. The defendant may also receive  
3 an additional one-half day sentence ~~good conduct~~ credit for  
4 each day of participation in vocational, industry, substance  
5 abuse, and educational programs as provided for by Illinois  
6 statute."

7 When the sentence is imposed for one of the offenses  
8 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
9 first degree murder, and the offense was committed on or after  
10 June 19, 1998, and when the sentence is imposed for reckless  
11 homicide as defined in subsection (e) of Section 9-3 of the  
12 Criminal Code of 1961 if the offense was committed on or after  
13 January 1, 1999, and when the sentence is imposed for  
14 aggravated driving under the influence of alcohol, other drug  
15 or drugs, or intoxicating compound or compounds, or any  
16 combination thereof as defined in subparagraph (F) of paragraph  
17 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
18 Code, and when the sentence is imposed for aggravated arson if  
19 the offense was committed on or after July 27, 2001 (the  
20 effective date of Public Act 92-176), and when the sentence is  
21 imposed for aggravated driving under the influence of alcohol,  
22 other drug or drugs, or intoxicating compound or compounds, or  
23 any combination thereof as defined in subparagraph (C) of  
24 paragraph (1) of subsection (d) of Section 11-501 of the  
25 Illinois Vehicle Code committed on or after January 1, 2011  
26 (the effective date of Public Act 96-1230), the judge's

1 statement, to be given after pronouncing the sentence, shall  
2 include the following:

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

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

23 "The purpose of this statement is to inform the public of  
24 the actual period of time this defendant is likely to spend in  
25 prison as a result of this sentence. The actual period of  
26 prison time served is determined by the statutes of Illinois as

1 applied to this sentence by the Illinois Department of  
2 Corrections and the Illinois Prisoner Review Board. In this  
3 case, the defendant is not entitled to sentence ~~good conduct~~  
4 credit. Therefore, this defendant will serve 100% of his or her  
5 sentence."

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

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

26 (c-4) Before the sentencing hearing and as part of the



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

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

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

21 For the purposes of this subsection (c-4), "qualified  
22 psychiatrist" means a reputable physician licensed in Illinois  
23 to practice medicine in all its branches, who has specialized  
24 in the diagnosis and treatment of mental and nervous disorders  
25 for a period of not less than 5 years.

26 (c-6) In imposing a sentence, the trial judge shall

1 specify, on the record, the particular evidence and other  
2 reasons which led to his or her determination that a motor  
3 vehicle was used in the commission of the offense.

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

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

24 (1) the sentence imposed;

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

1 (3) any presentence reports;

2 (3.5) any sex offender evaluations;

3 (3.6) any substance abuse treatment eligibility  
4 screening and assessment of the defendant by an agent  
5 designated by the State of Illinois to provide assessment  
6 services for the Illinois courts;

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

11 (4.1) any finding of great bodily harm made by the  
12 court with respect to an offense enumerated in subsection  
13 (c-1);

14 (5) all statements filed under subsection (d) of this  
15 Section;

16 (6) any medical or mental health records or summaries  
17 of the defendant;

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

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

23 (9) all additional matters which the court directs the  
24 clerk to transmit.

25 (f) In cases in which the court finds that a motor vehicle  
26 was used in the commission of the offense for which the

1 defendant is being sentenced, the clerk of the court shall,  
2 within 5 days thereafter, forward a report of such conviction  
3 to the Secretary of State.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;  
5 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; 96-1551, eff.  
6 7-1-11; 97-333, eff. 8-12-11.)

7 (730 ILCS 5/5-4.5-20)

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

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

18 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
19 shall not be imposed.

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

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

25 (e) FINE. Fines may be imposed as provided in Section

1 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

7 (h) DRUG COURT. Drug court is not an authorized  
8 disposition.

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

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

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

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

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

24 (730 ILCS 5/5-4.5-25)

25 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X

1 felony:

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

8 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
9 shall not be imposed.

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

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

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

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

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

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

25 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
26 ILCS 5/5-4.5-100) concerning no credit for time spent in home

1 detention prior to judgment.

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

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

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

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

13 (730 ILCS 5/5-4.5-30)

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

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

24 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
25 imprisonment shall be for a definite term of from 3 to 4 years,

1 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
2 ILCS 5/5-5-3 or 5/5-7-1).

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

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

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 5/5-4.5-35)

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

19 (a) TERM. The sentence of imprisonment shall be a  
20 determinate sentence of not less than 3 years and not more than  
21 7 years. The sentence of imprisonment for an extended term  
22 Class 2 felony, as provided in Section 5-8-2 (730 ILCS  
23 5/5-8-2), shall be a term not less than 7 years and not more  
24 than 14 years.

25 (b) PERIODIC IMPRISONMENT. A sentence of periodic

1 imprisonment shall be for a definite term of from 18 to 30  
2 months, except as otherwise provided in Section 5-5-3 or 5-7-1  
3 (730 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 4  
11 years. The court shall specify the conditions of probation or  
12 conditional discharge as set forth in Section 5-6-3 (730 ILCS  
13 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 2 years upon release from imprisonment.

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

14 (730 ILCS 5/5-4.5-40)

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

17           (a) TERM. The sentence of imprisonment shall be a  
18 determinate sentence of not less than 2 years and not more than  
19 5 years. The sentence of imprisonment for an extended term  
20 Class 3 felony, as provided in Section 5-8-2 (730 ILCS  
21 5/5-8-2), shall be a term not less than 5 years and not more  
22 than 10 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 5/5-4.5-45)

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

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

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

25 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2

1 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
2 the impact incarceration program or the county impact  
3 incarceration program.

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

10 (e) FINE. Fines may be imposed as provided in Section  
11 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

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

1 ~~conduct.~~

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

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

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

10 (730 ILCS 5/5-4.5-55)

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

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

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

19 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
20 5/5-8-1.2) concerning eligibility for the county impact  
21 incarceration program.

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
24 period of probation or conditional discharge shall not exceed 2  
25 years. The court shall specify the conditions of probation or

1 conditional discharge as set forth in Section 5-6-3 (730 ILCS  
2 5/5-6-3).

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

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

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

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

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

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

25 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS  
26 5/5-8A-3) concerning eligibility for electronic home



1 detention.

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

3 (730 ILCS 5/5-4.5-60)

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

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

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

11 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
12 5/5-8-1.2) concerning eligibility for the county impact  
13 incarceration program.

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

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

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

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

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

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

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

16 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS  
17 5/5-8A-3) concerning eligibility for electronic home  
18 detention.

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

20 (730 ILCS 5/5-4.5-65)

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

23 (a) TERM. The sentence of imprisonment shall be a  
24 determinate sentence of not more than 30 days.

25 (b) PERIODIC IMPRISONMENT. A sentence of periodic

1 imprisonment shall be for a definite term of up to 30 days or  
2 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

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

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

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

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).

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) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.  
4 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)  
5 for rules and regulations for good behavior allowance ~~early~~  
6 ~~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 (Source: P.A. 95-1052, eff. 7-1-09.)

11 (730 ILCS 5/5-4.5-100)

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

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

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

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

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

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

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

25 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
26 RELEASE, OR PROBATION. An offender charged with the commission

1 of an offense committed while on parole, mandatory supervised  
2 release, or probation shall not be given credit for time spent  
3 in custody under subsection (b) for that offense for any time  
4 spent in custody as a result of a revocation of parole,  
5 mandatory supervised release, or probation where such  
6 revocation is based on a sentence imposed for a previous  
7 conviction, regardless of the facts upon which the revocation  
8 of parole, mandatory supervised release, or probation is based,  
9 unless both the State and the defendant agree that the time  
10 served for a violation of mandatory supervised release, parole,  
11 or probation shall be credited towards the sentence for the  
12 current offense.

13 (Source: P.A. 95-1052, eff. 7-1-09; incorporates 96-427, eff.  
14 8-13-09; 96-1000, eff. 7-2-10.)

15 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

16 Sec. 5-5-3. Disposition.

17 (a) (Blank).

18 (b) (Blank).

19 (c) (1) (Blank).

20 (2) A period of probation, a term of periodic  
21 imprisonment or conditional discharge shall not be imposed  
22 for the following offenses. The court shall sentence the  
23 offender to not less than the minimum term of imprisonment  
24 set forth in this Code for the following offenses, and may  
25 order a fine or restitution or both in conjunction with

1 such term of imprisonment:

2 (A) First degree murder where the death penalty is  
3 not imposed.

4 (B) Attempted first degree murder.

5 (C) A Class X felony.

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

12 (E) A violation of Section 5.1 or 9 of the Cannabis  
13 Control Act.

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

26 (F-5) A violation of Section 24-1, 24-1.1, or

1           24-1.6 of the Criminal Code of 1961 for which  
2 imprisonment is prescribed in those Sections.

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

6           (H) Criminal sexual assault.

7           (I) Aggravated battery of a senior citizen as  
8 described in Section 12-4.6 or subdivision (a)(4) of  
9 Section 12-3.05.

10          (J) A forcible felony if the offense was related to  
11 the activities of an organized gang.

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

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

22          (K) Vehicular hijacking.

23          (L) A second or subsequent conviction for the  
24 offense of hate crime when the underlying offense upon  
25 which the hate crime is based is felony aggravated  
26 assault or felony mob action.



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

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

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

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

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

14           (R) A violation of Section 24-3A of the Criminal  
15 Code of 1961.

16           (S) (Blank).

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

19           (U) A second or subsequent violation of Section  
20 6-303 of the Illinois Vehicle Code committed while his  
21 or her driver's license, permit, or privilege was  
22 revoked because of a violation of Section 9-3 of the  
23 Criminal Code of 1961, relating to the offense of  
24 reckless homicide, or a similar provision of a law of  
25 another state.

26           (V) A violation of paragraph (4) of subsection (c)

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

3 (W) A violation of Section 24-3.5 of the Criminal  
4 Code of 1961.

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

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

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

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

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

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

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

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be  
2 imposed for a violation of paragraph (c) of Section 6-303  
3 of the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
6 of this subsection (c), a minimum of 100 hours of community  
7 service shall be imposed for a second violation of Section  
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300  
10 hours of community service, as determined by the court,  
11 shall be imposed for a second violation of subsection (c)  
12 of Section 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6),  
14 and (4.9) of this subsection (c), a minimum term of  
15 imprisonment of 30 days or 300 hours of community service,  
16 as determined by the court, shall be imposed for a third or  
17 subsequent violation of Section 6-303 of the Illinois  
18 Vehicle Code.

19 (4.5) A minimum term of imprisonment of 30 days shall  
20 be imposed for a third violation of subsection (c) of  
21 Section 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this  
23 subsection (c), a minimum term of imprisonment of 180 days  
24 shall be imposed for a fourth or subsequent violation of  
25 subsection (c) of Section 6-303 of the Illinois Vehicle  
26 Code.

1           (4.7) A minimum term of imprisonment of not less than  
2           30 consecutive days, or 300 hours of community service,  
3           shall be imposed for a violation of subsection (a-5) of  
4           Section 6-303 of the Illinois Vehicle Code, as provided in  
5           subsection (b-5) of that Section.

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

12          (4.9) A mandatory prison sentence of not less than 4  
13          and not more than 15 years shall be imposed for a third  
14          violation of subsection (a-5) of Section 6-303 of the  
15          Illinois Vehicle Code, as provided in subsection (d-2.5) of  
16          that Section. The person's driving privileges shall be  
17          revoked for the remainder of his or her life.

18          (4.10) A mandatory prison sentence for a Class 1 felony  
19          shall be imposed, and the person shall be eligible for an  
20          extended term sentence, for a fourth or subsequent  
21          violation of subsection (a-5) of Section 6-303 of the  
22          Illinois Vehicle Code, as provided in subsection (d-3.5) of  
23          that Section. The person's driving privileges shall be  
24          revoked for the remainder of his or her life.

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

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section
- 4 5-5-6 of this Code.

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of

8 the Illinois Vehicle Code shall have his or her driver's

9 license, permit, or privileges suspended for at least 90

10 days but not more than one year, if the violation resulted

11 in damage to the property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted

14 of violating subsection (c) of Section 11-907 of the

15 Illinois Vehicle Code shall have his or her driver's

16 license, permit, or privileges suspended for at least 180

17 days but not more than 2 years, if the violation resulted

18 in injury to another person.

19 (5.3) In addition to any other penalties imposed, a

20 person convicted of violating subsection (c) of Section

21 11-907 of the Illinois Vehicle Code shall have his or her

22 driver's license, permit, or privileges suspended for 2

23 years, if the violation resulted in the death of another

24 person.

25 (5.4) In addition to any other penalties imposed, a

26 person convicted of violating Section 3-707 of the Illinois

1 Vehicle Code shall have his or her driver's license,  
2 permit, or privileges suspended for 3 months and until he  
3 or she has paid a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a  
5 person convicted of violating Section 3-707 of the Illinois  
6 Vehicle Code during a period in which his or her driver's  
7 license, permit, or privileges were suspended for a  
8 previous violation of that Section shall have his or her  
9 driver's license, permit, or privileges suspended for an  
10 additional 6 months after the expiration of the original  
11 3-month suspension and until he or she has paid a  
12 reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

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

19 (10) (Blank).

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

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

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

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

26 (d) In any case in which a sentence originally imposed is

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

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

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

25 (A) the defendant is willing to undergo a court  
26 approved counseling program for a minimum duration of 2



1           years; or

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

5                           (i) removal from the household;

6                           (ii) restricted contact with the victim;

7                           (iii) continued financial support of the  
8           family;

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

10                   and

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

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

20           Probation may be revoked or modified pursuant to Section  
21           5-6-4; except where the court determines at the hearing that  
22           the defendant violated a condition of his or her probation  
23           restricting contact with the victim or other family members or  
24           commits another offense with the victim or other family  
25           members, the court shall revoke the defendant's probation and  
26           impose a term of imprisonment.

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

4 (f) (Blank).

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

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

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

1 the discretion to determine what if any precautions need to be  
2 taken to prevent transmission of the disease in the courtroom.

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

1 charge of criminal transmission of HIV under Section 12-5.01 or  
2 12-16.2 of the Criminal Code of 1961 against the defendant. The  
3 court shall order that the cost of any such test shall be paid  
4 by the county and may be taxed as costs against the convicted  
5 defendant.

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

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

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

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

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

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection  
22 (l), whenever a defendant, who is an alien as defined by  
23 the Immigration and Nationality Act, is convicted of any  
24 felony or misdemeanor offense, the court after sentencing  
25 the defendant may, upon motion of the State's Attorney,  
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his  
2 or her designated agent to be deported when:

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

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

9 Otherwise, the defendant shall be sentenced as  
10 provided in this Chapter V.

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

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

23 (2) the deportation of the defendant would not  
24 deprecate the seriousness of the defendant's conduct  
25 and would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who



1 are subject to the provisions of paragraph (2) of  
2 subsection (a) of Section 3-6-3.

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

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

20 (n) The court may sentence a person convicted of a  
21 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
22 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
23 of 1961 (i) to an impact incarceration program if the person is  
24 otherwise eligible for that program under Section 5-8-1.1, (ii)  
25 to community service, or (iii) if the person is an addict or  
26 alcoholic, as defined in the Alcoholism and Other Drug Abuse

1 and Dependency Act, to a substance or alcohol abuse program  
2 licensed under that Act.

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

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."