



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2726

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that a committed person who is at least 55 years of age and who has served at least 25 consecutive years of imprisonment in a Department of Corrections institution or facility may petition the Prisoner Review Board for participation in the Sentence Modification Program. Provides that a committed person who is serving a sentence, including one who has not yet served the minimum term of the sentence, who is diagnosed as suffering from a terminal condition so as to render the committed person likely to live less than 9 months may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the Board. Establishes eligibility requirements for the Program. Provides that an offender who meets the criteria established by this provision and the Department shall be considered by the Department for a reduction of up to 40% of his or her sentence. Provides that after 5 years of successful completion of the Program, the participant may apply to the Board for executive clemency by the Governor, requesting that his or her status be changed to parole or mandatory supervised release or that his or her participation in the Program be extended another 5 years. Retains parole and mandatory supervised release for those not selected for the Program.

LRB100 10174 RLC 20355 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-2, 3-3-3, 3-6-3, and 5-8-1 and by adding
6 Sections 5-8-1.4, 5-8-1.5, 5-8-1.6, and 5-8-1.7 as follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

8 Sec. 3-3-2. Powers and duties.

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

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

22 (2) hear by at least one member and through a panel of
23 at least 3 members decide, the conditions of parole and the

1 time of discharge from parole, impose sanctions for
2 violations of parole, and revoke parole for those sentenced
3 under the law in effect prior to this amendatory Act of
4 1977; provided that the decision to parole and the
5 conditions of parole for all prisoners who were sentenced
6 for first degree murder or who received a minimum sentence
7 of 20 years or more under the law in effect prior to
8 February 1, 1978 shall be determined by a majority vote of
9 the Prisoner Review Board. One representative supporting
10 parole and one representative opposing parole will be
11 allowed to speak. Their comments shall be limited to making
12 corrections and filling in omissions to the Board's
13 presentation and discussion;

14 (3) hear by at least one member and through a panel of
15 at least 3 members decide, the conditions of mandatory
16 supervised release and the time of discharge from mandatory
17 supervised release, impose sanctions for violations of
18 mandatory supervised release, and revoke mandatory
19 supervised release for those sentenced under the law in
20 effect after the effective date of this amendatory Act of
21 1977;

22 (3.5) hear by at least one member and through a panel
23 of at least 3 members decide, the conditions of mandatory
24 supervised release and the time of discharge from mandatory
25 supervised release, to impose sanctions for violations of
26 mandatory supervised release and revoke mandatory

1 supervised release for those serving extended supervised
2 release terms pursuant to paragraph (4) of subsection (d)
3 of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel
5 of at least 3 members decide whether to revoke aftercare
6 release for those committed to the Department of Juvenile
7 Justice under the Juvenile Court Act of 1987;

8 (4) hear by at least one member and through a panel of
9 at least 3 members, decide cases brought by the Department
10 of Corrections against a prisoner in the custody of the
11 Department for alleged violation of Department rules with
12 respect to sentence credits under Section 3-6-3 of this
13 Code in which the Department seeks to revoke sentence
14 credits, if the amount of time at issue exceeds 30 days or
15 when, during any 12 month period, the cumulative amount of
16 credit revoked exceeds 30 days except where the infraction
17 is committed or discovered within 60 days of scheduled
18 release. In such cases, the Department of Corrections may
19 revoke up to 30 days of sentence credit. The Board may
20 subsequently approve the revocation of additional sentence
21 credit, if the Department seeks to revoke sentence credit
22 in excess of thirty days. However, the Board shall not be
23 empowered to review the Department's decision with respect
24 to the loss of 30 days of sentence credit for any prisoner
25 or to increase any penalty beyond the length requested by
26 the Department;

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

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

10 (7) comply with the requirements of the Open Parole
11 Hearings Act;

12 (8) hear by at least one member and, through a panel of
13 at least 3 members, decide cases brought by the Department
14 of Corrections against a prisoner in the custody of the
15 Department for court dismissal of a frivolous lawsuit
16 pursuant to Section 3-6-3(d) of this Code in which the
17 Department seeks to revoke up to 180 days of sentence
18 credit, and if the prisoner has not accumulated 180 days of
19 sentence credit at the time of the dismissal, then all
20 sentence credit accumulated by the prisoner shall be
21 revoked;

22 (9) hear by at least 3 members, and, through a panel of
23 at least 3 members, decide whether to grant certificates of
24 relief from disabilities or certificates of good conduct as
25 provided in Article 5.5 of Chapter V;

26 (10) upon a petition by a person who has been convicted

1 of a Class 3 or Class 4 felony and who meets the
2 requirements of this paragraph, hear by at least 3 members
3 and, with the unanimous vote of a panel of 3 members, issue
4 a certificate of eligibility for sealing recommending that
5 the court order the sealing of all official records of the
6 arresting authority, the circuit court clerk, and the
7 Department of State Police concerning the arrest and
8 conviction for the Class 3 or 4 felony. A person may not
9 apply to the Board for a certificate of eligibility for
10 sealing:

11 (A) until 5 years have elapsed since the expiration
12 of his or her sentence;

13 (B) until 5 years have elapsed since any arrests or
14 detentions by a law enforcement officer for an alleged
15 violation of law, other than a petty offense, traffic
16 offense, conservation offense, or local ordinance
17 offense;

18 (C) if convicted of a violation of the Cannabis
19 Control Act, Illinois Controlled Substances Act, the
20 Methamphetamine Control and Community Protection Act,
21 the Methamphetamine Precursor Control Act, or the
22 Methamphetamine Precursor Tracking Act unless the
23 petitioner has completed a drug abuse program for the
24 offense on which sealing is sought and provides proof
25 that he or she has completed the program successfully;

26 (D) if convicted of:

1 (i) a sex offense described in Article 11 or
2 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
3 the Criminal Code of 1961 or the Criminal Code of
4 2012;

5 (ii) aggravated assault;

6 (iii) aggravated battery;

7 (iv) domestic battery;

8 (v) aggravated domestic battery;

9 (vi) violation of an order of protection;

10 (vii) an offense under the Criminal Code of
11 1961 or the Criminal Code of 2012 involving a
12 firearm;

13 (viii) driving while under the influence of
14 alcohol, other drug or drugs, intoxicating
15 compound or compounds or any combination thereof;

16 (ix) aggravated driving while under the
17 influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds or any
19 combination thereof; or

20 (x) any crime defined as a crime of violence
21 under Section 2 of the Crime Victims Compensation
22 Act.

23 If a person has applied to the Board for a certificate
24 of eligibility for sealing and the Board denies the
25 certificate, the person must wait at least 4 years before
26 filing again or filing for pardon from the Governor unless

1 the Chairman of the Prisoner Review Board grants a waiver.

2 The decision to issue or refrain from issuing a
3 certificate of eligibility for sealing shall be at the
4 Board's sole discretion, and shall not give rise to any
5 cause of action against either the Board or its members.

6 The Board may only authorize the sealing of Class 3 and
7 4 felony convictions of the petitioner from one information
8 or indictment under this paragraph (10). A petitioner may
9 only receive one certificate of eligibility for sealing
10 under this provision for life; and

11 (11) upon a petition by a person who after having been
12 convicted of a Class 3 or Class 4 felony thereafter served
13 in the United States Armed Forces or National Guard of this
14 or any other state and had received an honorable discharge
15 from the United States Armed Forces or National Guard or
16 who at the time of filing the petition is enlisted in the
17 United States Armed Forces or National Guard of this or any
18 other state and served one tour of duty and who meets the
19 requirements of this paragraph, hear by at least 3 members
20 and, with the unanimous vote of a panel of 3 members, issue
21 a certificate of eligibility for expungement recommending
22 that the court order the expungement of all official
23 records of the arresting authority, the circuit court
24 clerk, and the Department of State Police concerning the
25 arrest and conviction for the Class 3 or 4 felony. A person
26 may not apply to the Board for a certificate of eligibility

1 for expungement:

2 (A) if convicted of:

3 (i) a sex offense described in Article 11 or
4 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
5 the Criminal Code of 1961 or Criminal Code of 2012;

6 (ii) an offense under the Criminal Code of 1961
7 or Criminal Code of 2012 involving a firearm; or

8 (iii) a crime of violence as defined in Section
9 2 of the Crime Victims Compensation Act; or

10 (B) if the person has not served in the United
11 States Armed Forces or National Guard of this or any
12 other state or has not received an honorable discharge
13 from the United States Armed Forces or National Guard
14 of this or any other state or who at the time of the
15 filing of the petition is serving in the United States
16 Armed Forces or National Guard of this or any other
17 state and has not completed one tour of duty.

18 If a person has applied to the Board for a certificate
19 of eligibility for expungement and the Board denies the
20 certificate, the person must wait at least 4 years before
21 filing again or filing for a pardon with authorization for
22 expungement from the Governor unless the Governor or
23 Chairman of the Prisoner Review Board grants a waiver.

24 (a-5) The Prisoner Review Board, with the cooperation of
25 and in coordination with the Department of Corrections and the
26 Department of Central Management Services, shall implement a

1 pilot project in 3 correctional institutions providing for the
2 conduct of hearings under paragraphs (1) and (4) of subsection
3 (a) of this Section through interactive video conferences. The
4 project shall be implemented within 6 months after the
5 effective date of this amendatory Act of 1996. Within 6 months
6 after the implementation of the pilot project, the Prisoner
7 Review Board, with the cooperation of and in coordination with
8 the Department of Corrections and the Department of Central
9 Management Services, shall report to the Governor and the
10 General Assembly regarding the use, costs, effectiveness, and
11 future viability of interactive video conferences for Prisoner
12 Review Board hearings.

13 (b) Upon recommendation of the Department the Board may
14 restore sentence credit previously revoked.

15 (c) The Board shall cooperate with the Department in
16 promoting an effective system of parole and mandatory
17 supervised release.

18 (d) The Board shall promulgate rules for the conduct of its
19 work, and the Chairman shall file a copy of such rules and any
20 amendments thereto with the Director and with the Secretary of
21 State.

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

25 (f) The Board or one who has allegedly violated the
26 conditions of his or her parole, aftercare release, or

1 mandatory supervised release may require by subpoena the
2 attendance and testimony of witnesses and the production of
3 documentary evidence relating to any matter under
4 investigation or hearing. The Chairman of the Board may sign
5 subpoenas which shall be served by any agent or public official
6 authorized by the Chairman of the Board, or by any person
7 lawfully authorized to serve a subpoena under the laws of the
8 State of Illinois. The attendance of witnesses, and the
9 production of documentary evidence, may be required from any
10 place in the State to a hearing location in the State before
11 the Chairman of the Board or his or her designated agent or
12 agents or any duly constituted Committee or Subcommittee of the
13 Board. Witnesses so summoned shall be paid the same fees and
14 mileage that are paid witnesses in the circuit courts of the
15 State, and witnesses whose depositions are taken and the
16 persons taking those depositions are each entitled to the same
17 fees as are paid for like services in actions in the circuit
18 courts of the State. Fees and mileage shall be vouchered for
19 payment when the witness is discharged from further attendance.

20 In case of disobedience to a subpoena, the Board may
21 petition any circuit court of the State for an order requiring
22 the attendance and testimony of witnesses or the production of
23 documentary evidence or both. A copy of such petition shall be
24 served by personal service or by registered or certified mail
25 upon the person who has failed to obey the subpoena, and such
26 person shall be advised in writing that a hearing upon the

1 petition will be requested in a court room to be designated in
2 such notice before the judge hearing motions or extraordinary
3 remedies at a specified time, on a specified date, not less
4 than 10 nor more than 15 days after the deposit of the copy of
5 the written notice and petition in the U.S. mails addressed to
6 the person at his last known address or after the personal
7 service of the copy of the notice and petition upon such
8 person. The court upon the filing of such a petition, may order
9 the person refusing to obey the subpoena to appear at an
10 investigation or hearing, or to there produce documentary
11 evidence, if so ordered, or to give evidence relative to the
12 subject matter of that investigation or hearing. Any failure to
13 obey such order of the circuit court may be punished by that
14 court as a contempt of court.

15 Each member of the Board and any hearing officer designated
16 by the Board shall have the power to administer oaths and to
17 take the testimony of persons under oath.

18 (g) Except under subsection (a) of this Section, a majority
19 of the members then appointed to the Prisoner Review Board
20 shall constitute a quorum for the transaction of all business
21 of the Board.

22 (h) The Prisoner Review Board shall annually transmit to
23 the Director a detailed report of its work for the preceding
24 calendar year. The annual report shall also be transmitted to
25 the Governor for submission to the Legislature.

26 (i) The Prisoner Review Board may grant participation in

1 the Sentence Modification Program for elderly offenders under
2 Section 5-8-1.4 and medical parole under Section 5-8-1.5, and
3 may establish the terms and conditions of the first-time
4 non-violent offender release program as provided in Section
5 5-8-1.6.

6 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;
7 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

8 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

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

10 (a) Except for those offenders who accept the fixed release
11 date established by the Prisoner Review Board under Section
12 3-3-2.1 or who are selected for the Sentence Modification
13 Program for elderly offenders under Section 5-8-1.4, the
14 medical parole under Section 5-8-1.5, or the first-time
15 non-violent offender release program as provided in Section
16 5-8-1.6, every person serving a term of imprisonment under the
17 law in effect prior to the effective date of this amendatory
18 Act of 1977 shall be eligible for parole when he or she has
19 served:

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

23 (2) 20 years of a life sentence less time credit for
24 good behavior; or

25 (3) 20 years or one-third of a determinate sentence,

1 whichever is less, less time credit for good behavior.

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

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

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

14 (e) Every person committed to the Department of Juvenile
15 Justice under the Juvenile Court Act of 1987 and confined in
16 the State correctional institutions or facilities if such
17 juvenile has not been tried as an adult shall be eligible for
18 aftercare release under Section 3-2.5-85 of this Code. However,
19 if a juvenile has been tried as an adult he or she shall only be
20 eligible for parole or mandatory supervised release as an adult
21 under this Section.

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

23 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

1 and regulations for awarding and revoking sentence credit for
2 persons committed to the Department which shall be subject to
3 review by the Prisoner Review Board.

4 (1.5) As otherwise provided by law, sentence credit may be
5 awarded for the following:

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

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

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

13 (2) The rules and regulations on sentence credit shall
14 provide, with respect to offenses listed in clause (i), (ii),
15 or (iii) of this paragraph (2) committed on or after June 19,
16 1998 or with respect to the offense listed in clause (iv) of
17 this paragraph (2) committed on or after June 23, 2005 (the
18 effective date of Public Act 94-71) or with respect to offense
19 listed in clause (vi) committed on or after June 1, 2008 (the
20 effective date of Public Act 95-625) or with respect to the
21 offense of being an armed habitual criminal committed on or
22 after August 2, 2005 (the effective date of Public Act 94-398)
23 or with respect to the offenses listed in clause (v) of this
24 paragraph (2) committed on or after August 13, 2007 (the
25 effective date of Public Act 95-134) or with respect to the
26 offense of aggravated domestic battery committed on or after

1 July 23, 2010 (the effective date of Public Act 96-1224) or
2 with respect to the offense of attempt to commit terrorism
3 committed on or after January 1, 2013 (the effective date of
4 Public Act 97-990), the following:

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

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

26 (iii) that a prisoner serving a sentence for home

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

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

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

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

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

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

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

1 on or after July 23, 2010 (the effective date of Public Act
2 96-1224), and other than the offense of aggravated driving
3 under the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination thereof
5 as defined in subparagraph (F) of paragraph (1) of subsection
6 (d) of Section 11-501 of the Illinois Vehicle Code, and other
7 than the offense of 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 Section
11 11-501 of the Illinois Vehicle Code committed on or after
12 January 1, 2011 (the effective date of Public Act 96-1230), the
13 rules and regulations shall provide that a prisoner who is
14 serving a term of imprisonment shall receive one day of
15 sentence credit for each day of his or her sentence of
16 imprisonment or recommitment under Section 3-3-9. Each day of
17 sentence credit shall reduce by one day the prisoner's period
18 of imprisonment or recommitment under Section 3-3-9.

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

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

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

4 (2.4) The rules and regulations on sentence credit shall
5 provide with respect to the offenses of aggravated battery with
6 a machine gun or a firearm equipped with any device or
7 attachment designed or used for silencing the report of a
8 firearm or aggravated discharge of a machine gun or a firearm
9 equipped with any device or attachment designed or used for
10 silencing the report of a firearm, committed on or after July
11 15, 1999 (the effective date of Public Act 91-121), that a
12 prisoner serving a sentence for any of these offenses shall
13 receive no more than 4.5 days of sentence credit for each month
14 of his or her sentence of imprisonment.

15 (2.5) The rules and regulations on sentence credit shall
16 provide that a prisoner who is serving a sentence for
17 aggravated arson committed on or after July 27, 2001 (the
18 effective date of Public Act 92-176) shall receive no more than
19 4.5 days of sentence credit for each month of his or her
20 sentence of imprisonment.

21 (2.6) The rules and regulations on sentence credit shall
22 provide that a prisoner who is serving a sentence for
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds or any
25 combination thereof as defined in subparagraph (C) of paragraph
26 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle

1 Code committed on or after January 1, 2011 (the effective date
2 of Public Act 96-1230) shall receive no more than 4.5 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment.

5 (3) The rules and regulations shall also provide that the
6 Director may award up to 180 days additional sentence credit
7 for good conduct in specific instances as the Director deems
8 proper. The good conduct may include, but is not limited to,
9 compliance with the rules and regulations of the Department,
10 service to the Department, service to a community, or service
11 to the State. However, the Director shall not award more than
12 90 days of sentence credit for good conduct to any prisoner who
13 is serving a sentence for conviction of first degree murder,
14 reckless homicide while under the influence of alcohol or any
15 other drug, or aggravated driving under the influence of
16 alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof as defined in
18 subparagraph (F) of paragraph (1) of subsection (d) of Section
19 11-501 of the Illinois Vehicle Code, aggravated kidnapping,
20 kidnapping, predatory criminal sexual assault of a child,
21 aggravated criminal sexual assault, criminal sexual assault,
22 deviate sexual assault, aggravated criminal sexual abuse,
23 aggravated indecent liberties with a child, indecent liberties
24 with a child, child pornography, heinous battery as described
25 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
26 aggravated battery of a spouse, aggravated battery of a spouse

1 with a firearm, stalking, aggravated stalking, aggravated
2 battery of a child as described in Section 12-4.3 or
3 subdivision (b)(1) of Section 12-3.05, endangering the life or
4 health of a child, or cruelty to a child. Notwithstanding the
5 foregoing, sentence credit for good conduct shall not be
6 awarded on a sentence of imprisonment imposed for conviction
7 of: (i) one of the offenses enumerated in subdivision
8 (a)(2)(i), (ii), or (iii) when the offense is committed on or
9 after June 19, 1998 or subdivision (a)(2)(iv) when the offense
10 is committed on or after June 23, 2005 (the effective date of
11 Public Act 94-71) or subdivision (a)(2)(v) when the offense is
12 committed on or after August 13, 2007 (the effective date of
13 Public Act 95-134) or subdivision (a)(2)(vi) when the offense
14 is committed on or after June 1, 2008 (the effective date of
15 Public Act 95-625) or subdivision (a)(2)(vii) when the offense
16 is committed on or after July 23, 2010 (the effective date of
17 Public Act 96-1224), (ii) aggravated driving under the
18 influence of alcohol, other drug or drugs, or intoxicating
19 compound or compounds, or any combination thereof as defined in
20 subparagraph (F) of paragraph (1) of subsection (d) of Section
21 11-501 of the Illinois Vehicle Code, (iii) one of the offenses
22 enumerated in subdivision (a)(2.4) when the offense is
23 committed on or after July 15, 1999 (the effective date of
24 Public Act 91-121), (iv) aggravated arson when the offense is
25 committed on or after July 27, 2001 (the effective date of
26 Public Act 92-176), (v) offenses that may subject the offender

1 to commitment under the Sexually Violent Persons Commitment
2 Act, or (vi) aggravated driving under the influence of alcohol,
3 other drug or drugs, or intoxicating compound or compounds or
4 any combination thereof as defined in subparagraph (C) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code committed on or after January 1, 2011
7 (the effective date of Public Act 96-1230).

8 Eligible inmates for an award of sentence credit under this
9 paragraph (3) may be selected to receive the credit at the
10 Director's or his or her designee's sole discretion.
11 Consideration may be based on, but not limited to, any
12 available risk assessment analysis on the inmate, any history
13 of conviction for violent crimes as defined by the Rights of
14 Crime Victims and Witnesses Act, facts and circumstances of the
15 inmate's holding offense or offenses, and the potential for
16 rehabilitation.

17 The Director shall not award sentence credit under this
18 paragraph (3) to an inmate unless the inmate has served a
19 minimum of 60 days of the sentence; except nothing in this
20 paragraph shall be construed to permit the Director to extend
21 an inmate's sentence beyond that which was imposed by the
22 court. Prior to awarding credit under this paragraph (3), the
23 Director shall make a written determination that the inmate:

24 (A) is eligible for the sentence credit;

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

1 (C) has met the eligibility criteria established by
2 rule.

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

5 (3.5) The Department shall provide annual written reports
6 to the Governor and the General Assembly on the award of
7 sentence credit for good conduct, with the first report due
8 January 1, 2014. The Department must publish both reports on
9 its website within 48 hours of transmitting the reports to the
10 Governor and the General Assembly. The reports must include:

11 (A) the number of inmates awarded sentence credit for
12 good conduct;

13 (B) the average amount of sentence credit for good
14 conduct awarded;

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

17 (D) the number of sentence credit for good conduct
18 revocations.

19 (4) The rules and regulations shall also provide that the
20 sentence credit accumulated and retained under paragraph (2.1)
21 of subsection (a) of this Section by any inmate during specific
22 periods of time in which such inmate is engaged full-time in
23 substance abuse programs, correctional industry assignments,
24 educational programs, behavior modification programs, life
25 skills courses, or re-entry planning provided by the Department
26 under this paragraph (4) and satisfactorily completes the

1 assigned program as determined by the standards of the
2 Department, shall be multiplied by a factor of 1.25 for program
3 participation before August 11, 1993 and 1.50 for program
4 participation on or after that date. The rules and regulations
5 shall also provide that sentence credit, subject to the same
6 offense limits and multiplier provided in this paragraph, may
7 be provided to an inmate who was held in pre-trial detention
8 prior to his or her current commitment to the Department of
9 Corrections and successfully completed a full-time, 60-day or
10 longer substance abuse program, educational program, behavior
11 modification program, life skills course, or re-entry planning
12 provided by the county department of corrections or county
13 jail. Calculation of this county program credit shall be done
14 at sentencing as provided in Section 5-4.5-100 of this Code and
15 shall be included in the sentencing order. However, no inmate
16 shall be eligible for the additional sentence credit under this
17 paragraph (4) or (4.1) of this subsection (a) while assigned to
18 a boot camp or electronic detention, or if convicted of an
19 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of
20 this Section that is committed on or after June 19, 1998 or
21 subdivision (a)(2)(iv) of this Section that is committed on or
22 after June 23, 2005 (the effective date of Public Act 94-71) or
23 subdivision (a)(2)(v) of this Section that is committed on or
24 after August 13, 2007 (the effective date of Public Act 95-134)
25 or subdivision (a)(2)(vi) when the offense is committed on or
26 after June 1, 2008 (the effective date of Public Act 95-625) or

1 subdivision (a)(2)(vii) when the offense is committed on or
2 after July 23, 2010 (the effective date of Public Act 96-1224),
3 or if convicted of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds or any combination thereof as defined in subparagraph
6 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code, or if convicted of aggravated driving
8 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), or if convicted of an offense enumerated in paragraph
14 (a)(2.4) of this Section that is committed on or after July 15,
15 1999 (the effective date of Public Act 91-121), or first degree
16 murder, a Class X felony, criminal sexual assault, felony
17 criminal sexual abuse, aggravated criminal sexual abuse,
18 aggravated battery with a firearm as described in Section
19 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
20 Section 12-3.05, or any predecessor or successor offenses with
21 the same or substantially the same elements, or any inchoate
22 offenses relating to the foregoing offenses. No inmate shall be
23 eligible for the additional good conduct credit under this
24 paragraph (4) who (i) has previously received increased good
25 conduct credit under this paragraph (4) and has subsequently
26 been convicted of a felony, or (ii) has previously served more

1 than one prior sentence of imprisonment for a felony in an
2 adult correctional facility.

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

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

24 (4.1) The rules and regulations shall also provide that an
25 additional 90 days of sentence credit shall be awarded to any
26 prisoner who passes high school equivalency testing while the

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

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

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

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

1 rate as the Director shall determine.

2 (4.7) The rules and regulations on sentence credit shall
3 also provide that the Department may grant sentence credit to a
4 first-time non-violent offender under Section 5-8-1.6 of this
5 Code; but in no event may the grant of the credit reduce the
6 prisoner's sentence below 40% of the sentence imposed by the
7 court.

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

1 of the first year of mandatory supervised release or return of
2 the inmate to custody of the Department.

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

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

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

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

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

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

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

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

7 For purposes of this subsection (d):

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

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

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

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

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

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

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

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

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

26 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,

1 eff. 1-1-16; 99-642, eff. 7-28-16.)

2 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

3 Sec. 5-8-1. Natural life imprisonment; enhancements for
4 use of a firearm; mandatory supervised release terms.

5 (a) Except as otherwise provided in the statute defining
6 the offense or in Article 4.5 of Chapter V and except as
7 otherwise provided in Sections 5-8-1.4, 5-8-1.5, or 5-8-1.6, a
8 sentence of imprisonment for a felony shall be a determinate
9 sentence set by the court under this Section, according to the
10 following limitations:

11 (1) for first degree murder,

12 (a) (blank),

13 (b) if a trier of fact finds beyond a reasonable
14 doubt that the murder was accompanied by exceptionally
15 brutal or heinous behavior indicative of wanton
16 cruelty or, except as set forth in subsection (a) (1) (c)
17 of this Section, that any of the aggravating factors
18 listed in subsection (b) or (b-5) of Section 9-1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 are
20 present, the court may sentence the defendant, subject
21 to Section 5-4.5-105, to a term of natural life
22 imprisonment, or

23 (c) the court shall sentence the defendant to a
24 term of natural life imprisonment if the defendant, at
25 the time of the commission of the murder, had attained

1 the age of 18, and

2 (i) has previously been convicted of first
3 degree murder under any state or federal law, or

4 (ii) is found guilty of murdering more than one
5 victim, or

6 (iii) is found guilty of murdering a peace
7 officer, fireman, or emergency management worker
8 when the peace officer, fireman, or emergency
9 management worker was killed in the course of
10 performing his official duties, or to prevent the
11 peace officer or fireman from performing his
12 official duties, or in retaliation for the peace
13 officer, fireman, or emergency management worker
14 from performing his official duties, and the
15 defendant knew or should have known that the
16 murdered individual was a peace officer, fireman,
17 or emergency management worker, or

18 (iv) is found guilty of murdering an employee
19 of an institution or facility of the Department of
20 Corrections, or any similar local correctional
21 agency, when the employee was killed in the course
22 of performing his official duties, or to prevent
23 the employee from performing his official duties,
24 or in retaliation for the employee performing his
25 official duties, or

26 (v) is found guilty of murdering an emergency

1 medical technician - ambulance, emergency medical
2 technician - intermediate, emergency medical
3 technician - paramedic, ambulance driver or other
4 medical assistance or first aid person while
5 employed by a municipality or other governmental
6 unit when the person was killed in the course of
7 performing official duties or to prevent the
8 person from performing official duties or in
9 retaliation for performing official duties and the
10 defendant knew or should have known that the
11 murdered individual was an emergency medical
12 technician - ambulance, emergency medical
13 technician - intermediate, emergency medical
14 technician - paramedic, ambulance driver, or other
15 medical assistant or first aid personnel, or

16 (vi) (blank), or

17 (vii) is found guilty of first degree murder
18 and the murder was committed by reason of any
19 person's activity as a community policing
20 volunteer or to prevent any person from engaging in
21 activity as a community policing volunteer. For
22 the purpose of this Section, "community policing
23 volunteer" has the meaning ascribed to it in
24 Section 2-3.5 of the Criminal Code of 2012.

25 For purposes of clause (v), "emergency medical
26 technician - ambulance", "emergency medical technician

1 - intermediate", "emergency medical technician -
2 paramedic", have the meanings ascribed to them in the
3 Emergency Medical Services (EMS) Systems Act.

4 (d) (i) if the person committed the offense while
5 armed with a firearm, 15 years shall be added to
6 the term of imprisonment imposed by the court;

7 (ii) if, during the commission of the offense,
8 the person personally discharged a firearm, 20
9 years shall be added to the term of imprisonment
10 imposed by the court;

11 (iii) if, during the commission of the
12 offense, the person personally discharged a
13 firearm that proximately caused great bodily harm,
14 permanent disability, permanent disfigurement, or
15 death to another person, 25 years or up to a term
16 of natural life shall be added to the term of
17 imprisonment imposed by the court.

18 (2) (blank);

19 (2.5) for a person who has attained the age of 18 years
20 at the time of the commission of the offense and who is
21 convicted under the circumstances described in subdivision
22 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
23 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
24 or paragraph (2) of subsection (d) of Section 12-14,
25 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
26 of subsection (b) of Section 12-14.1, subdivision (b) (2) of

1 Section 11-1.40 or paragraph (2) of subsection (b) of
2 Section 12-14.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, the sentence shall be a term of
4 natural life imprisonment.

5 (b) (Blank).

6 (c) (Blank).

7 (d) Subject to earlier termination under Section 3-3-8, the
8 parole or mandatory supervised release term shall be written as
9 part of the sentencing order and shall be as follows:

10 (1) for first degree murder or a Class X felony except
11 for the offenses of predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, and criminal
13 sexual assault if committed on or after the effective date
14 of this amendatory Act of the 94th General Assembly and
15 except for the offense of aggravated child pornography
16 under Section 11-20.1B, 11-20.3, or 11-20.1 with
17 sentencing under subsection (c-5) of Section 11-20.1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, if
19 committed on or after January 1, 2009, 3 years;

20 (2) for a Class 1 felony or a Class 2 felony except for
21 the offense of criminal sexual assault if committed on or
22 after the effective date of this amendatory Act of the 94th
23 General Assembly and except for the offenses of manufacture
24 and dissemination of child pornography under clauses
25 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
26 of 1961 or the Criminal Code of 2012, if committed on or

1 after January 1, 2009, 2 years;

2 (3) for a Class 3 felony or a Class 4 felony, 1 year;

3 (4) for defendants who commit the offense of predatory
4 criminal sexual assault of a child, aggravated criminal
5 sexual assault, or criminal sexual assault, on or after the
6 effective date of this amendatory Act of the 94th General
7 Assembly, or who commit the offense of aggravated child
8 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
9 with sentencing under subsection (c-5) of Section 11-20.1
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 manufacture of child pornography, or dissemination of
12 child pornography after January 1, 2009, the term of
13 mandatory supervised release shall range from a minimum of
14 3 years to a maximum of the natural life of the defendant;

15 (5) if the victim is under 18 years of age, for a
16 second or subsequent offense of aggravated criminal sexual
17 abuse or felony criminal sexual abuse, 4 years, at least
18 the first 2 years of which the defendant shall serve in an
19 electronic home detention program under Article 8A of
20 Chapter V of this Code;

21 (6) for a felony domestic battery, aggravated domestic
22 battery, stalking, aggravated stalking, and a felony
23 violation of an order of protection, 4 years.

24 (e) (Blank).

25 (f) (Blank).

26 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17.)

1 (730 ILCS 5/5-8-1.4 new)

2 Sec. 5-8-1.4. Sentence Modification Program for elderly
3 offenders.

4 (a) A committed person as defined in subsection (c) of
5 Section 3-1-2 of this Code who is at least 55 years of age and
6 who has served at least 25 consecutive years of imprisonment in
7 a Department of Corrections institution or facility may
8 petition the Prisoner Review Board ("Board") for participation
9 in the Sentence Modification Program ("Program") as provided in
10 this Section. The petition shall, in the first instance, be
11 screened by the Department of Corrections, which shall
12 determine whether the petitioner should be considered for
13 participation in the Program. The Department of Corrections
14 shall review the criminal history of the petitioner and the
15 petitioner's conduct while incarcerated in a facility or
16 facilities of the Department of Corrections. The Department
17 shall administer a risk assessment and medical, psychological,
18 and psychiatric assessments of the petitioner before
19 submitting the petition to the Board. No more than 100
20 committed persons shall be allowed to participate in the
21 Program. If the Department determines that the petitioner
22 should be so considered, it shall submit the petition to the
23 Board. The Board shall notify the victims and the families of
24 the victims of the committed person's offenses within 30 days
25 after receiving the petition and shall provide an opportunity

1 for the victims and their families to submit statements in
2 support of or opposition to the petitioner's participation in
3 the Program.

4 (b) The petition shall contain reasons why the committed
5 person should be granted participation in the Program and, when
6 possible, should provide relevant documentation and statements
7 of support.

8 (c) The Board shall render its decision about the committed
9 person's petition within a reasonable time after the petition
10 has been filed. In deciding whether to grant or deny the
11 petitioner participation in the Program, the Board shall
12 consider whether the petitioner documents and demonstrates the
13 following:

14 (1) successful participation in programs designed to
15 restore the committed person to a useful and productive
16 life upon release (including educational programs and
17 programs designed to deal with substance abuse or other
18 issues) and, if those programs are not available,
19 information demonstrating that the committed person has
20 attempted to participate in those programs or has engaged
21 in self-education programs, correspondence courses, or
22 other self-improvement efforts;

23 (2) the genuine reform and changed behavior the
24 committed person has demonstrated over a period of years;

25 (3) the committed person's remorse for actions that
26 have caused pain and suffering to victims of his or her

1 offenses;

2 (4) the committed person's ability to socialize with
3 others in an acceptable manner;

4 (5) the committed person's renunciation of criminal
5 activity and gang affiliation if the committed person was a
6 member of a gang; and

7 (6) an appropriate plan for living arrangements, which
8 indicates if the person intends to seek admission to a
9 nursing facility and the name of the facility if known,
10 financial support, and any medical care that will be needed
11 when the committed person returns to society.

12 (d) The Board shall consider the petition in its entirety
13 and shall not order the release of the committed person if it
14 finds that the committed person poses a threat to public
15 safety. If the Board determines that a committed person is
16 eligible for participation in the Program and that the
17 committed person should participate in the Program, the Board
18 shall set the conditions for the committed person's release
19 from prison before the expiration of his or her sentence. If
20 the committed person's plan for living arrangements under
21 paragraph (6) of subsection (c) of this Section includes
22 relocation to a nursing facility, the Board shall notify the
23 facility of the committed person's intent at least 30 days
24 prior to the committed person's release. The Board shall, prior
25 to the committed person's release, arrange for the committed
26 person to be prescreened under Section 4.03 of the Illinois Act

1 on the Aging and to make application for Medicaid Long Term
2 Care services and the Board shall transmit to the facility
3 prior to the committed person's admission documentation of the
4 prescreening and the committed person's eligibility for
5 Medicaid Long Term Care services, and the committed person's
6 prison and criminal history. The later shall serve to meet the
7 nursing facilities obligation to perform a background check.
8 When granting participation in the Program, the Board may
9 require the committed person, for a period of time upon
10 release, to participate in community service or to wear an
11 electronic monitoring device, or both. Upon request of the
12 victim or the victim's family, the Board may issue a protective
13 order requiring the committed person to avoid all contact with
14 specified persons. For the purpose of this Section, "nursing
15 facility" means a facility licensed under the Nursing Home Care
16 Act.

17 (e) A petition for participation in the Program under the
18 provisions of this Section may be submitted annually, except
19 that if the Board denies a petition, it may order that the
20 committed person may not file a new petition for up to 3 years
21 from the date of denial, if the Board finds that it is not
22 reasonable to expect that it would grant a petition filed
23 earlier.

24 (f) The action of a majority of the Board members voting on
25 the petition shall be the action of the Board.

26 (g) The victim or the victim's family shall be notified of

1 any public meeting at which the Board intends to deliberate on
2 the committed person's participation in the Program.

3 (h) The conditions of the Program shall include 15 hours of
4 weekly community service approved by the Board. Twenty percent
5 of the money earned by the participant in the Program shall be
6 deducted from the participant's wages and donated by the
7 administrator of the Program to a victim's organization.

8 (i) After 5 years of successful completion of the Program,
9 the participant may apply to the Board for executive clemency
10 by the Governor under Section 3-3-13, requesting that his or
11 her status changed to parole or mandatory supervised release or
12 that his or her participation in the Program be extended
13 another 5 years.

14 (730 ILCS 5/5-8-1.5 new)

15 Sec. 5-8-1.5. Medical parole. Notwithstanding any other
16 provision of law to the contrary, any committed person who is
17 serving a sentence, including one who has not yet served the
18 minimum term of the sentence, who is diagnosed as suffering
19 from a terminal condition so as to render the committed person
20 likely to live less than 9 months may be released on medical
21 parole to a hospital, hospice, other licensed inpatient
22 facility, or suitable housing accommodation as specified by the
23 Board. The Department shall promptly notify the Board upon
24 receipt of medical information that a committed person has a
25 diagnosis of a terminal condition with less than 9 months to

1 live which prevents him or her from filing a petition on his or
2 her own. As used in this Section, "other licensed inpatient
3 facility" or "suitable housing accommodation" does not include
4 a facility licensed under the Nursing Home Care Act.

5 (730 ILCS 5/5-8-1.6 new)

6 Sec. 5-8-1.6. First-time non-violent offenders.

7 (a) In this Section, "first-time non-violent offender"
8 means a person who has not been previously convicted of a
9 felony or misdemeanor and who is serving sentence for an
10 offense which is not a violent crime as defined in Section 3 of
11 the Rights of Crime Victims and Witnesses Act.

12 (b) The Department of Corrections shall review first-time
13 non-violent offenders to determine their eligibility for the
14 Sentence Modification Program. To be eligible for the Program,
15 the committed person must be a first time non-violent offender.
16 The Department of Corrections shall review the criminal history
17 of the offender and the offender's conduct while incarcerated
18 in a facility or facilities of the Department of Corrections.
19 The Department shall administer a risk assessment and medical,
20 psychological, and psychiatric assessments of an offender
21 before admission into the Program. An offender who meets the
22 criteria established by this Section and the Department shall
23 be considered by the Department for a reduction of up to 40% of
24 his or her sentence.

25 (c) The Prisoner Review Board shall determine the

1 conditions of the Program which shall include 15 hours of
2 weekly community service approved by the Board and that 20% of
3 the money earned by the participant in the Program shall be
4 deducted from the participant's wages and donated by the
5 administrator of the Program to a victim's organization.

6 (730 ILCS 5/5-8-1.7 new)

7 Sec. 5-8-1.7. Reports. The Department of Corrections and
8 the Prisoner Review Board shall jointly submit reports to
9 General Assembly on the programs established in Sections
10 5-8-1.4, 5-8-1.5, and 5-8-1.6. The Department and the Prisoner
11 Review Board shall jointly submit an annual report to the
12 General Assembly evaluating the programs established in
13 Sections 5-8-1.4, 5-8-1.5, and 5-8-1.6 and recommending
14 whether any of the programs shall be continued, modified, or
15 discontinued.

1 INDEX

2 Statutes amended in order of appearance

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

4 730 ILCS 5/3-3-3 from Ch. 38, par. 1003-3-3

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

6 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1

7 730 ILCS 5/5-8-1.4 new

8 730 ILCS 5/5-8-1.5 new

9 730 ILCS 5/5-8-1.6 new

10 730 ILCS 5/5-8-1.7 new