



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4797

Introduced 2/18/2020, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Increases the threshold amount of theft not from the person and retail theft that enhances the offense from a misdemeanor to a felony to \$2,000 and if based on a prior conviction must only be for felony theft. Amends the Illinois Identification Card Act. Provides that the Secretary of State may, upon request of a person committed to the Department of Corrections, issue a limited period identification card to the committed person that shall be valid during the period of his or her incarceration. Amends the Code of Criminal Procedure of 1963 concerning the reduction or modification of a defendant's sentence. Amends the Unified Code of Corrections. Provides that not later than 2 years after the effective date of the amendatory Act, the Director of Corrections, in consultation with the Independent Review Committee created by the amendatory Act, shall develop and release publicly on the Department of Corrections website a risk and needs assessment system. Describes the system. Provides that a committed person shall be assigned to an institution or facility of the Department that is located within 200 miles of his or her residence immediately before the committed person's admission to the Department. Provides that a committed person who successfully completes evidence-based recidivism reduction programming or productive activities shall receive additional sentence credits. Prohibits handcuffs, shackles, or restraints of any kind to be used on new mothers for 3 months after delivery. Provides that a person at least 60 years of age who has served at least two-thirds of his or her sentence may petition the Department for participation in an atonement and restorative justice program prepared by the Department. Amends the County Jail Act to make conforming changes.

LRB101 19413 RLC 68885 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 1. This Act may be referred to as the Illinois
5 First Step Act.

6 Section 5. The Illinois Identification Card Act is amended
7 by changing Section 4 as follows:

8 (15 ILCS 335/4) (from Ch. 124, par. 24)

9 Sec. 4. Identification card.

10 (a) The Secretary of State shall issue a standard Illinois
11 Identification Card to any natural person who is a resident of
12 the State of Illinois who applies for such card, or renewal
13 thereof. No identification card shall be issued to any person
14 who holds a valid foreign state identification card, license,
15 or permit unless the person first surrenders to the Secretary
16 of State the valid foreign state identification card, license,
17 or permit. The card shall be prepared and supplied by the
18 Secretary of State and shall include a photograph and signature
19 or mark of the applicant. However, the Secretary of State may
20 provide by rule for the issuance of Illinois Identification
21 Cards without photographs if the applicant has a bona fide
22 religious objection to being photographed or to the display of

1 his or her photograph. The Illinois Identification Card may be
2 used for identification purposes in any lawful situation only
3 by the person to whom it was issued. As used in this Act,
4 "photograph" means any color photograph or digitally produced
5 and captured image of an applicant for an identification card.
6 As used in this Act, "signature" means the name of a person as
7 written by that person and captured in a manner acceptable to
8 the Secretary of State.

9 (a-5) If an applicant for an identification card has a
10 current driver's license or instruction permit issued by the
11 Secretary of State, the Secretary may require the applicant to
12 utilize the same residence address and name on the
13 identification card, driver's license, and instruction permit
14 records maintained by the Secretary. The Secretary may
15 promulgate rules to implement this provision.

16 (a-10) If the applicant is a judicial officer as defined in
17 Section 1-10 of the Judicial Privacy Act or a peace officer,
18 the applicant may elect to have his or her office or work
19 address listed on the card instead of the applicant's residence
20 or mailing address. The Secretary may promulgate rules to
21 implement this provision. For the purposes of this subsection
22 (a-10), "peace officer" means any person who by virtue of his
23 or her office or public employment is vested by law with a duty
24 to maintain public order or to make arrests for a violation of
25 any penal statute of this State, whether that duty extends to
26 all violations or is limited to specific violations.

1 (a-15) The Secretary of State may provide for an expedited
2 process for the issuance of an Illinois Identification Card.
3 The Secretary shall charge an additional fee for the expedited
4 issuance of an Illinois Identification Card, to be set by rule,
5 not to exceed \$75. All fees collected by the Secretary for
6 expedited Illinois Identification Card service shall be
7 deposited into the Secretary of State Special Services Fund.
8 The Secretary may adopt rules regarding the eligibility,
9 process, and fee for an expedited Illinois Identification Card.
10 If the Secretary of State determines that the volume of
11 expedited identification card requests received on a given day
12 exceeds the ability of the Secretary to process those requests
13 in an expedited manner, the Secretary may decline to provide
14 expedited services, and the additional fee for the expedited
15 service shall be refunded to the applicant.

16 (a-20) The Secretary of State shall issue a standard
17 Illinois Identification Card to a committed person upon release
18 on parole, mandatory supervised release, aftercare release,
19 final discharge, or pardon from the Department of Corrections
20 or Department of Juvenile Justice, if the released person
21 presents a certified copy of his or her birth certificate,
22 social security card or other documents authorized by the
23 Secretary, and 2 documents proving his or her Illinois
24 residence address. Documents proving residence address may
25 include any official document of the Department of Corrections
26 or the Department of Juvenile Justice showing the released

1 person's address after release and a Secretary of State
2 prescribed certificate of residency form, which may be executed
3 by Department of Corrections or Department of Juvenile Justice
4 personnel.

5 (a-25) Upon request of a person incarcerated in a
6 Department of Corrections facility, the Secretary of State may
7 issue a limited-term Illinois Identification Card valid during
8 the period of incarceration of the committed person in a
9 Department of Corrections institution or facility. The
10 Secretary of State shall issue a limited-term Illinois
11 Identification Card valid for 90 days to a committed person
12 upon release on parole, mandatory supervised release,
13 aftercare release, final discharge, or pardon from the
14 Department of Corrections or Department of Juvenile Justice, if
15 the released person is unable to present a certified copy of
16 his or her birth certificate and social security card or other
17 documents authorized by the Secretary, but does present a
18 Secretary of State prescribed verification form completed by
19 the Department of Corrections or Department of Juvenile
20 Justice, verifying the released person's date of birth and
21 social security number and 2 documents proving his or her
22 Illinois residence address. The verification form must have
23 been completed no more than 30 days prior to the date of
24 application for the Illinois Identification Card. Documents
25 proving residence address shall include any official document
26 of the Department of Corrections or the Department of Juvenile

1 Justice showing the person's address after release and a
2 Secretary of State prescribed certificate of residency, which
3 may be executed by Department of Corrections or Department of
4 Juvenile Justice personnel.

5 Prior to the expiration of the 90-day period of the
6 limited-term Illinois Identification Card, if the released
7 person submits to the Secretary of State a certified copy of
8 his or her birth certificate and his or her social security
9 card or other documents authorized by the Secretary, a standard
10 Illinois Identification Card shall be issued. A limited-term
11 Illinois Identification Card may not be renewed.

12 (a-30) The Secretary of State shall issue a standard
13 Illinois Identification Card to a person upon conditional
14 release or absolute discharge from the custody of the
15 Department of Human Services, if the person presents a
16 certified copy of his or her birth certificate, social security
17 card, or other documents authorized by the Secretary, and a
18 document proving his or her Illinois residence address. The
19 Secretary of State shall issue a standard Illinois
20 Identification Card to a person no sooner than 14 days prior to
21 his or her conditional release or absolute discharge if
22 personnel from the Department of Human Services bring the
23 person to a Secretary of State location with the required
24 documents. Documents proving residence address may include any
25 official document of the Department of Human Services showing
26 the person's address after release and a Secretary of State

1 prescribed verification form, which may be executed by
2 personnel of the Department of Human Services.

3 (a-35) The Secretary of State shall issue a limited-term
4 Illinois Identification Card valid for 90 days to a person upon
5 conditional release or absolute discharge from the custody of
6 the Department of Human Services, if the person is unable to
7 present a certified copy of his or her birth certificate and
8 social security card or other documents authorized by the
9 Secretary, but does present a Secretary of State prescribed
10 verification form completed by the Department of Human
11 Services, verifying the person's date of birth and social
12 security number, and a document proving his or her Illinois
13 residence address. The verification form must have been
14 completed no more than 30 days prior to the date of application
15 for the Illinois Identification Card. The Secretary of State
16 shall issue a limited-term Illinois Identification Card to a
17 person no sooner than 14 days prior to his or her conditional
18 release or absolute discharge if personnel from the Department
19 of Human Services bring the person to a Secretary of State
20 location with the required documents. Documents proving
21 residence address shall include any official document of the
22 Department of Human Services showing the person's address after
23 release and a Secretary of State prescribed verification form,
24 which may be executed by personnel of the Department of Human
25 Services.

26 (b) The Secretary of State shall issue a special Illinois

1 Identification Card, which shall be known as an Illinois Person
2 with a Disability Identification Card, to any natural person
3 who is a resident of the State of Illinois, who is a person
4 with a disability as defined in Section 4A of this Act, who
5 applies for such card, or renewal thereof. No Illinois Person
6 with a Disability Identification Card shall be issued to any
7 person who holds a valid foreign state identification card,
8 license, or permit unless the person first surrenders to the
9 Secretary of State the valid foreign state identification card,
10 license, or permit. The Secretary of State shall charge no fee
11 to issue such card. The card shall be prepared and supplied by
12 the Secretary of State, and shall include a photograph and
13 signature or mark of the applicant, a designation indicating
14 that the card is an Illinois Person with a Disability
15 Identification Card, and shall include a comprehensible
16 designation of the type and classification of the applicant's
17 disability as set out in Section 4A of this Act. However, the
18 Secretary of State may provide by rule for the issuance of
19 Illinois Person with a Disability Identification Cards without
20 photographs if the applicant has a bona fide religious
21 objection to being photographed or to the display of his or her
22 photograph. If the applicant so requests, the card shall
23 include a description of the applicant's disability and any
24 information about the applicant's disability or medical
25 history which the Secretary determines would be helpful to the
26 applicant in securing emergency medical care. If a mark is used

1 in lieu of a signature, such mark shall be affixed to the card
2 in the presence of two witnesses who attest to the authenticity
3 of the mark. The Illinois Person with a Disability
4 Identification Card may be used for identification purposes in
5 any lawful situation by the person to whom it was issued.

6 The Illinois Person with a Disability Identification Card
7 may be used as adequate documentation of disability in lieu of
8 a physician's determination of disability, a determination of
9 disability from a physician assistant, a determination of
10 disability from an advanced practice registered nurse, or any
11 other documentation of disability whenever any State law
12 requires that a person with a disability provide such
13 documentation of disability, however an Illinois Person with a
14 Disability Identification Card shall not qualify the
15 cardholder to participate in any program or to receive any
16 benefit which is not available to all persons with like
17 disabilities. Notwithstanding any other provisions of law, an
18 Illinois Person with a Disability Identification Card, or
19 evidence that the Secretary of State has issued an Illinois
20 Person with a Disability Identification Card, shall not be used
21 by any person other than the person named on such card to prove
22 that the person named on such card is a person with a
23 disability or for any other purpose unless the card is used for
24 the benefit of the person named on such card, and the person
25 named on such card consents to such use at the time the card is
26 so used.

1 An optometrist's determination of a visual disability
2 under Section 4A of this Act is acceptable as documentation for
3 the purpose of issuing an Illinois Person with a Disability
4 Identification Card.

5 When medical information is contained on an Illinois Person
6 with a Disability Identification Card, the Office of the
7 Secretary of State shall not be liable for any actions taken
8 based upon that medical information.

9 (c) The Secretary of State shall provide that each original
10 or renewal Illinois Identification Card or Illinois Person with
11 a Disability Identification Card issued to a person under the
12 age of 21 shall be of a distinct nature from those Illinois
13 Identification Cards or Illinois Person with a Disability
14 Identification Cards issued to individuals 21 years of age or
15 older. The color designated for Illinois Identification Cards
16 or Illinois Person with a Disability Identification Cards for
17 persons under the age of 21 shall be at the discretion of the
18 Secretary of State.

19 (c-1) Each original or renewal Illinois Identification
20 Card or Illinois Person with a Disability Identification Card
21 issued to a person under the age of 21 shall display the date
22 upon which the person becomes 18 years of age and the date upon
23 which the person becomes 21 years of age.

24 (c-3) The General Assembly recognizes the need to identify
25 military veterans living in this State for the purpose of
26 ensuring that they receive all of the services and benefits to

1 which they are legally entitled, including healthcare,
2 education assistance, and job placement. To assist the State in
3 identifying these veterans and delivering these vital services
4 and benefits, the Secretary of State is authorized to issue
5 Illinois Identification Cards and Illinois Person with a
6 Disability Identification Cards with the word "veteran"
7 appearing on the face of the cards. This authorization is
8 predicated on the unique status of veterans. The Secretary may
9 not issue any other identification card which identifies an
10 occupation, status, affiliation, hobby, or other unique
11 characteristics of the identification card holder which is
12 unrelated to the purpose of the identification card.

13 (c-5) Beginning on or before July 1, 2015, the Secretary of
14 State shall designate a space on each original or renewal
15 identification card where, at the request of the applicant, the
16 word "veteran" shall be placed. The veteran designation shall
17 be available to a person identified as a veteran under
18 subsection (b) of Section 5 of this Act who was discharged or
19 separated under honorable conditions.

20 (d) The Secretary of State may issue a Senior Citizen
21 discount card, to any natural person who is a resident of the
22 State of Illinois who is 60 years of age or older and who
23 applies for such a card or renewal thereof. The Secretary of
24 State shall charge no fee to issue such card. The card shall be
25 issued in every county and applications shall be made available
26 at, but not limited to, nutrition sites, senior citizen centers

1 and Area Agencies on Aging. The applicant, upon receipt of such
2 card and prior to its use for any purpose, shall have affixed
3 thereon in the space provided therefor his signature or mark.

4 (e) The Secretary of State, in his or her discretion, may
5 designate on each Illinois Identification Card or Illinois
6 Person with a Disability Identification Card a space where the
7 card holder may place a sticker or decal, issued by the
8 Secretary of State, of uniform size as the Secretary may
9 specify, that shall indicate in appropriate language that the
10 card holder has renewed his or her Illinois Identification Card
11 or Illinois Person with a Disability Identification Card.

12 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;
13 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff. 7-1-17;
14 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

15 Section 10. The Criminal Code of 2012 is amended by
16 changing Sections 16-1 and 16-25 as follows:

17 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

18 Sec. 16-1. Theft.

19 (a) A person commits theft when he or she knowingly:

20 (1) Obtains or exerts unauthorized control over
21 property of the owner; or

22 (2) Obtains by deception control over property of the
23 owner; or

24 (3) Obtains by threat control over property of the

1 owner; or

2 (4) Obtains control over stolen property knowing the
3 property to have been stolen or under such circumstances as
4 would reasonably induce him or her to believe that the
5 property was stolen; or

6 (5) Obtains or exerts control over property in the
7 custody of any law enforcement agency which any law
8 enforcement officer or any individual acting in behalf of a
9 law enforcement agency explicitly represents to the person
10 as being stolen or represents to the person such
11 circumstances as would reasonably induce the person to
12 believe that the property was stolen, and

13 (A) Intends to deprive the owner permanently of the
14 use or benefit of the property; or

15 (B) Knowingly uses, conceals or abandons the
16 property in such manner as to deprive the owner
17 permanently of such use or benefit; or

18 (C) Uses, conceals, or abandons the property
19 knowing such use, concealment or abandonment probably
20 will deprive the owner permanently of such use or
21 benefit.

22 (b) Sentence.

23 (1) Theft of property not from the person and not
24 exceeding \$2,000 ~~\$500~~ in value is a Class A misdemeanor.

25 (1.1) Theft of property not from the person and not
26 exceeding \$2,000 ~~\$500~~ in value is a Class 4 felony if the

1 theft was committed in a school or place of worship or if
2 the theft was of governmental property.

3 (2) A person who has been convicted of theft of
4 property not from the person and not exceeding \$2,000 ~~\$500~~
5 in value who has been previously convicted of felony ~~any~~
6 ~~type~~ of theft, ~~robbery, armed robbery, burglary,~~
7 ~~residential burglary, possession of burglary tools, home~~
8 ~~invasion, forgery, a violation of Section 4-103, 4-103.1,~~
9 ~~4-103.2, or 4-103.3 of the Illinois Vehicle Code relating~~
10 ~~to the possession of a stolen or converted motor vehicle,~~
11 ~~or a violation of Section 17-36 of the Criminal Code of~~
12 ~~1961 or the Criminal Code of 2012, or Section 8 of the~~
13 ~~Illinois Credit Card and Debit Card Act~~ is guilty of a
14 Class 4 felony.

15 (3) (Blank).

16 (4) Theft of property from the person not exceeding
17 \$2,000 ~~\$500~~ in value, or theft of property exceeding \$2,000
18 ~~\$500~~ and not exceeding \$10,000 in value, is a Class 3
19 felony.

20 (4.1) Theft of property from the person not exceeding
21 \$2,000 ~~\$500~~ in value, or theft of property exceeding \$2,000
22 ~~\$500~~ and not exceeding \$10,000 in value, is a Class 2
23 felony if the theft was committed in a school or place of
24 worship or if the theft was of governmental property.

25 (5) Theft of property exceeding \$10,000 and not
26 exceeding \$100,000 in value is a Class 2 felony.

1 (5.1) Theft of property exceeding \$10,000 and not
2 exceeding \$100,000 in value is a Class 1 felony if the
3 theft was committed in a school or place of worship or if
4 the theft was of governmental property.

5 (6) Theft of property exceeding \$100,000 and not
6 exceeding \$500,000 in value is a Class 1 felony.

7 (6.1) Theft of property exceeding \$100,000 in value is
8 a Class X felony if the theft was committed in a school or
9 place of worship or if the theft was of governmental
10 property.

11 (6.2) Theft of property exceeding \$500,000 and not
12 exceeding \$1,000,000 in value is a Class 1
13 non-probationable felony.

14 (6.3) Theft of property exceeding \$1,000,000 in value
15 is a Class X felony.

16 (7) Theft by deception, as described by paragraph (2)
17 of subsection (a) of this Section, in which the offender
18 obtained money or property valued at \$5,000 or more from a
19 victim 60 years of age or older or a person with a
20 disability is a Class 2 felony.

21 (8) Theft by deception, as described by paragraph (2)
22 of subsection (a) of this Section, in which the offender
23 falsely poses as a landlord or agent or employee of the
24 landlord and obtains a rent payment or a security deposit
25 from a tenant is a Class 3 felony if the rent payment or
26 security deposit obtained does not exceed \$500.

1 (9) Theft by deception, as described by paragraph (2)
2 of subsection (a) of this Section, in which the offender
3 falsely poses as a landlord or agent or employee of the
4 landlord and obtains a rent payment or a security deposit
5 from a tenant is a Class 2 felony if the rent payment or
6 security deposit obtained exceeds \$500 and does not exceed
7 \$10,000.

8 (10) Theft by deception, as described by paragraph (2)
9 of subsection (a) of this Section, in which the offender
10 falsely poses as a landlord or agent or employee of the
11 landlord and obtains a rent payment or a security deposit
12 from a tenant is a Class 1 felony if the rent payment or
13 security deposit obtained exceeds \$10,000 and does not
14 exceed \$100,000.

15 (11) Theft by deception, as described by paragraph (2)
16 of subsection (a) of this Section, in which the offender
17 falsely poses as a landlord or agent or employee of the
18 landlord and obtains a rent payment or a security deposit
19 from a tenant is a Class X felony if the rent payment or
20 security deposit obtained exceeds \$100,000.

21 (c) When a charge of theft of property exceeding a
22 specified value is brought, the value of the property involved
23 is an element of the offense to be resolved by the trier of
24 fact as either exceeding or not exceeding the specified value.

25 (d) Theft by lessee; permissive inference. The trier of
26 fact may infer evidence that a person intends to deprive the

1 owner permanently of the use or benefit of the property (1) if
2 a lessee of the personal property of another fails to return it
3 to the owner within 10 days after written demand from the owner
4 for its return or (2) if a lessee of the personal property of
5 another fails to return it to the owner within 24 hours after
6 written demand from the owner for its return and the lessee had
7 presented identification to the owner that contained a
8 materially fictitious name, address, or telephone number. A
9 notice in writing, given after the expiration of the leasing
10 agreement, addressed and mailed, by registered mail, to the
11 lessee at the address given by him and shown on the leasing
12 agreement shall constitute proper demand.

13 (e) Permissive inference; evidence of intent that a person
14 obtains by deception control over property. The trier of fact
15 may infer that a person "knowingly obtains by deception control
16 over property of the owner" when he or she fails to return,
17 within 45 days after written demand from the owner, the
18 downpayment and any additional payments accepted under a
19 promise, oral or in writing, to perform services for the owner
20 for consideration of \$3,000 or more, and the promisor knowingly
21 without good cause failed to substantially perform pursuant to
22 the agreement after taking a down payment of 10% or more of the
23 agreed upon consideration. This provision shall not apply where
24 the owner initiated the suspension of performance under the
25 agreement, or where the promisor responds to the notice within
26 the 45-day notice period. A notice in writing, addressed and

1 mailed, by registered mail, to the promisor at the last known
2 address of the promisor, shall constitute proper demand.

3 (f) Offender's interest in the property.

4 (1) It is no defense to a charge of theft of property
5 that the offender has an interest therein, when the owner
6 also has an interest to which the offender is not entitled.

7 (2) Where the property involved is that of the
8 offender's spouse, no prosecution for theft may be
9 maintained unless the parties were not living together as
10 man and wife and were living in separate abodes at the time
11 of the alleged theft.

12 (Source: P.A. 101-394, eff. 1-1-20.)

13 (720 ILCS 5/16-25)

14 Sec. 16-25. Retail theft.

15 (a) A person commits retail theft when he or she knowingly:

16 (1) Takes possession of, carries away, transfers or
17 causes to be carried away or transferred any merchandise
18 displayed, held, stored or offered for sale in a retail
19 mercantile establishment with the intention of retaining
20 such merchandise or with the intention of depriving the
21 merchant permanently of the possession, use or benefit of
22 such merchandise without paying the full retail value of
23 such merchandise; or

24 (2) Alters, transfers, or removes any label, price tag,
25 marking, indicia of value or any other markings which aid

1 in determining value affixed to any merchandise displayed,
2 held, stored or offered for sale in a retail mercantile
3 establishment and attempts to purchase such merchandise at
4 less than the full retail value with the intention of
5 depriving the merchant of the full retail value of such
6 merchandise; or

7 (3) Transfers any merchandise displayed, held, stored
8 or offered for sale in a retail mercantile establishment
9 from the container in or on which such merchandise is
10 displayed to any other container with the intention of
11 depriving the merchant of the full retail value of such
12 merchandise; or

13 (4) Under-rings with the intention of depriving the
14 merchant of the full retail value of the merchandise; or

15 (5) Removes a shopping cart from the premises of a
16 retail mercantile establishment without the consent of the
17 merchant given at the time of such removal with the
18 intention of depriving the merchant permanently of the
19 possession, use or benefit of such cart; or

20 (6) Represents to a merchant that he, she, or another
21 is the lawful owner of property, knowing that such
22 representation is false, and conveys or attempts to convey
23 that property to a merchant who is the owner of the
24 property in exchange for money, merchandise credit or other
25 property of the merchant; or

26 (7) Uses or possesses any theft detection shielding

1 device or theft detection device remover with the intention
2 of using such device to deprive the merchant permanently of
3 the possession, use or benefit of any merchandise
4 displayed, held, stored or offered for sale in a retail
5 mercantile establishment without paying the full retail
6 value of such merchandise; or

7 (8) Obtains or exerts unauthorized control over
8 property of the owner and thereby intends to deprive the
9 owner permanently of the use or benefit of the property
10 when a lessee of the personal property of another fails to
11 return it to the owner, or if the lessee fails to pay the
12 full retail value of such property to the lessor in
13 satisfaction of any contractual provision requiring such,
14 within 10 days after written demand from the owner for its
15 return. A notice in writing, given after the expiration of
16 the leasing agreement, by registered mail, to the lessee at
17 the address given by the lessee and shown on the leasing
18 agreement shall constitute proper demand.

19 (b) Theft by emergency exit. A person commits theft by
20 emergency exit when he or she commits a retail theft as defined
21 in subdivisions (a) (1) through (a) (8) of this Section and to
22 facilitate the theft he or she leaves the retail mercantile
23 establishment by use of a designated emergency exit.

24 (c) Permissive inference. If any person:

25 (1) conceals upon his or her person or among his or her
26 belongings unpurchased merchandise displayed, held, stored

1 or offered for sale in a retail mercantile establishment;
2 and

3 (2) removes that merchandise beyond the last known
4 station for receiving payments for that merchandise in that
5 retail mercantile establishment,

6 then the trier of fact may infer that the person possessed,
7 carried away or transferred such merchandise with the intention
8 of retaining it or with the intention of depriving the merchant
9 permanently of the possession, use or benefit of such
10 merchandise without paying the full retail value of such
11 merchandise.

12 To "conceal" merchandise means that, although there may be
13 some notice of its presence, that merchandise is not visible
14 through ordinary observation.

15 (d) Venue. Multiple thefts committed by the same person as
16 part of a continuing course of conduct in different
17 jurisdictions that have been aggregated in one jurisdiction may
18 be prosecuted in any jurisdiction in which one or more of the
19 thefts occurred.

20 (e) For the purposes of this Section, "theft detection
21 shielding device" means any laminated or coated bag or device
22 designed and intended to shield merchandise from detection by
23 an electronic or magnetic theft alarm sensor.

24 (f) Sentence.

25 (1) A violation of any of subdivisions (a)(1) through
26 (a)(6) and (a)(8) of this Section, the full retail value of

1 which does not exceed \$2,000 ~~\$300~~ for property other than
2 motor fuel or \$150 for motor fuel, is a Class A
3 misdemeanor. A violation of subdivision (a)(7) of this
4 Section is a Class A misdemeanor for a first offense and a
5 Class 4 felony for a second or subsequent offense. Theft by
6 emergency exit of property, the full retail value of which
7 does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

8 (2) A person who has been convicted of retail theft of
9 property under any of subdivisions (a)(1) through (a)(6)
10 and (a)(8) of this Section, the full retail value of which
11 does not exceed \$2,000 ~~\$300~~ for property other than motor
12 fuel or \$150 for motor fuel, and who has been previously
13 convicted of any type of theft, robbery, armed robbery,
14 burglary, residential burglary, possession of burglary
15 tools, home invasion, unlawful use of a credit card, or
16 forgery is guilty of a Class 4 felony. A person who has
17 been convicted of theft by emergency exit of property, the
18 full retail value of which does not exceed \$2,000 ~~\$300~~, and
19 who has been previously convicted of felony ~~any type of~~
20 ~~theft, robbery, armed robbery, burglary, residential~~
21 ~~burglary, possession of burglary tools, home invasion,~~
22 ~~unlawful use of a credit card, or forgery~~ is guilty of a
23 Class 3 felony.

24 (3) Any retail theft of property under any of
25 subdivisions (a)(1) through (a)(6) and (a)(8) of this
26 Section, the full retail value of which exceeds \$2,000 ~~\$300~~

1 for property other than motor fuel or \$150 for motor fuel
2 in a single transaction, or in separate transactions
3 committed by the same person as part of a continuing course
4 of conduct from one or more mercantile establishments over
5 a period of one year, is a Class 3 felony. Theft by
6 emergency exit of property, the full retail value of which
7 exceeds \$2,000 ~~\$300~~ in a single transaction, or in separate
8 transactions committed by the same person as part of a
9 continuing course of conduct from one or more mercantile
10 establishments over a period of one year, is a Class 2
11 felony. When a charge of retail theft of property or theft
12 by emergency exit of property, the full value of which
13 exceeds \$2,000 ~~\$300~~, is brought, the value of the property
14 involved is an element of the offense to be resolved by the
15 trier of fact as either exceeding or not exceeding \$2,000
16 ~~\$300~~.

17 (Source: P.A. 97-597, eff. 1-1-12.)

18 Section 15. The Code of Criminal Procedure of 1963 is
19 amended by adding Section 116-2.2 as follows:

20 (725 ILCS 5/116-2.2 new)

21 Sec. 116-2.2. Motion to resentence; statutory penalty
22 reduction.

23 (a) A motion may be filed with the trial court that entered
24 the judgment of conviction in a defendant's case at any time

1 following the entry of a guilty verdict or a finding of guilt
2 for any offense under the Criminal Code of 1961 or the Criminal
3 Code of 2012 or a similar local ordinance by the defendant
4 provided:

5 (1) the motion clearly states the penalty for the
6 offense for which the defendant was found guilty or
7 convicted has been amended or changed and became effective
8 after his or her plea of guilty or conviction, which
9 includes but is not limited to:

10 (A) reduces the minimum or maximum sentence for the
11 offense;

12 (B) grants the court more discretion over the range
13 of penalties available for the offense;

14 (C) the underlying conduct relating to the offense
15 was decriminalized; or

16 (D) other instances in which the penalties
17 associated with the offense or conduct underlying the
18 offense were reduced in any way; and

19 (2) at least 30 days' notice of the motion shall be
20 served upon the State's Attorney. If the State's Attorney
21 files a response objecting to the motion, the court shall
22 schedule a hearing on the objections within 30 to 60 days
23 of the filing of the motion.

24 (b) If the petitioner's motion under this Section
25 accurately reflects that the conditions described in paragraph
26 (1) of subsection (a) are present at the time of the hearing on

1 the motion by the court and the State's Attorney does not file
2 a response objecting to the motion or the court rules against
3 the State's Attorney's objections, the court must reduce the
4 penalty imposed on the defendant so that it is consistent with
5 the penalty the defendant would have received if the law in
6 effect at the time of the hearing on the motion by the court
7 was in effect at the time the offense was committed. The court
8 may take any additional action it deems appropriate under the
9 circumstances.

10 Section 20. The Unified Code of Corrections is amended by
11 changing Sections 3-1-2, 3-4-3, 3-6-1, 3-6-3, 3-6-7, 3-7-2,
12 3-7-2a, 3-8-4, 3-14-4, and 5-4-1 and by adding Sections
13 3-2-2.5, 3-2-2.6, 3-2-2.7, 3-2-2.8, and 3-14-1.1 and Article 8B
14 of Chapter V as follows:

15 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

16 Sec. 3-1-2. Definitions.

17 (a) "Chief Administrative Officer" means the person
18 designated by the Director to exercise the powers and duties of
19 the Department of Corrections in regard to committed persons
20 within a correctional institution or facility, and includes the
21 superintendent of any juvenile institution or facility.

22 (a-3) "Aftercare release" means the conditional and
23 revocable release of a person committed to the Department of
24 Juvenile Justice under the Juvenile Court Act of 1987, under

1 the supervision of the Department of Juvenile Justice.

2 (a-5) "Sex offense" for the purposes of paragraph (16) of
3 subsection (a) of Section 3-3-7, paragraph (10) of subsection
4 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
5 Section 5-6-3.1 only means:

6 (i) A violation of any of the following Sections of the
7 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
8 (aiding or abetting child abduction under Section
9 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
10 solicitation of a child), 11-6.5 (indecent solicitation of
11 an adult), 11-14.4 (promoting juvenile prostitution),
12 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
13 (keeping a place of juvenile prostitution), 11-18.1
14 (patronizing a juvenile prostitute), 11-19.1 (juvenile
15 pimping), 11-19.2 (exploitation of a child), 11-20.1
16 (child pornography), 11-20.1B or 11-20.3 (aggravated child
17 pornography), 11-1.40 or 12-14.1 (predatory criminal
18 sexual assault of a child), or 12-33 (ritualized abuse of a
19 child). An attempt to commit any of these offenses.

20 (ii) A violation of any of the following Sections of
21 the Criminal Code of 1961 or the Criminal Code of 2012:
22 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
23 12-14 (aggravated criminal sexual assault), 11-1.60 or
24 12-16 (aggravated criminal sexual abuse), and subsection
25 (a) of Section 11-1.50 or subsection (a) of Section 12-15
26 (criminal sexual abuse). An attempt to commit any of these

1 offenses.

2 (iii) A violation of any of the following Sections of
3 the Criminal Code of 1961 or the Criminal Code of 2012 when
4 the defendant is not a parent of the victim:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 An attempt to commit any of these offenses.

10 (iv) A violation of any former law of this State
11 substantially equivalent to any offense listed in this
12 subsection (a-5).

13 An offense violating federal law or the law of another
14 state that is substantially equivalent to any offense listed in
15 this subsection (a-5) shall constitute a sex offense for the
16 purpose of this subsection (a-5). A finding or adjudication as
17 a sexually dangerous person under any federal law or law of
18 another state that is substantially equivalent to the Sexually
19 Dangerous Persons Act shall constitute an adjudication for a
20 sex offense for the purposes of this subsection (a-5).

21 (b) "Commitment" means a judicially determined placement
22 in the custody of the Department of Corrections on the basis of
23 delinquency or conviction.

24 (c) "Committed person" is a person committed to the
25 Department, however a committed person shall not be considered
26 to be an employee of the Department of Corrections for any

1 purpose, including eligibility for a pension, benefits, or any
2 other compensation or rights or privileges which may be
3 provided to employees of the Department.

4 (c-5) "Computer scrub software" means any third-party
5 added software, designed to delete information from the
6 computer unit, the hard drive, or other software, which would
7 eliminate and prevent discovery of browser activity, including
8 but not limited to Internet history, address bar or bars, cache
9 or caches, and/or cookies, and which would over-write files in
10 a way so as to make previous computer activity, including but
11 not limited to website access, more difficult to discover.

12 (c-10) "Content-controlled tablet" means any device that
13 can only access visitation applications or content relating to
14 educational or personal development.

15 (d) "Correctional institution or facility" means any
16 building or part of a building where committed persons are kept
17 in a secured manner.

18 (e) "Department" means both the Department of Corrections
19 and the Department of Juvenile Justice of this State, unless
20 the context is specific to either the Department of Corrections
21 or the Department of Juvenile Justice.

22 (f) "Director" means both the Director of Corrections and
23 the Director of Juvenile Justice, unless the context is
24 specific to either the Director of Corrections or the Director
25 of Juvenile Justice.

26 (f-5) (Blank).

1 (g) "Discharge" means the final termination of a commitment
2 to the Department of Corrections.

3 (h) "Discipline" means the rules and regulations for the
4 maintenance of order and the protection of persons and property
5 within the institutions and facilities of the Department and
6 their enforcement.

7 (h-5) "Dyslexia" means an unexpected difficulty in reading
8 for an individual who has the intelligence to be a much better
9 reader, most commonly caused by a difficulty in the
10 phonological processing (the appreciation of the individual
11 sounds of spoken language), which affects the ability of an
12 individual to speak, read, and spell.

13 (h-10) "Dyslexia screening program" means a screening
14 program for dyslexia that is:

15 (1) evidence-based (as defined in Section 8101(21) of
16 the Elementary and Secondary Education Act of 1965 with
17 proven psychometrics for validity;

18 (2) efficient and low-cost; and

19 (3) readily available.

20 (i) "Escape" means the intentional and unauthorized
21 absence of a committed person from the custody of the
22 Department.

23 (i-5) "Evidence-based recidivism reduction program" means
24 either a group or individual activity that:

25 (1) has been shown by empirical evidence to reduce
26 recidivism or is based on research indicating that it is

1 likely to be effective in reducing recidivism;

2 (2) is designed to help committed persons succeed in
3 their communities upon release from a Department
4 institution or facility; and

5 (3) may include:

6 (A) social learning and communication,
7 interpersonal, anti-bullying, rejection response, and
8 other life skills;

9 (B) family relationship building, structured
10 parent-child interaction, and parenting skills;

11 (C) classes on morals or ethics;

12 (D) academic classes;

13 (E) cognitive behavioral treatment;

14 (F) mentoring;

15 (G) substance abuse treatment;

16 (H) vocational training;

17 (I) faith-based classes or services;

18 (J) civic engagement and re-integrative community
19 services;

20 (K) a correctional institution job, including
21 through an Illinois Correctional Industries program;

22 (L) victim impact classes or other restorative
23 justice programs; and

24 (M) trauma counseling and trauma-informed support
25 programs.

26 (j) "Furlough" means an authorized leave of absence from

1 the Department of Corrections for a designated purpose and
2 period of time.

3 (j-5) "Mentoring, reentry, and spiritual services" means a
4 prerelease custody into which a committed person is placed and
5 may not include a condition prohibiting the committed person
6 from receiving mentoring, reentry, or spiritual services from a
7 person who provided those services to the committed person
8 while the committed person was incarcerated, except that the
9 chief administrative officer of the correctional institution
10 or facility at which the committed person was incarcerated may
11 waive the requirement under this paragraph if the chief
12 administrative officer finds that the provision of such
13 services would pose a significant security risk to the
14 committed person, persons who provide such services, or any
15 other person. The chief administrative officer shall provide
16 written notice of any such waiver to the person providing such
17 services and to the committed person.

18 (k) "Parole" means the conditional and revocable release of
19 a person committed to the Department of Corrections under the
20 supervision of a parole officer.

21 (l) "Prisoner Review Board" means the Board established in
22 Section 3-3-1(a), independent of the Department, to review
23 rules and regulations with respect to good time credits, to
24 hear charges brought by the Department against certain
25 prisoners alleged to have violated Department rules with
26 respect to good time credits, to set release dates for certain

1 prisoners sentenced under the law in effect prior to the
2 effective date of this Amendatory Act of 1977, to hear and
3 decide the time of aftercare release for persons committed to
4 the Department of Juvenile Justice under the Juvenile Court Act
5 of 1987 to hear requests and make recommendations to the
6 Governor with respect to pardon, reprieve or commutation, to
7 set conditions for parole, aftercare release, and mandatory
8 supervised release and determine whether violations of those
9 conditions justify revocation of parole or release, and to
10 assume all other functions previously exercised by the Illinois
11 Parole and Pardon Board.

12 (1-5) "Productive activity" means either a group or
13 individual activity that is designed to allow committed persons
14 determined as having a minimum or low risk of recidivating to
15 remain productive and thereby maintain a minimum or low risk of
16 recidivating, and may include the delivery of the programs
17 described in subsection (i-5) to other committed persons.

18 (1-10) "Risk and needs assessment tool" means an objective
19 and statistically validated method through which information
20 is collected and evaluated to determine:

21 (1) as part of the intake process, the risk that a
22 committed person will recidivate upon release from the
23 correctional institution or facility;

24 (2) the recidivism reduction programs that will best
25 minimize the risk that the committed person will recidivate
26 upon release from the correctional institution or

1 facility; and

2 (3) the periodic reassessment of risk that a committed
3 person will recidivate upon release from the correctional
4 institution or facility, based on factors including
5 indicators of progress and of regression, that are dynamic
6 and that can reasonably be expected to change while in the
7 correctional institution or facility.

8 (l-15) "System" means the risks and needs assessment system
9 established by this amendatory Act of the 101st General
10 Assembly.

11 (m) Whenever medical treatment, service, counseling, or
12 care is referred to in this Unified Code of Corrections, such
13 term may be construed by the Department or Court, within its
14 discretion, to include treatment, service or counseling by a
15 Christian Science practitioner or nursing care appropriate
16 therewith whenever request therefor is made by a person subject
17 to the provisions of this Act.

18 (n) "Victim" shall have the meaning ascribed to it in
19 subsection (a) of Section 3 of the Bill of Rights for Victims
20 and Witnesses of Violent Crime Act.

21 (o) "Wrongfully imprisoned person" means a person who has
22 been discharged from a prison of this State and has received:

23 (1) a pardon from the Governor stating that such pardon
24 is issued on the ground of innocence of the crime for which
25 he or she was imprisoned; or

26 (2) a certificate of innocence from the Circuit Court

1 as provided in Section 2-702 of the Code of Civil
2 Procedure.

3 (Source: P.A. 100-198, eff. 1-1-18.)

4 (730 ILCS 5/3-2-2.5 new)

5 Sec. 3-2-2.5. Duties of the Director of Corrections;
6 reduction of recidivism.

7 (a) The Director of Corrections shall carry out this
8 Section in consultation with:

9 (1) the Director of Juvenile Justice;

10 (2) the Director of the Administrative Office of the
11 Illinois Courts;

12 (3) the Executive Director of the Illinois Sentencing
13 Policy Advisory Council;

14 (4) the Executive Director of the Illinois Criminal
15 Justice Information Authority; and

16 (5) the Independent Review Committee authorized by
17 Section 3-2-2.7.

18 (b) The Director of Corrections shall:

19 (1) conduct a review of the existing committed person
20 risk and needs assessment systems in operation on the
21 effective date of this amendatory Act of the 101st General
22 Assembly;

23 (2) develop recommendations regarding evidence-based
24 recidivism reduction programs and productive activities in
25 accordance with Section 3-2-2.6;

1 (3) conduct ongoing research and data analysis on:

2 (A) evidence-based recidivism reduction programs
3 relating to the use of committed person risk and needs
4 assessment tools;

5 (B) the most effective and efficient uses of those
6 programs;

7 (C) which evidence-based recidivism reduction
8 programs are the most effective at reducing
9 recidivism, and the type, amount, and intensity of
10 programming that most effectively reduces the risk of
11 recidivism; and

12 (D) products purchased by State agencies that are
13 manufactured in other states or foreign countries and
14 could be manufactured by committed persons
15 participating in a correctional institution or
16 facility work program without reducing job
17 opportunities for other workers in this State;

18 (4) on an annual basis, review and validate the risk
19 and needs assessment system, which review shall include:

20 (A) any subsequent changes to the risk and needs
21 assessment system made after the effective date of this
22 amendatory Act of the 101st General Assembly General
23 Assembly;

24 (B) the recommendations developed under paragraph
25 (2), using the research conducted under paragraph (3);

26 (C) an evaluation to ensure that the risk and needs

1 assessment system bases the assessment of each
2 committed person's risk of recidivism on indicators of
3 progress, and of regression that are dynamic and that
4 can reasonably be expected to change while in the
5 correctional institution or facility;

6 (D) statistical validation of any tools that the
7 risk and needs assessment system uses; and

8 (E) an evaluation of the rates of recidivism among
9 similarly classified committed persons to identify any
10 unwarranted disparities, including disparities among
11 similarly classified committed persons of different
12 demographic groups, in such rates;

13 (5) make any revisions or updates to the risk and needs
14 assessment system that the Director of Corrections
15 determines appropriate under the review under paragraph
16 (4), including updates to ensure that any disparities
17 identified in paragraph (4) (E) are reduced to the greatest
18 extent possible; and

19 (6) report to the General Assembly in accordance with
20 Section 3-2-2.8.

21
22 (730 ILCS 5/3-2-2.6 new)

23 Sec. 3-2-2.6. Development of risk and needs assessment
24 system.

25 (a) Not later than 2 years after the effective date of this

1 amendatory Act of the 101st General Assembly, the Director of
2 Corrections, in consultation with the Independent Review
3 Committee created in Section 3-2-2.7, shall develop and release
4 publicly on the Department of Corrections website a risk and
5 needs assessment system, which shall be used to:

6 (1) determine the recidivism risk of each committed
7 person as part of the intake process, and classify each
8 committed person as having minimum, low, medium, or high
9 risk for recidivism;

10 (2) assess and determine, to the extent practicable,
11 the risk of violent or serious misconduct of each committed
12 person;

13 (3) determine the type and amount of evidence-based
14 recidivism reduction programming that is appropriate for
15 each committed person and assign each committed person to
16 such programming accordingly, based on the committed
17 person's specific criminogenic needs, and in accordance
18 with subsection (b);

19 (4) reassess the recidivism risk of each committed
20 person periodically, based on factors including indicators
21 of progress, and of regression, that are dynamic and that
22 can reasonably be expected to change while in the
23 correctional institution or facility;

24 (5) reassign the committed person to appropriate
25 evidence-based recidivism reduction programs or productive
26 activities based on the revised determination to ensure

1 that:

2 (A) all committed persons at each risk level have a
3 meaningful opportunity to reduce their classification
4 during the period of incarceration;

5 (B) to address the specific criminogenic needs of
6 the committed person; and

7 (C) all committed persons are able to successfully
8 participate in those programs;

9 (6) determine when to provide incentives and rewards
10 for successful participation in evidence-based recidivism
11 reduction programs or productive activities in accordance
12 with subsection (e);

13 (7) determine when a committed person is ready to
14 transfer into prerelease custody or supervised release
15 under Section; and

16 (8) determine the appropriate use of audio technology
17 for program course materials with an understanding of
18 dyslexia. In carrying out this paragraph, the Director of
19 Corrections may use existing risk and needs assessment
20 tools, as appropriate.

21 (b) The system shall provide guidance on the type, amount, and
22 intensity of evidence-based recidivism reduction
23 programming and productive activities that shall be
24 assigned for each committed person, including:

25 (1) programs in which the Department of Corrections
26 shall assign the committed person to participate,

1 according to the committed person's specific criminogenic
2 needs; and

3 (2) information on the best ways that the Department of
4 Corrections can tailor the programs to the specific
5 criminogenic needs of each committed person so as to most
6 effectively lower each committed person's risk of
7 recidivism.

8 (c) The system shall provide guidance on program grouping
9 and housing assignment determinations and, after accounting
10 for the safety of each committed person and other individuals
11 at the correctional institution or facility, provide that
12 committed persons with a similar risk level be grouped together
13 in housing and assignment decisions to the extent practicable.

14 (d) The system shall provide incentives and rewards for
15 committed persons to participate in and complete
16 evidence-based recidivism reduction programs as follows:

17 (1) A committed person who is successfully
18 participating in an evidence-based recidivism reduction
19 program shall receive:

20 (A) phone privileges, or, if available, video
21 conferencing privileges, for up to 30 minutes per day,
22 and up to 510 minutes per month; and

23 (B) additional time for visitation at the
24 correctional institution or facility, as determined by
25 the chief administrative officer of the correctional
26 institution or facility.

1 (2) A committed person who is successfully
2 participating in an evidence-based recidivism reduction
3 program shall be considered by the Department of
4 Corrections for placement in a correctional institution or
5 facility closer to the committed person's release
6 residence upon request from the committed person and
7 subject to:

8 (A) bed availability at the transfer correctional
9 institution or facility;

10 (B) the committed person's security designation;
11 and

12 (C) the recommendation from the chief
13 administrative officer of the correctional institution
14 or facility at which the committed person is
15 incarcerated at the time of making the request.

16 (3) The Director of Corrections shall develop
17 additional policies to provide appropriate incentives for
18 successful participation and completion of evidence-based
19 recidivism reduction programming. The incentives shall
20 include not less than 2 of the following:

21 (A) Increased commissary spending limits and
22 product offerings.

23 (B) Extended opportunities to access the email
24 system.

25 (C) Consideration of transfer to preferred housing
26 units (including transfer to different prison

1 facilities).

2 (D) Other incentives solicited from committed
3 persons and determined appropriate by the Director.

4 (4) A committed person who successfully participates
5 in evidence-based recidivism reduction programming or
6 productive activities shall receive periodic risk
7 reassessments not less often than annually, and a committed
8 person determined to be at a medium or high risk of
9 recidivating and who has less than 5 years until his or her
10 projected release date shall receive more frequent risk
11 reassessments. If the reassessment shows that the
12 committed person's risk of recidivating or specific needs
13 have changed, the Department of Corrections shall update
14 the determination of the committed person's risk of
15 recidivating or information regarding the committed
16 person's specific needs and reassign the committed person
17 to appropriate evidence-based recidivism reduction
18 programming or productive activities based on such
19 changes.

20 (5) The incentives described in this subsection (d)
21 shall be in addition to any other rewards or incentives for
22 which a committed person may be eligible.

23 (e) The Director of Corrections shall develop guidelines
24 for the reduction of rewards and incentives earned under
25 subsection (d) for committed persons who violate correctional
26 institution or facility rules or evidence-based recidivism

1 reduction program or productive activity rules, which shall
2 provide:

3 (1) general levels of violations and resulting
4 reductions;

5 (2) that any reduction that includes the loss of
6 sentence credits shall require written notice to the
7 committed person, shall be limited to sentence credits that
8 a committed person earned as of the date of the committed
9 person's rule violation, and shall not include any future
10 sentence credits that the committed person may earn; and

11 (3) for a procedure to restore sentence credits that a
12 committed person lost as a result of a rule violation,
13 based on the committed person's individual progress after
14 the date of the rule violation.

15 (f) The Director of Corrections shall develop and implement
16 training programs for Department of Corrections officers and
17 employees responsible for administering the system, which
18 shall include:

19 (1) initial training to educate officers and employees
20 on how to use the system in an appropriate and consistent
21 manner, as well as the reasons for using the system;

22 (2) continuing education;

23 (3) periodic training updates; and

24 (4) a requirement that such officers and employees
25 demonstrate competence in administering the system,
26 including interrater reliability, on a biannual basis.

1 (g) In order to ensure that the Department of Corrections
2 is using the system in an appropriate and consistent manner,
3 the Director of Corrections shall monitor and assess the use of
4 the system, which shall include conducting annual audits of the
5 Department of Corrections regarding the use of the system.

6 (h) The Director of Corrections shall incorporate a
7 dyslexia screening program into the system, including by
8 screening for dyslexia during:

9 (1) the intake process; and

10 (2) each periodic risk reassessment of a committed
11 person.

12 The Director of Corrections shall incorporate programs
13 designed to treat dyslexia into the evidence-based recidivism
14 reduction programs or productive activities required to be
15 implemented under this Section. he Director of Corrections may
16 also incorporate programs designed to treat other learning
17 disabilities.

18 (i) Beginning on the date that is 2 years after the
19 effective date of this amendatory Act of the 101st General
20 Assembly and annually thereafter for a period of 5 years, the
21 Director of Corrections shall submit a report to the General
22 Assembly that contains the following:

23 (1) A summary of the activities and accomplishments of
24 the Director of Corrections in carrying out this amendatory
25 Act of the 101st General Assembly.

26 (2) A summary and assessment of the types and

1 effectiveness of the evidence-based recidivism reduction
2 programs and productive activities in institutions and
3 facilities operated by the Department of Corrections,
4 including:

5 (A) evidence about which programs have been shown
6 to reduce recidivism;

7 (B) the capacity of each program and activity at
8 each correctional institution or facility, including
9 the number of committed persons along with the
10 recidivism risk of each committed person enrolled in
11 each program; and

12 (C) identification of any gaps or shortages in
13 capacity of those programs and activities.

14 (3) Rates of recidivism among individuals who have been
15 released from a correctional institution or facility,
16 based on the following criteria:

17 (A) the primary offense of conviction;

18 (B) the length of the sentence imposed and served;

19 (C) the Department of Corrections correctional
20 institution or facility in which the committed
21 person's sentence was served;

22 (D) the evidence-based recidivism reduction
23 programming that the committed person successfully
24 completed, if any;

25 (E) the committed person's assessed and reassessed
26 risk of recidivism; and

1 (F) the productive activities that the committed
2 person successfully completed, if any.

3 (4) The status of correctional industries programs at
4 facilities operated by the Department of Corrections,
5 including:

6 (A) a strategy to expand the availability of those
7 programs without reducing job opportunities for
8 workers in this State who are not in the custody of the
9 Department of Corrections, including the feasibility
10 of committed persons manufacturing products purchased
11 by State agencies that are manufactured in other
12 states;

13 (B) an assessment of the feasibility of expanding
14 such programs, consistent with the strategy required
15 under subparagraph (A), with the goal that 5 years
16 after the effective date of this amendatory Act of the
17 101st General Assembly, not less than 75% of eligible
18 minimum-risk and low-risk offenders have the
19 opportunity to participate in a correctional
20 industries program for not less than 20 hours per week;
21 and

22 (C) a detailed discussion of legal authorities
23 that would be useful or necessary to achieve the goals
24 described in subparagraphs (A) and (B).

25 (5) An assessment of the Department of Corrections'
26 compliance with this Section.

1 (6) An assessment of progress made toward carrying out
2 the purposes of this amendatory Act of the 101st General
3 Assembly, including any savings associated with:

4 (A) the transfer of committed persons into
5 prerelease custody or supervised release under Article
6 8B of Chapter V, including savings resulting from the
7 avoidance or deferral of future construction,
8 acquisition, and operations costs; and

9 (B) any decrease in recidivism that may be
10 attributed to the system or the increase in
11 evidence-based recidivism reduction programs required
12 under this Section.

13 (7) An assessment of budgetary savings resulting from
14 this Section, including:

15 (A) a summary of the amount of savings resulting
16 from the transfer of committed persons into prerelease
17 custody under Article 8B of Chapter V, including
18 savings resulting from the avoidance or deferral of
19 future construction, acquisition, or operations costs;

20 (B) a summary of the amount of savings resulting
21 from any decrease in recidivism that may be attributed
22 to the implementation of the risk and needs assessment
23 system or the increase in recidivism reduction
24 programs and productive activities required by Article
25 8B of Chapter V;

26 (C) a strategy to reinvest the savings described in

1 subparagraphs (A) and (B) in other:

2 (i) State and local law enforcement
3 activities; and

4 (ii) expansions of recidivism reduction
5 programs and productive activities in the
6 Department of Corrections; and

7 (D) a description of how the reduced expenditures
8 on State corrections and the budgetary savings
9 resulting from the implementation of Article 8B of
10 Chapter V are currently being used and will be used
11 to:

12 (i) increase investment in law enforcement and
13 crime prevention to combat gangs of national
14 significance and high-level drug traffickers
15 through drug task forces;

16 (ii) hire, train, and equip law enforcement
17 officers and prosecutors; and

18 (iii) promote crime reduction programs using
19 evidence-based practices and strategic planning to
20 help reduce crime and criminal recidivism.

21 (8) Statistics on:

22 (A) the prevalence of dyslexia among committed
23 persons in correctional institutions and facilities
24 operated by the Department of Corrections; and

25 (B) any change in the effectiveness of dyslexia
26 mitigation programs among such committed persons that

1 may be attributed to the incorporation of dyslexia
2 screening into the system and of dyslexia treatment
3 into the evidence-based recidivism reduction programs,
4 as required under this Section.

5 (j) In order to expand evidence-based recidivism reduction
6 programs and productive activities, the Director of
7 Corrections shall develop policies for the chief
8 administrative officer of each correctional institution or
9 facility of the Department of Corrections to enter into
10 partnerships, subject to the availability of appropriations,
11 with any of the following:

12 (1) Nonprofit and other private organizations,
13 including faith-based, art, and community-based
14 organizations that will deliver recidivism reduction
15 programming on a paid or volunteer basis.

16 (2) Public institutions of higher education as defined
17 in Section 1 of the Board of Higher Education Act that will
18 deliver instruction on a paid or volunteer basis.

19 (3) Private entities that:

20 (A) deliver vocational training and
21 certifications;

22 (B) provide equipment to facilitate vocational
23 training or employment opportunities for committed
24 persons;

25 (C) employ committed persons; or

26 (D) assist committed persons in prerelease custody

1 or supervised release in finding employment.

2 (k) The Director of Corrections shall provide each
3 committed persons with the opportunity to actively participate
4 in evidence-based recidivism reduction programs or productive
5 activities, according to his or her specific criminogenic
6 needs, throughout his or her entire term of incarceration.
7 Priority for participation in recidivism reduction programs
8 shall be given to medium-risk and high-risk committed persons,
9 with access to productive activities given to minimum-risk and
10 low-risk committed persons.

11 (l) The Director of Corrections shall ensure there is
12 sufficient prerelease custody capacity to accommodate all
13 eligible committed persons.

14 (730 ILCS 5/3-2-2.7 new)

15 Sec. 3-2-2.7. Independent Review Committee.

16 (a) The Director of Corrections shall consult with an
17 Independent Review Committee in carrying out the Director of
18 Corrections's duties under Sections 3-2-2.5 through 3-2-2.8.
19 The Illinois Sentencing Policy Advisory Council shall select a
20 nonpartisan and nonprofit organization with expertise in the
21 study and development of risk and needs assessment tools to
22 host the Independent Review Committee.

23 (b) The Independent Review Committee shall be established
24 not later than 30 days after the effective date of this
25 amendatory Act of the 101st General Assembly.

1 (c) The organization selected by the Illinois Sentencing
2 Policy Advisory Council shall appoint not fewer than 6 members
3 to the Independent Review Committee.

4 (d) The members of the Independent Review Committee shall
5 all have expertise in risk and needs assessment systems and
6 shall include:

7 (1) 2 individuals who have published peer-reviewed
8 scholarship about risk and needs assessments in both
9 corrections and community settings;

10 (2) 2 corrections practitioners who have developed and
11 implemented a risk assessment tool in a corrections system
12 or in a community supervision setting, including one with
13 prior experience working within the Department of
14 Corrections; and

15 (3) one individual with expertise in assessing risk
16 assessment implementation.

17 (e) The Independent Review Committee shall assist the
18 Director of Corrections in carrying out the Director of
19 Corrections's duties under Sections 3-2-2.5 through 3-2-2.8,
20 including by assisting in:

21 (1) conducting a review of the existing committed
22 person risk and needs assessment systems in operation on
23 the effective date of this amendatory Act of the 101st
24 General Assembly;

25 (2) developing recommendations regarding
26 evidence-based recidivism reduction programs and

1 productive activities;

2 (3) conducting research and data analysis on:

3 (A) evidence-based recidivism reduction programs
4 relating to the use of committed person risk and needs
5 assessment tools;

6 (B) the most effective and efficient uses of such
7 programs; and

8 (C) which evidence-based recidivism reduction
9 programs are the most effective at reducing
10 recidivism, and the type, amount, and intensity of
11 programming that most effectively reduces the risk of
12 recidivism; and

13 (4) reviewing and validating the risk and needs
14 assessment system.

15 Each member of the Independent Review Committee shall serve
16 for a period of 3 years or until the risk and needs assessment
17 tools are implemented by the Department of Corrections,
18 whichever occurs first.

19 (f) The Director of Corrections shall assist the
20 Independent Review Committee in performing the Committee's
21 duties and promptly respond to requests from the Committee for
22 access to Department of Corrections facilities, personnel, and
23 information.

24 (g) The risk and needs assessment tools shall be developed
25 and implemented within 2 years after the effective date of this
26 amendatory Act of the 101st General Assembly. One year after

1 the implementation of the needs and risk assessment tools for
2 the Department of Corrections, the Independent Review
3 Committee shall be dissolved.

4 (730 ILCS 5/3-2-2.8 new)

5 Sec. 3-2-2.8. Evidence-based recidivism reduction program
6 and recommendations.

7 (a) Prior to releasing the system, in consultation with the
8 Independent Review Committee, the Director of Corrections
9 shall:

10 (1) review the effectiveness of evidence-based
11 recidivism reduction programs that exist as of the
12 effective date of this amendatory Act of the 101st General
13 Assembly in correctional institutions or facilities
14 operated by the Department of Corrections;

15 (2) review available information regarding the
16 effectiveness of evidence-based recidivism reduction
17 programs and productive activities that exist in
18 State-operated correctional institutions or facilities
19 throughout this State;

20 (3) identify the most effective evidence-based
21 recidivism reduction programs;

22 (4) review the policies for entering into
23 evidence-based recidivism reduction partnerships; and

24 (5) direct the Department of Corrections regarding:

25 (A) evidence-based recidivism reduction programs;

1 (B) the ability for faith-based organizations to
2 function as a provider of educational evidence-based
3 programs outside of the religious classes and services
4 provided through the Chaplaincy; and

5 (C) the addition of any new effective
6 evidence-based recidivism reduction programs that the
7 Director of Corrections finds.

8 (b) In carrying out subsection (a), the Director of
9 Corrections shall consider the prevalence and mitigation of
10 dyslexia in correctional institutions and facilities of the
11 Department, including by:

12 (1) reviewing statistics on the prevalence of
13 dyslexia, and the effectiveness of any programs
14 implemented to mitigate the effects of dyslexia, in
15 correctional institutions and facilities operated by the
16 Department of Corrections; and

17 (2) incorporating the findings of the Director of
18 Corrections under paragraph (1) of this subsection (b) into
19 any directives given to the Department of Corrections under
20 paragraph (5) of subsection (a).

21 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

22 Sec. 3-4-3. Funds and Property of Persons Committed.

23 (a) The Department of Corrections and the Department of
24 Juvenile Justice shall establish accounting records with
25 accounts for each person who has or receives money while in an

1 institution or facility of that Department and it shall allow
2 the withdrawal and disbursement of money by the person under
3 rules and regulations of that Department. Any interest or other
4 income from moneys deposited with the Department by a resident
5 of the Department of Juvenile Justice in excess of \$200 shall
6 accrue to the individual's account, or in balances up to \$200
7 shall accrue to the Residents' Benefit Fund. For an individual
8 in an institution or facility of the Department of Corrections
9 the interest shall accrue to the Residents' Benefit Fund. The
10 Department shall disburse all moneys so held no later than the
11 person's final discharge from the Department. Moneys in the
12 account of a committed person who files a lawsuit determined
13 frivolous under Article XXII of the Code of Civil Procedure
14 shall be deducted to pay for the filing fees and cost of the
15 suit as provided in that Article. The Department shall under
16 rules and regulations record and receipt all personal property
17 not allowed to committed persons. The Department shall return
18 such property to the individual no later than the person's
19 release on parole or aftercare.

20 (b) Any money held in accounts of committed persons
21 separated from the Department by death, discharge, or
22 unauthorized absence and unclaimed for a period of 1 year
23 thereafter by the person or his legal representative shall be
24 transmitted to the State Treasurer who shall deposit it into
25 the General Revenue Fund. Articles of personal property of
26 persons so separated may be sold or used by the Department if

1 unclaimed for a period of 1 year for the same purpose.
2 Clothing, if unclaimed within 30 days, may be used or disposed
3 of as determined by the Department.

4 (b-5) The Department of Corrections shall establish a
5 savings account for each committed person participating in the
6 correctional industries program under Article 12 of this
7 Chapter. The savings account shall be equal to 15% of the
8 compensation received by the committed person from
9 participating in the program.

10 (c) Forty percent of the profits on sales from commissary
11 stores shall be expended by the Department for the special
12 benefit of committed persons which shall include but not be
13 limited to the advancement of inmate payrolls, for the special
14 benefit of employees, and for the advancement or reimbursement
15 of employee travel, provided that amounts expended for
16 employees shall not exceed the amount of profits derived from
17 sales made to employees by such commissaries, as determined by
18 the Department. The remainder of the profits from sales from
19 commissary stores must be used first to pay for wages and
20 benefits of employees covered under a collective bargaining
21 agreement who are employed at commissary facilities of the
22 Department and then to pay the costs of dietary staff.

23 (d) The Department shall confiscate any unauthorized
24 currency found in the possession of a committed person. The
25 Department shall transmit the confiscated currency to the State
26 Treasurer who shall deposit it into the General Revenue Fund.

1 (Source: P.A. 97-1083, eff. 8-24-12; 98-558, eff. 1-1-14.)

2 (730 ILCS 5/3-6-1) (from Ch. 38, par. 1003-6-1)

3 Sec. 3-6-1. Institutions; facilities; and programs.

4 (a) The Department shall designate those institutions and
5 facilities which shall be maintained for persons assigned as
6 adults.

7 (b) The types, number and population of institutions and
8 facilities shall be determined by the needs of committed
9 persons for treatment and the public for protection. A
10 committed person shall be assigned to an institution or
11 facility of the Department that is located within 200 miles of
12 his or her residence immediately before the committed person's
13 admission to the Department. All institutions and programs
14 shall conform to the minimum standards under this Chapter.

15 (Source: P.A. 101-219, eff. 1-1-20.)

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

22 (1.5) As otherwise provided by law, sentence credit may be
23 awarded for the following:

24 (A) successful completion of programming while in

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

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

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

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

26 (i) that a prisoner who is serving a term of

1 imprisonment for first degree murder or for the offense of
2 terrorism shall receive no sentence credit and shall serve
3 the entire sentence imposed by the court;

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

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

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

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

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

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

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

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

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

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

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

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

26 (2.4) Except as provided in paragraph (4.7) of this

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

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

19 (2.6) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
22 aggravated driving under the influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds or any
24 combination thereof as defined in subparagraph (C) of paragraph
25 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
26 Code committed on or after January 1, 2011 (the effective date

1 of Public Act 96-1230) shall receive no more than 4.5 days of
2 sentence credit for each month of his or her sentence of
3 imprisonment.

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

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

26 The Director shall not award sentence credit under this

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

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

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

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

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

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

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

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

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

1 (C) the holding offenses of inmates awarded earned
2 sentence credit; and

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

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

1 in Section 5-4.5-100 of this Code and shall be included in the
2 sentencing order. However, no inmate shall be eligible for the
3 additional sentence credit under this paragraph (4) or (4.1) of
4 this subsection (a) while assigned to a boot camp or electronic
5 detention.

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

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

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

1 courses, or re-entry planning provided by the Department
2 under paragraph (4) and satisfactorily completed the
3 assigned program as determined by the standards of the
4 Department during the inmate's current term of
5 incarceration.

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

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

1 paragraph (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of the Department.

2 (6) (A) A prisoner, except for an ineligible prisoner under
3 subparagraph (D), who successfully completes evidence-based
4 recidivism reduction programming or productive activities,
5 shall earn sentence credits as follows:

6 (i) A prisoner shall earn 10 days of sentence credits
7 for every 30 days of successful participation in
8 evidence-based recidivism reduction programming or
9 productive activities.

10 (ii) A prisoner determined by the Department of
11 Corrections to be at a minimum or low risk for
12 recidivating, who, over 2 consecutive assessments, has not
13 increased their risk of recidivism, shall earn an
14 additional 5 days of sentence credits for every 30 days of
15 successful participation in evidence-based recidivism
16 reduction programming or productive activities.

17 (iii) A prisoner shall earn 7 days additional sentence
18 credits per year.

19 (B) A prisoner may not earn sentence credits under this
20 paragraph (6) for an evidence-based recidivism reduction
21 program that the prisoner successfully completed:

22 (i) prior to the effective date of this amendatory Act
23 of the 101st General Assembly; or

24 (ii) during official detention prior to the date that
25 the prisoner's sentence commences.

26 (C) Sentence credits earned under this paragraph (6) by

1 prisoners who successfully participate in recidivism reduction
2 programs or productive activities shall be applied toward time
3 in prerelease custody or mandatory supervised release. The
4 Director of Corrections shall transfer eligible prisoners, as
5 determined under Section 5-8B-5, into prerelease custody or
6 supervised release.

7 (D) A prisoner who is serving a term of imprisonment for
8 first degree murder or for the offense of terrorism shall
9 receive no sentence credits under this paragraph (6).

10 There shall be no limits on the number of prisoners who may
11 participate in evidence-based recidivism reduction programming
12 or productive activities.

13 The additional sentence credits provided in this paragraph
14 (6) apply to prisoners who are or were committed to an
15 institution or facility of the Department before, on, or after
16 the effective date of this amendatory Act of the 101st General
17 Assembly.

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

22 (c) The Department shall prescribe rules and regulations
23 for revoking sentence credit, including revoking sentence
24 credit awarded under paragraph (3) of subsection (a) of this
25 Section. The Department shall prescribe rules and regulations
26 for suspending or reducing the rate of accumulation of sentence

1 credit for specific rule violations, during imprisonment.
2 These rules and regulations shall provide that no inmate may be
3 penalized more than one year of sentence credit for any one
4 infraction.

5 When the Department seeks to revoke, suspend or reduce the
6 rate of accumulation of any sentence credits for an alleged
7 infraction of its rules, it shall bring charges therefor
8 against the prisoner sought to be so deprived of sentence
9 credits before the Prisoner Review Board as provided in
10 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
11 amount of credit at issue exceeds 30 days or when during any 12
12 month period, the cumulative amount of credit revoked exceeds
13 30 days except where the infraction is committed or discovered
14 within 60 days of scheduled release. In those cases, the
15 Department of Corrections may revoke up to 30 days of sentence
16 credit. The Board may subsequently approve the revocation of
17 additional sentence credit, if the Department seeks to revoke
18 sentence credit in excess of 30 days. However, the Board shall
19 not be empowered to review the Department's decision with
20 respect to the loss of 30 days of sentence credit within any
21 calendar year for any prisoner or to increase any penalty
22 beyond the length requested by the Department.

23 The Director of the Department of Corrections, in
24 appropriate cases, may restore up to 30 days of sentence
25 credits which have been revoked, suspended or reduced. Any
26 restoration of sentence credits in excess of 30 days shall be

1 subject to review by the Prisoner Review Board. However, the
2 Board may not restore sentence credit in excess of the amount
3 requested by the Director.

4 Nothing contained in this Section shall prohibit the
5 Prisoner Review Board from ordering, pursuant to Section
6 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
7 sentence imposed by the court that was not served due to the
8 accumulation of sentence credit.

9 (d) If a lawsuit is filed by a prisoner in an Illinois or
10 federal court against the State, the Department of Corrections,
11 or the Prisoner Review Board, or against any of their officers
12 or employees, and the court makes a specific finding that a
13 pleading, motion, or other paper filed by the prisoner is
14 frivolous, the Department of Corrections shall conduct a
15 hearing to revoke up to 180 days of sentence credit by bringing
16 charges against the prisoner sought to be deprived of the
17 sentence credits before the Prisoner Review Board as provided
18 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
19 prisoner has not accumulated 180 days of sentence credit at the
20 time of the finding, then the Prisoner Review Board may revoke
21 all sentence credit accumulated by the prisoner.

22 For purposes of this subsection (d):

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

1 (A) it lacks an arguable basis either in law or in
2 fact;

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

6 (C) the claims, defenses, and other legal
7 contentions therein are not warranted by existing law
8 or by a nonfrivolous argument for the extension,
9 modification, or reversal of existing law or the
10 establishment of new law;

11 (D) the allegations and other factual contentions
12 do not have evidentiary support or, if specifically so
13 identified, are not likely to have evidentiary support
14 after a reasonable opportunity for further
15 investigation or discovery; or

16 (E) the denials of factual contentions are not
17 warranted on the evidence, or if specifically so
18 identified, are not reasonably based on a lack of
19 information or belief.

20 (2) "Lawsuit" means a motion pursuant to Section 116-3
21 of the Code of Criminal Procedure of 1963, a habeas corpus
22 action under Article X of the Code of Civil Procedure or
23 under federal law (28 U.S.C. 2254), a petition for claim
24 under the Court of Claims Act, an action under the federal
25 Civil Rights Act (42 U.S.C. 1983), or a second or
26 subsequent petition for post-conviction relief under

1 Article 122 of the Code of Criminal Procedure of 1963
2 whether filed with or without leave of court or a second or
3 subsequent petition for relief from judgment under Section
4 2-1401 of the Code of Civil Procedure.

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

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

15 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
16 101-440, eff. 1-1-20.)

17 (730 ILCS 5/3-6-7)

18 Sec. 3-6-7. Pregnant female committed persons and new
19 mothers. Notwithstanding any other statute, directive, or
20 administrative regulation, when a pregnant female committed
21 person is brought to a hospital from an Illinois correctional
22 center for the purpose of delivering her baby and for at least
23 3 months after delivery, no handcuffs, shackles, or restraints
24 of any kind may be used during her transport to a medical
25 facility for the purpose of delivering her baby. Under no

1 circumstances may leg irons or shackles or waist shackles be
2 used on any pregnant female committed person who is in labor.
3 Upon the pregnant female committed person's entry to the
4 hospital delivery room, a correctional officer must be posted
5 immediately outside the delivery room. The Department must
6 provide for adequate personnel to monitor the pregnant female
7 committed person during her transport to and from the hospital
8 and during her stay at the hospital.

9 (Source: P.A. 91-253, eff. 1-1-00.)

10 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

11 Sec. 3-7-2. Facilities.

12 (a) All institutions and facilities of the Department shall
13 provide every committed person with access to toilet
14 facilities, barber facilities, bathing facilities at least
15 once each week, a library of legal materials and published
16 materials including newspapers and magazines approved by the
17 Director. A committed person may not receive any materials that
18 the Director deems pornographic.

19 (b) (Blank).

20 (c) All institutions and facilities of the Department shall
21 provide facilities for every committed person to leave his cell
22 for at least one hour each day unless the chief administrative
23 officer determines that it would be harmful or dangerous to the
24 security or safety of the institution or facility.

25 (d) All institutions and facilities of the Department shall

1 provide every committed person with a wholesome and nutritional
2 diet at regularly scheduled hours, drinking water, clothing
3 adequate for the season, bedding, soap and towels and medical
4 and dental care.

5 (e) All institutions and facilities of the Department shall
6 permit every committed person to send and receive an unlimited
7 number of uncensored letters and to receive emails, provided,
8 however, that the Director may order that mail be inspected and
9 read for reasons of the security, safety or morale of the
10 institution or facility.

11 (f) All of the institutions and facilities of the
12 Department shall permit every committed person to receive
13 in-person visitors and video contact, if available, except in
14 case of abuse of the visiting privilege or when the chief
15 administrative officer determines that such visiting would be
16 harmful or dangerous to the security, safety or morale of the
17 institution or facility. Each committed person is entitled to 7
18 visits per month. Every committed person may submit a list of
19 at least 30 persons to the Department that are authorized to
20 visit the committed person. The list shall be kept in an
21 electronic format by the Department beginning on August 1,
22 2019, as well as available in paper form for Department
23 employees. The chief administrative officer shall have the
24 right to restrict visitation to non-contact visits, video, or
25 other forms of non-contact visits for reasons of safety,
26 security, and order, including, but not limited to, restricting

1 contact visits for committed persons engaged in gang activity.
2 No committed person in a super maximum security facility or on
3 disciplinary segregation is allowed contact visits. Any
4 committed person found in possession of illegal drugs or who
5 fails a drug test shall not be permitted contact visits for a
6 period of at least 6 months. Any committed person involved in
7 gang activities or found guilty of assault committed against a
8 Department employee shall not be permitted contact visits for a
9 period of at least 6 months. The Department shall offer every
10 visitor appropriate written information concerning HIV and
11 AIDS, including information concerning how to contact the
12 Illinois Department of Public Health for counseling
13 information. The Department shall develop the written
14 materials in consultation with the Department of Public Health.
15 The Department shall ensure that all such information and
16 materials are culturally sensitive and reflect cultural
17 diversity as appropriate. Implementation of the changes made to
18 this Section by Public Act 94-629 is subject to appropriation.
19 The Department shall seek the lowest possible cost to provide
20 video calling and shall charge to the extent of recovering any
21 demonstrated costs of providing video calling. The Department
22 shall not make a commission or profit from video calling
23 services. Nothing in this Section shall be construed to permit
24 video calling instead of in-person visitation. Under Section
25 3-2-2.6, the Director of Corrections shall determine whether
26 the statutory visitation period in this Section should be

1 increased and may in his or her discretion increase that period
2 in the best interest of committed persons. If the Director has
3 established limits on the number and time periods of telephone
4 calls that may be made by committed persons, the Director shall
5 reassess the limitations and may increase the time periods and
6 numbers of the telephone calls that may be made by committed
7 persons.

8 (f-5) (Blank).

9 (f-10) The Department may not restrict or limit in-person
10 visits to committed persons due to the availability of
11 interactive video conferences.

12 (f-15) (1) The Department shall issue a standard written
13 policy for each institution and facility of the Department that
14 provides for:

15 (A) the number of in-person visits each committed
16 person is entitled to per week and per month including the
17 requirements of subsection (f) of this Section;

18 (B) the hours of in-person visits;

19 (C) the type of identification required for visitors at
20 least 18 years of age; and

21 (D) the type of identification, if any, required for
22 visitors under 18 years of age.

23 (2) This policy shall be posted on the Department website
24 and at each facility.

25 (3) The Department shall post on its website daily any
26 restrictions or denials of visitation for that day and the

1 succeeding 5 calendar days, including those based on a lockdown
2 of the facility, to inform family members and other visitors.

3 (g) All institutions and facilities of the Department shall
4 permit religious ministrations and sacraments to be available
5 to every committed person, but attendance at religious services
6 shall not be required.

7 (h) Within 90 days after December 31, 1996, the Department
8 shall prohibit the use of curtains, cell-coverings, or any
9 other matter or object that obstructs or otherwise impairs the
10 line of vision into a committed person's cell.

11 (i) Priority shall be given to providing education,
12 treatment, and psychological and psychiatric counseling to
13 those committed persons deemed by the chief administrative
14 officer to be of the greatest risk of causing physical harm to
15 the committed person or others.

16 (j) If the committed person is female, feminine hygiene
17 products shall be furnished to the committed person without
18 cost.

19 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;
20 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.
21 8-14-18.)

22 (730 ILCS 5/3-7-2a) (from Ch. 38, par. 1003-7-2a)

23 Sec. 3-7-2a. If a facility maintains a commissary or
24 commissaries serving inmates, the selling prices for all goods
25 shall be sufficient to cover the costs of the goods and an

1 additional charge of up to 35% for tobacco products and up to
2 25% for non-tobacco products. The amount of the additional
3 charges for goods sold at commissaries serving inmates shall be
4 based upon the amount necessary to pay for the wages and
5 benefits of commissary employees who are employed in any
6 commissary facilities of the Department. The Department shall
7 determine the additional charges upon any changes in wages and
8 benefits of commissary employees as negotiated in the
9 collective bargaining agreement. If a facility maintains a
10 commissary or commissaries serving employees, the selling
11 price for all goods shall be sufficient to cover the costs of
12 the goods and an additional charge of up to 10%. A compliance
13 audit of all commissaries and the distribution of commissary
14 funds shall be included in the regular compliance audit of the
15 Department conducted by the Auditor General in accordance with
16 the Illinois State Auditing Act.

17 Items purchased for sale at any such commissary shall be
18 purchased, wherever possible, at wholesale costs. If a facility
19 maintains a commissary or commissaries as of the effective date
20 of this amendatory Act of the 93rd General Assembly, the
21 Department may not contract with a private contractor or vendor
22 to operate, manage, or perform any portion of the commissary
23 services. The Department may not enter into any such contract
24 for commissary services at a facility that opens subsequent to
25 the effective date of this amendatory Act of the 93rd General
26 Assembly.

1 The correctional institution or facility that maintains a
2 commissary may not limit the amount of a committed person's
3 spending at the commissary.

4 (Source: P.A. 93-607, eff. 1-1-04; 94-913, eff. 6-23-06.)

5 (730 ILCS 5/3-8-4) (from Ch. 38, par. 1003-8-4)

6 Sec. 3-8-4. Intradivisional Transfers.

7 (a) After the initial assignments under Sections 3-8-2 and
8 3-8-3, all transfers of committed persons to another
9 institution or facility shall be reviewed and approved by a
10 person or persons designated by the Director. The review shall
11 take into consideration, the distance that the family of the
12 committed person resides away from the correctional
13 institution or facility and the request of the committed person
14 to be reassigned to another institution or facility of the
15 Department. A record of each transfer and the reasons therefor
16 shall be included in the person's master record file.

17 (b) Transfers to facilities for psychiatric treatment and
18 care within the Department shall be made only after prior
19 psychiatric examination and certification to the Director that
20 such transfer is required. Persons in facilities for
21 psychiatric treatment and care within the Department shall be
22 reexamined at least every 6 months. Persons found to no longer
23 require psychiatric treatment and care shall be transferred to
24 other facilities of the Department.

25 (Source: P.A. 77-2097.)

1 (730 ILCS 5/3-14-1.1 new)

2 Sec. 3-14-1.1. Pathway to Community Program.

3 (a) In this Section:

4 "Committed person" means a currently incarcerated
5 person who (i) is at least 60 years of age and (ii) has
6 served at least two-thirds of her her sentence of
7 imprisonment in an institution or facility of the
8 Department of Corrections.

9 "Family member" means a spouse, parent, child, or
10 sibling.

11 "Program" means the Pathway to Community Program
12 created in this Section.

13 (b) A committed person may petition the Department of
14 Corrections for participation in the Pathway to Community
15 Program as provided in this Section. If a committed person
16 files a petition, the Department shall make an exhaustive
17 effort to find and notify the victim and the family members of
18 the victim of the petitioner's offense.

19 (c) The petition shall contain a statement by the
20 petitioner that he or she is qualified to participate in the
21 Program, together with the petitioner's plans for reentry,
22 including, but not limited to, information about where the
23 petitioner will live, how the petitioner will be supported
24 financially, and any plans for the petitioner's ongoing medical
25 care if necessary. The petition may also contain supporting

1 statements or documentation related to the factors listed in
2 paragraphs (1) through (7) of subsection (d) of this Section.

3 (d) The petition shall, in the first instance, be screened
4 by the Department of Corrections, who shall determine whether
5 to recommend that the petitioner be considered for
6 participation in the Program. In so doing, the Department shall
7 draw on information in the petition and on its own resources,
8 including its use of tools that assesses the petitioner's
9 risks, assets, and needs to determine whether the petitioner
10 may be released and, if so, under what specific conditions set
11 by the Department. Among other factors, in making this
12 determination the Department shall consider the following:

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

21 (2) the genuine reform and changed behavior the
22 petitioner has demonstrated over a period of years;

23 (3) the petitioner's remorse for the consequences of
24 his or her criminal conduct;

25 (4) the petitioner's ability to socialize with others
26 in an acceptable manner;

1 (5) the petitioner's renunciation of criminal activity
2 and gang affiliation if the petitioner was a member of a
3 gang;

4 (6) an appropriate plan for living arrangements,
5 financial support, and any medical care that will be needed
6 when the petitioner returns to society; and

7 (7) input from the victim of the petitioner's offense
8 and from their family members.

9 (e) Before a participant is selected for the Program, the
10 petitioner shall successfully complete an atonement and
11 restorative justice program prepared by the Department.
12 Following completion of this program of atonement and
13 restorative justice, the Department shall notify the victim and
14 the family members of the victim of the petitioner's offense
15 and to afford them the opportunity to participate in the
16 Department's final selection process for the Pathway to
17 Community Program. Up to \$1,000 of trauma-informed victim
18 services or trauma-certified professional therapy shall be
19 provided by the Department to family members of the victim of
20 the petitioner's offense. Insurance policies of the family
21 members of the victim of the petitioner's offense or family
22 members financial resources shall first be used to pay the
23 costs of these services or therapy. Optional participation by
24 family members of the victim of petitioner's offense shall be
25 provided by the Department at no cost to the family members of
26 the victim.

1 (f) Time served in the Program shall be credited toward
2 time served on the sentence. The end date of the period of
3 mandatory supervised release shall remain the same as it would
4 have been had the petitioner not been given early supervised
5 release, and the petitioner shall remain under supervision of
6 the Department until that date, except that the Department may
7 enter an order releasing and discharging the petitioner from
8 mandatory supervised release if it determines that he or she is
9 likely to remain at liberty without committing another offense.
10 Discharge of the petitioner from mandatory supervised release
11 does not discharge the petitioner's sentence, if time to be
12 served remains; nor does it deprive the Department of
13 jurisdiction over the petitioner, if time to be served remains.

14 (g) Beginning on the effective date of this amendatory Act
15 of the 101st General Assembly, notwithstanding any other law to
16 the contrary, all persons serving sentences in the Department
17 who meet the requirements of subsection (b) of this Section are
18 eligible to petition to participate in the Program. The
19 Department shall establish a system to allow for the orderly
20 disposition of the applications of those presently
21 incarcerated as they become eligible.

22 (h) After 8 years of participation in the Program, the
23 participant may petition the Governor for executive clemency
24 under Section 3-3-13 of this Code.

25 (i) The Department shall select a panel of independent
26 researchers to assess the effectiveness of the Program and to

1 make annual recommendations to the Governor and General
2 Assembly as to whether the Program should be extended.

3 (j) Notwithstanding any other provision of law to the
4 contrary, this Section shall control any release under this
5 Program.

6 (730 ILCS 5/3-14-4) (from Ch. 38, par. 1003-14-4)

7 Sec. 3-14-4. Half-way Houses.

8 (a) The Department may establish and maintain half-way
9 houses for the residence of persons on parole or mandatory
10 release or placed in prerelease custody under Section 5-8B-5.
11 Such half-way houses shall be maintained apart from security
12 institutions, except that the Director of Corrections is
13 authorized to designate that any work or day release facility,
14 or any portion thereof, may be used as a half-way house for the
15 residence of persons on parole or mandatory supervised release
16 or placed in prerelease custody under Section 5-8B-5.

17 (b) For those persons to be placed in a half-way house
18 directly upon release from an institution on parole or
19 mandatory supervised release status or upon placement in
20 prerelease custody, not less than 15 days prior to the
21 placement of such a person in such a half-way house, the
22 Department of Corrections shall give written notice to the
23 State's Attorney and the Sheriff of the county and the proper
24 law enforcement agency of the municipality in which the
25 half-way house is located of the identity of the person to be

1 placed in that program. Such identifying information shall
2 include, but not be limited to, the name of the individual,
3 age, physical description, photograph, the crime for which the
4 person was originally sentenced to the Department of
5 Corrections, and like information. The notice shall be given in
6 all cases, except when placement of an emergency nature is
7 necessary. In such emergency cases, oral notice shall be given
8 to the appropriate parties within 24 hours with written notice
9 to follow within 5 days.

10 (c) Persons on parole or mandatory supervised release
11 status who have been previously released to the community, but
12 who are not currently residing in a half-way house, may be
13 placed in a half-way house upon the oral notification of the
14 parties within 24 hours as indicated in subsection (b) of this
15 Section. Such oral notification shall be followed with written
16 notification within 5 days.

17 (Source: P.A. 91-695, eff. 4-13-00.)

18 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

19 Sec. 5-4-1. Sentencing hearing.

20 (a) Except when the death penalty is sought under hearing
21 procedures otherwise specified, after a determination of
22 guilt, a hearing shall be held to impose the sentence. However,
23 prior to the imposition of sentence on an individual being
24 sentenced for an offense based upon a charge for a violation of
25 Section 11-501 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance, the individual must undergo a
2 professional evaluation to determine if an alcohol or other
3 drug abuse problem exists and the extent of such a problem.
4 Programs conducting these evaluations shall be licensed by the
5 Department of Human Services. However, if the individual is not
6 a resident of Illinois, the court may, in its discretion,
7 accept an evaluation from a program in the state of such
8 individual's residence. The court shall make a specific finding
9 about whether the defendant is eligible for participation in a
10 Department impact incarceration program as provided in Section
11 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to
12 why a sentence to impact incarceration is not an appropriate
13 sentence. The court may in its sentencing order recommend a
14 defendant for placement in a Department of Corrections
15 substance abuse treatment program as provided in paragraph (a)
16 of subsection (1) of Section 3-2-2 conditioned upon the
17 defendant being accepted in a program by the Department of
18 Corrections. At the hearing the court shall:

19 (1) consider the evidence, if any, received upon the
20 trial;

21 (2) consider any presentence reports;

22 (3) consider the financial impact of incarceration
23 based on the financial impact statement filed with the
24 clerk of the court by the Department of Corrections;

25 (4) consider evidence and information offered by the
26 parties in aggravation and mitigation;

1 (4.5) consider substance abuse treatment, eligibility
2 screening, and an assessment, if any, of the defendant by
3 an agent designated by the State of Illinois to provide
4 assessment services for the Illinois courts;

5 (5) hear arguments as to sentencing alternatives;

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

8 (7) afford the victim of a violent crime or a violation
9 of Section 11-501 of the Illinois Vehicle Code, or a
10 similar provision of a local ordinance, the opportunity to
11 present an oral or written statement, as guaranteed by
12 Article I, Section 8.1 of the Illinois Constitution and
13 provided in Section 6 of the Rights of Crime Victims and
14 Witnesses Act. The court shall allow a victim to make an
15 oral statement if the victim is present in the courtroom
16 and requests to make an oral or written statement. An oral
17 or written statement includes the victim or a
18 representative of the victim reading the written
19 statement. The court may allow persons impacted by the
20 crime who are not victims under subsection (a) of Section 3
21 of the Rights of Crime Victims and Witnesses Act to present
22 an oral or written statement. A victim and any person
23 making an oral statement shall not be put under oath or
24 subject to cross-examination. All statements offered under
25 this paragraph (7) shall become part of the record of the
26 court. In this paragraph (7), "victim of a violent crime"

1 means a person who is a victim of a violent crime for which
2 the defendant has been convicted after a bench or jury
3 trial or a person who is the victim of a violent crime with
4 which the defendant was charged and the defendant has been
5 convicted under a plea agreement of a crime that is not a
6 violent crime as defined in subsection (c) of 3 of the
7 Rights of Crime Victims and Witnesses Act;

8 (7.5) afford a qualified person affected by: (i) a
9 violation of Section 405, 405.1, 405.2, or 407 of the
10 Illinois Controlled Substances Act or a violation of
11 Section 55 or Section 65 of the Methamphetamine Control and
12 Community Protection Act; or (ii) a Class 4 felony
13 violation of Section 11-14, 11-14.3 except as described in
14 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
15 11-18.1, or 11-19 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, committed by the defendant the
17 opportunity to make a statement concerning the impact on
18 the qualified person and to offer evidence in aggravation
19 or mitigation; provided that the statement and evidence
20 offered in aggravation or mitigation shall first be
21 prepared in writing in conjunction with the State's
22 Attorney before it may be presented orally at the hearing.
23 Sworn testimony offered by the qualified person is subject
24 to the defendant's right to cross-examine. All statements
25 and evidence offered under this paragraph (7.5) shall
26 become part of the record of the court. In this paragraph

1 (7.5), "qualified person" means any person who: (i) lived
2 or worked within the territorial jurisdiction where the
3 offense took place when the offense took place; or (ii) is
4 familiar with various public places within the territorial
5 jurisdiction where the offense took place when the offense
6 took place. "Qualified person" includes any peace officer
7 or any member of any duly organized State, county, or
8 municipal peace officer unit assigned to the territorial
9 jurisdiction where the offense took place when the offense
10 took place;

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

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

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

21 (b) All sentences shall be imposed by the judge based upon
22 his independent assessment of the elements specified above and
23 any agreement as to sentence reached by the parties. The judge
24 who presided at the trial or the judge who accepted the plea of
25 guilty shall impose the sentence unless he is no longer sitting
26 as a judge in that court. Where the judge does not impose

1 sentence at the same time on all defendants who are convicted
2 as a result of being involved in the same offense, the
3 defendant or the State's Attorney may advise the sentencing
4 court of the disposition of any other defendants who have been
5 sentenced.

6 (b-1) In imposing a sentence of imprisonment or periodic
7 imprisonment for a Class 3 or Class 4 felony for which a
8 sentence of probation or conditional discharge is an available
9 sentence, if the defendant has no prior sentence of probation
10 or conditional discharge and no prior conviction for a violent
11 crime, the defendant shall not be sentenced to imprisonment
12 before review and consideration of a presentence report and
13 determination and explanation of why the particular evidence,
14 information, factor in aggravation, factual finding, or other
15 reasons support a sentencing determination that one or more of
16 the factors under subsection (a) of Section 5-6-1 of this Code
17 apply and that probation or conditional discharge is not an
18 appropriate sentence.

19 (c) In imposing a sentence for a violent crime or for an
20 offense of operating or being in physical control of a vehicle
21 while under the influence of alcohol, any other drug or any
22 combination thereof, or a similar provision of a local
23 ordinance, when such offense resulted in the personal injury to
24 someone other than the defendant, the trial judge shall specify
25 on the record the particular evidence, information, factors in
26 mitigation and aggravation or other reasons that led to his

1 sentencing determination. The full verbatim record of the
2 sentencing hearing shall be filed with the clerk of the court
3 and shall be a public record.

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

12 (c-1.5) Notwithstanding any other provision of law to the
13 contrary, in imposing a sentence for an offense that requires a
14 mandatory minimum sentence of imprisonment or probation or
15 conditional discharge of one year or more, the court may
16 sentence the offender to probation or conditional discharge or
17 other non-imprisonment sentence it deems appropriate instead
18 of to a sentence of imprisonment or to a lesser sentence of
19 imprisonment, probation, or conditional discharge than the
20 minimum sentence of imprisonment, probation, or conditional
21 discharge provided for the offense if the court finds that the
22 defendant does not pose a risk to public safety and the
23 interest of justice requires the non-imposition of the
24 mandatory sentence of imprisonment or a lesser sentence of
25 imprisonment, probation, or conditional discharge. The court
26 must state on the record its reasons for not imposing the

1 minimum sentence of imprisonment or a lesser sentence of
2 imprisonment, probation, or conditional discharge. If the
3 defendant has been charged with an offense involving the use,
4 possession, or discharge of a firearm, the court may only
5 deviate from a mandatory minimum sentence or probation or
6 conditional discharge requirement if the defendant's conduct
7 involves a violation of subsection (c) of Section 24-1 of the
8 Criminal Code of 2012, subsection (a) of Section 24-1.1 of the
9 Criminal Code of 2012, or sentencing under paragraph (1), (2),
10 or (3) of subsection (d) of Section 24-1.6 of the Criminal Code
11 of 2012, it is the express recommendation of a presentence
12 investigation, and there is clear articulable evidence that the
13 defendant is not a threat to the public safety. The court's
14 reason for deviating in this way must be fully stated by the
15 court into the record at the time of sentencing. An offender
16 convicted of a forcible felony as defined in Section 2-8 of the
17 Criminal Code of 2012, residential burglary under Section 19-3
18 of the Criminal Code of 2012, a sex offense under Article 11 of
19 the Criminal Code of 2012, or any offense resulting in the
20 infliction of great bodily harm to another may not be sentenced
21 to a lesser term of imprisonment, probation, or conditional
22 discharge under this subsection (c-1.5).

23 (c-2) If the defendant is sentenced to prison, other than
24 when a sentence of natural life imprisonment or a sentence of
25 death is imposed, at the time the sentence is imposed the judge
26 shall state on the record in open court the approximate period

1 of time the defendant will serve in custody according to the
2 then current statutory rules and regulations for sentence
3 credit found in Section 3-6-3 and other related provisions of
4 this Code. This statement is intended solely to inform the
5 public, has no legal effect on the defendant's actual release,
6 and may not be relied on by the defendant on appeal.

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

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

1 When the sentence is imposed for one of the offenses
2 enumerated in paragraph (a)(2) of Section 3-6-3, other than
3 first degree murder, and the offense was committed on or after
4 June 19, 1998, and when the sentence is imposed for reckless
5 homicide as defined in subsection (e) of Section 9-3 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 if the
7 offense was committed on or after January 1, 1999, and when the
8 sentence is imposed for aggravated driving under the influence
9 of 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 Section
12 11-501 of the Illinois Vehicle Code, and when the sentence is
13 imposed for aggravated arson if the offense was committed on or
14 after July 27, 2001 (the effective date of Public Act 92-176),
15 and when the sentence is imposed for aggravated driving under
16 the influence of alcohol, other drug or drugs, or intoxicating
17 compound or compounds, or any combination thereof as defined in
18 subparagraph (C) of paragraph (1) of subsection (d) of Section
19 11-501 of the Illinois Vehicle Code committed on or after
20 January 1, 2011 (the effective date of Public Act 96-1230), the
21 judge's statement, to be given after pronouncing the sentence,
22 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 entitled to no more than 4 1/2 days of
4 sentence credit for each month of his or her sentence of
5 imprisonment. Therefore, this defendant will serve at least 85%
6 of his or her sentence. Assuming the defendant receives 4 1/2
7 days credit for each month of his or her sentence, the period
8 of estimated actual custody is ... years and ... months. If the
9 defendant, because of his or her own misconduct or failure to
10 comply with the institutional regulations receives lesser
11 credit, the actual time served in prison will be longer."

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

16 "The purpose of this statement is to inform the public of
17 the actual period of time this defendant is likely to spend in
18 prison as a result of this sentence. The actual period of
19 prison time served is determined by the statutes of Illinois as
20 applied to this sentence by the Illinois Department of
21 Corrections and the Illinois Prisoner Review Board. In this
22 case, the defendant is not entitled to sentence credit.
23 Therefore, this defendant will serve 100% of his or her
24 sentence."

25 When the sentencing order recommends placement in a
26 substance abuse program for any offense that results in

1 incarceration in a Department of Corrections facility and the
2 crime was committed on or after September 1, 2003 (the
3 effective date of Public Act 93-354), the judge's statement, in
4 addition to any other judge's statement required under this
5 Section, to be given after pronouncing the sentence, shall
6 include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois as
11 applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, the defendant shall receive no earned sentence credit
14 under clause (3) of subsection (a) of Section 3-6-3 until he or
15 she participates in and completes a substance abuse treatment
16 program or receives a waiver from the Director of Corrections
17 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

18 (c-4) Before the sentencing hearing and as part of the
19 presentence investigation under Section 5-3-1, the court shall
20 inquire of the defendant whether the defendant is currently
21 serving in or is a veteran of the Armed Forces of the United
22 States. If the defendant is currently serving in the Armed
23 Forces of the United States or is a veteran of the Armed Forces
24 of the United States and has been diagnosed as having a mental
25 illness by a qualified psychiatrist or clinical psychologist or
26 physician, the court may:

1 (1) order that the officer preparing the presentence
2 report consult with the United States Department of
3 Veterans Affairs, Illinois Department of Veterans'
4 Affairs, or another agency or person with suitable
5 knowledge or experience for the purpose of providing the
6 court with information regarding treatment options
7 available to the defendant, including federal, State, and
8 local programming; and

9 (2) consider the treatment recommendations of any
10 diagnosing or treating mental health professionals
11 together with the treatment options available to the
12 defendant in imposing sentence.

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

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

22 (d) When the defendant is committed to the Department of
23 Corrections, the State's Attorney shall and counsel for the
24 defendant may file a statement with the clerk of the court to
25 be transmitted to the department, agency or institution to
26 which the defendant is committed to furnish such department,

1 agency or institution with the facts and circumstances of the
2 offense for which the person was committed together with all
3 other factual information accessible to them in regard to the
4 person prior to his commitment relative to his habits,
5 associates, disposition and reputation and any other facts and
6 circumstances which may aid such department, agency or
7 institution during its custody of such person. The clerk shall
8 within 10 days after receiving any such statements transmit a
9 copy to such department, agency or institution and a copy to
10 the other party, provided, however, that this shall not be
11 cause for delay in conveying the person to the department,
12 agency or institution to which he has been committed.

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

16 (1) the sentence imposed;

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

19 (3) any presentence reports;

20 (3.5) any sex offender evaluations;

21 (3.6) any substance abuse treatment eligibility
22 screening and assessment of the defendant by an agent
23 designated by the State of Illinois to provide assessment
24 services for the Illinois courts;

25 (4) the number of days, if any, which the defendant has
26 been in custody and for which he is entitled to credit

1 against the sentence, which information shall be provided
2 to the clerk by the sheriff;

3 (4.1) any finding of great bodily harm made by the
4 court with respect to an offense enumerated in subsection
5 (c-1);

6 (5) all statements filed under subsection (d) of this
7 Section;

8 (6) any medical or mental health records or summaries
9 of the defendant;

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

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

15 (9) all additional matters which the court directs the
16 clerk to transmit.

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

22 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
23 101-105, eff. 1-1-20.)

24 (730 ILCS 5/Art. 5-8B heading new)

25 ARTICLE 8B.PRERELEASE CUSTODY

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

2 Sec. 5-8B-1. Prerelease Custody Law. This Article may be
3 cited as the Prerelease Custody Law.

4 (730 ILCS 5/5-8B-5 new)

5 Sec. 5-8B-5. Prerelease custody for risk and needs
6 assessment system participants.

7 (a) This Section applies in the case of a committed person
8 who:

9 (1) has earned sentence credits under the risk and
10 needs assessment system developed under Section 3-2-2.6 in
11 an amount that is equal to the remainder of the committed
12 person's imposed term of imprisonment;

13 (2) has shown through the periodic risk reassessments a
14 demonstrated recidivism risk reduction or has maintained a
15 minimum or low recidivism risk, during the committed
16 person's term of imprisonment;

17 (3) has been classified by the chief administrative
18 officer of the correctional institution or facility as
19 otherwise qualified to be transferred into prerelease
20 custody; and

21 (4) (A) has been determined under the system to be a
22 minimum or low risk to recidivate; or

23 (B) has had a petition to be transferred to prerelease
24 custody approved by the chief administrative officer of the

1 correctional institution or facility, after the chief
2 administrative officer's determination that:

3 (i) the committed person would not be a danger to
4 society if transferred to prerelease custody;

5 (ii) the committed person has made a good faith
6 effort to lower their recidivism risk through
7 participation in recidivism reduction programs or
8 productive activities;

9 (iii) the committed person is unlikely to
10 recidivate; and

11 (iv) the transfer of the committed person to
12 prerelease custody is otherwise appropriate.

13 (b) A committed person shall be placed in prerelease
14 custody as follows:

15 (1) A committed person placed in prerelease custody
16 under this Section who is placed in home confinement shall:

17 (A) be subject to 24-hour electronic monitoring
18 that enables the prompt identification of the
19 committed person, location, and time, in the case of
20 any violation of subparagraph (B);

21 (B) remain in the committed person's residence,
22 except that the committed person may leave the
23 committed person's home in order to, subject to the
24 approval of the Director of Corrections to:

25 (i) perform a job or job-related activities,
26 including an apprenticeship, or participate in

1 job-seeking activities;
2 (ii) participate in evidence-based recidivism
3 reduction programming or productive activities
4 assigned by the system, or similar activities;
5 (iii) perform community service;
6 (iv) participate in crime victim restoration
7 activities;
8 (v) receive medical treatment; or
9 (vi) attend religious activities; and
10 (C) comply with other conditions as the Director
11 determines appropriate.

12 (2) If the electronic monitoring of a committed person
13 described in paragraph (1) is infeasible for technical or
14 religious reasons, the Director of Corrections may use
15 alternative means of monitoring a committed person placed
16 in home confinement that the Director determines are as
17 effective or more effective than the electronic monitoring
18 described in subparagraph (A) of paragraph (1).

19 (3) The Director of Corrections may modify the
20 conditions described in paragraph (1) if the Director
21 determines that a compelling reason exists to do so, and
22 that the committed person has demonstrated exemplary
23 compliance with such conditions.

24 (4) (A) Except as provided in subsection (d), a
25 committed person who is placed in home confinement shall
26 remain in home confinement until the committed person has

1 served not less than 85% of the committed person's imposed
2 term of imprisonment.

3 (B) A committed person placed in prerelease custody
4 under this Section who is placed at a residential reentry
5 center shall be subject to the conditions as the Director
6 of Corrections determines appropriate.

7 (c) In determining appropriate conditions for committed
8 persons placed in prerelease custody under this Section, the
9 Director of Corrections shall, to the extent practicable,
10 provide that increasingly less restrictive conditions shall be
11 imposed on committed persons who demonstrate continued
12 compliance with the conditions of such prerelease custody, so
13 as to most effectively prepare such committed persons for
14 reentry.

15 (d) If a committed person violates a condition of the
16 committed person's prerelease custody, the Director of
17 Corrections may impose any additional conditions on the
18 committed person's prerelease custody as the Director of
19 Corrections determines appropriate, or revoke the committed
20 person's prerelease custody and require the committed person to
21 serve the remainder of the term of imprisonment to which the
22 committed person was sentenced, or any portion thereof, in a
23 correctional institution or facility.

24 (e) The Director of Corrections, in consultation with the
25 Director of Court Services, shall issue guidelines, for use by
26 the Department of Corrections in determining:

1 (1) the appropriate type of prerelease custody and
2 level of supervision for a committed person placed on
3 prerelease custody under this Section; and

4 (2) consequences for a violation of a condition of the
5 prerelease custody by the committed person, including a
6 return to the correctional institution or facility and a
7 reassessment of evidence-based recidivism risk level under
8 the system.

9 (f) The Director of Corrections shall, to the greatest
10 extent practicable, enter into agreements with the Division of
11 Probation Services to supervise committed persons placed in
12 home confinement or community supervision under this Section.

13 The agreements shall:

14 (1) authorize county probation departments to exercise
15 the authority granted to the Director under subsections (c)
16 and (d); and

17 (2) take into account the resource requirements of
18 county probation departments as a result of the transfer of
19 Department of Corrections committed persons to prerelease
20 custody.

21 (g) The Department of Corrections shall, to the greatest
22 extent practicable, offer assistance to any committed person
23 not under its supervision during prerelease custody under this
24 Section.

25 (h) Any prerelease custody into which a committed person is
26 placed under this Section may not include a condition

1 prohibiting the committed person from receiving mentoring
2 services from a person who provided those services to the
3 committed person while the committed person was incarcerated,
4 except that the chief administrative officer of the facility at
5 which the committed person was incarcerated may waive the
6 requirement under this paragraph if the chief administrative
7 officer finds that the provision of such services would pose a
8 significant security risk to the committed person, persons who
9 provide such services, or any other person. The chief
10 administrative officer shall provide written notice of any such
11 waiver to the person providing mentoring services and to the
12 committed person.

13 Section 25. The County Jail Act is amended by changing
14 Section 17.5 as follows:

15 (730 ILCS 125/17.5)

16 Sec. 17.5. Pregnant female prisoners and new mothers.
17 Notwithstanding any other statute, directive, or
18 administrative regulation, when a pregnant female prisoner is
19 brought to a hospital from a county jail for the purpose of
20 delivering her baby, no handcuffs, shackles, or restraints of
21 any kind may be used during her transport to a medical facility
22 for the purpose of delivering her baby and for at least 3
23 months after delivery. Under no circumstances may leg irons or
24 shackles or waist shackles be used on any pregnant female

1 prisoner who is in labor. In addition, restraint of a pregnant
2 female prisoner in the custody of the Cook County shall comply
3 with Section 3-15003.6 of the Counties Code. Upon the pregnant
4 female prisoner's entry to the hospital delivery room, 2 county
5 correctional officers must be posted immediately outside the
6 delivery room. The Sheriff must provide for adequate personnel
7 to monitor the pregnant female prisoner during her transport to
8 and from the hospital and during her stay at the hospital.
9 (Source: P.A. 100-1051, eff. 1-1-19.)

1

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2

Statutes amended in order of appearance

3 15 ILCS 335/4 from Ch. 124, par. 24
4 720 ILCS 5/16-1 from Ch. 38, par. 16-1
5 720 ILCS 5/16-25
6 725 ILCS 5/116-2.2 new
7 730 ILCS 5/3-1-2 from Ch. 38, par. 1003-1-2
8 730 ILCS 5/3-2-2.5 new
9 730 ILCS 5/3-2-2.6 new
10 730 ILCS 5/3-2-2.7 new
11 730 ILCS 5/3-2-2.8 new
12 730 ILCS 5/3-4-3 from Ch. 38, par. 1003-4-3
13 730 ILCS 5/3-6-1 from Ch. 38, par. 1003-6-1
14 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3
15 730 ILCS 5/3-6-7
16 730 ILCS 5/3-7-2 from Ch. 38, par. 1003-7-2
17 730 ILCS 5/3-7-2a from Ch. 38, par. 1003-7-2a
18 730 ILCS 5/3-8-4 from Ch. 38, par. 1003-8-4
19 730 ILCS 5/3-14-1.1 new
20 730 ILCS 5/3-14-4 from Ch. 38, par. 1003-14-4
21 730 ILCS 5/5-4-1 from Ch. 38, par. 1005-4-1
22 730 ILCS 5/Art. 5-8B
23 heading new
24 730 ILCS 5/5-8B-1 new
25 730 ILCS 5/5-8B-5 new

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1 730 ILCS 125/17.5