



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3579

Introduced 2/22/2021, 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.

LRB102 16103 KMF 21477 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
19 signature or mark of the applicant. However, the Secretary of
20 State may provide by rule for the issuance of Illinois
21 Identification Cards without photographs if the applicant has
22 a bona fide religious objection to being photographed or to

1 the display of his or her photograph. The Illinois
2 Identification Card may be used for identification purposes in
3 any lawful situation only by the person to whom it was issued.
4 As used in this Act, "photograph" means any color photograph
5 or digitally produced and captured image of an applicant for
6 an identification card. As used in this Act, "signature" means
7 the name of a person as written by that person and captured in
8 a manner acceptable to 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
17 in 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
20 residence or mailing address. The Secretary may promulgate
21 rules to implement this provision. For the purposes of this
22 subsection (a-10), "peace officer" means any person who by
23 virtue of his or her office or public employment is vested by
24 law with a duty to maintain public order or to make arrests for
25 a violation of any penal statute of this State, whether that
26 duty extends to all violations or is limited to specific

1 violations.

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

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

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

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

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

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

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

1 the person's address after release and a Secretary of State
2 prescribed verification form, which may be executed by
3 personnel of the Department of Human Services.

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

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

1 determines would be helpful to the applicant in securing
2 emergency medical care. If a mark is used in lieu of a
3 signature, such mark shall be affixed to the card in the
4 presence of two witnesses who attest to the authenticity of
5 the mark. The Illinois Person with a Disability Identification
6 Card may be used for identification purposes in any lawful
7 situation by the person to whom it was issued.

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

1 named on such card consents to such use at the time the card is
2 so used.

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

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

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

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

26 (c-3) The General Assembly recognizes the need to identify

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

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

22 (d) The Secretary of State may issue a Senior Citizen
23 discount card, to any natural person who is a resident of the
24 State of Illinois who is 60 years of age or older and who
25 applies for such a card or renewal thereof. The Secretary of
26 State shall charge no fee to issue such card. The card shall be

1 issued in every county and applications shall be made
2 available at, but not limited to, nutrition sites, senior
3 citizen centers and Area Agencies on Aging. The applicant,
4 upon receipt of such card and prior to its use for any purpose,
5 shall have affixed thereon in the space provided therefor his
6 signature or mark.

7 (e) The Secretary of State, in his or her discretion, may
8 designate on each Illinois Identification Card or Illinois
9 Person with a Disability Identification Card a space where the
10 card holder may place a sticker or decal, issued by the
11 Secretary of State, of uniform size as the Secretary may
12 specify, that shall indicate in appropriate language that the
13 card holder has renewed his or her Illinois Identification
14 Card or Illinois Person with a Disability Identification Card.
15 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;
16 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff.
17 7-1-17; 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

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

20 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

21 Sec. 16-1. Theft.

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

23 (1) Obtains or exerts unauthorized control over
24 property of the owner; or

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

3 (3) Obtains by threat control over property of the
4 owner; or

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

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

16 (A) Intends to deprive the owner permanently of
17 the use or benefit of the property; or

18 (B) Knowingly uses, conceals or abandons the
19 property in such manner as to deprive the owner
20 permanently of such use or benefit; or

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

25 (b) Sentence.

26 (1) Theft of property not from the person and not

1 exceeding \$2,000 ~~\$500~~ in value is a Class A misdemeanor.

2 (1.1) Theft of property not from the person and not
3 exceeding \$2,000 ~~\$500~~ in value is a Class 4 felony if the
4 theft was committed in a school or place of worship or if
5 the theft was of governmental property.

6 (2) A person who has been convicted of theft of
7 property not from the person and not exceeding \$2,000 ~~\$500~~
8 in value who has been previously convicted of felony ~~any~~
9 ~~type of theft, robbery, armed robbery, burglary,~~
10 ~~residential burglary, possession of burglary tools, home~~
11 ~~invasion, forgery, a violation of Section 4-103, 4-103.1,~~
12 ~~4-103.2, or 4-103.3 of the Illinois Vehicle Code relating~~
13 ~~to the possession of a stolen or converted motor vehicle,~~
14 ~~or a violation of Section 17-36 of the Criminal Code of~~
15 ~~1961 or the Criminal Code of 2012, or Section 8 of the~~
16 ~~Illinois Credit Card and Debit Card Act~~ is guilty of a
17 Class 4 felony.

18 (3) (Blank).

19 (4) Theft of property from the person not exceeding
20 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~
21 and not exceeding \$10,000 in value, is a Class 3 felony.

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

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

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

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

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

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

16 (6.3) Theft of property exceeding \$1,000,000 in value
17 is a Class X felony.

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

23 (8) Theft by deception, as described by paragraph (2)
24 of subsection (a) of this Section, in which the offender
25 falsely poses as a landlord or agent or employee of the
26 landlord and obtains a rent payment or a security deposit

1 from a tenant is a Class 3 felony if the rent payment or
2 security deposit obtained does not exceed \$500.

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

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

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

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

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

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

1 performance under the agreement, or where the promisor
2 responds to the notice within the 45-day notice period. A
3 notice in writing, addressed and mailed, by registered mail,
4 to the promisor at the last known address of the promisor,
5 shall constitute proper demand.

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

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

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

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

17 (720 ILCS 5/16-25)

18 Sec. 16-25. Retail theft.

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

21 (1) Takes possession of, carries away, transfers or
22 causes to be carried away or transferred any merchandise
23 displayed, held, stored or offered for sale in a retail
24 mercantile establishment with the intention of retaining
25 such merchandise or with the intention of depriving the

1 merchant permanently of the possession, use or benefit of
2 such merchandise without paying the full retail value of
3 such merchandise; or

4 (2) Alters, transfers, or removes any label, price
5 tag, marking, indicia of value or any other markings which
6 aid in determining value affixed to any merchandise
7 displayed, held, stored or offered for sale in a retail
8 mercantile establishment and attempts to purchase such
9 merchandise at less than the full retail value with the
10 intention of depriving the merchant of the full retail
11 value of such merchandise; or

12 (3) Transfers any merchandise displayed, held, stored
13 or offered for sale in a retail mercantile establishment
14 from the container in or on which such merchandise is
15 displayed to any other container with the intention of
16 depriving the merchant of the full retail value of such
17 merchandise; or

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

20 (5) Removes a shopping cart from the premises of a
21 retail mercantile establishment without the consent of the
22 merchant given at the time of such removal with the
23 intention of depriving the merchant permanently of the
24 possession, use or benefit of such cart; or

25 (6) Represents to a merchant that he, she, or another
26 is the lawful owner of property, knowing that such

1 representation is false, and conveys or attempts to convey
2 that property to a merchant who is the owner of the
3 property in exchange for money, merchandise credit or
4 other property of the merchant; or

5 (7) Uses or possesses any theft detection shielding
6 device or theft detection device remover with the
7 intention of using such device to deprive the merchant
8 permanently of the possession, use or benefit of any
9 merchandise displayed, held, stored or offered for sale in
10 a retail mercantile establishment without paying the full
11 retail value of such merchandise; or

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

24 (b) Theft by emergency exit. A person commits theft by
25 emergency exit when he or she commits a retail theft as defined
26 in subdivisions (a)(1) through (a)(8) of this Section and to

1 facilitate the theft he or she leaves the retail mercantile
2 establishment by use of a designated emergency exit.

3 (c) Permissive inference. If any person:

4 (1) conceals upon his or her person or among his or her
5 belongings unpurchased merchandise displayed, held, stored
6 or offered for sale in a retail mercantile establishment;
7 and

8 (2) removes that merchandise beyond the last known
9 station for receiving payments for that merchandise in
10 that retail mercantile establishment,

11 then the trier of fact may infer that the person possessed,
12 carried away or transferred such merchandise with the
13 intention of retaining it or with the intention of depriving
14 the merchant permanently of the possession, use or benefit of
15 such merchandise without paying the full retail value of such
16 merchandise.

17 To "conceal" merchandise means that, although there may be
18 some notice of its presence, that merchandise is not visible
19 through ordinary observation.

20 (d) Venue. Multiple thefts committed by the same person as
21 part of a continuing course of conduct in different
22 jurisdictions that have been aggregated in one jurisdiction
23 may be prosecuted in any jurisdiction in which one or more of
24 the thefts occurred.

25 (e) For the purposes of this Section, "theft detection
26 shielding device" means any laminated or coated bag or device

1 designed and intended to shield merchandise from detection by
2 an electronic or magnetic theft alarm sensor.

3 (f) Sentence.

4 (1) A violation of any of subdivisions (a)(1) through
5 (a)(6) and (a)(8) of this Section, the full retail value
6 of which does not exceed \$2,000 ~~\$300~~ for property other
7 than motor fuel or \$150 for motor fuel, is a Class A
8 misdemeanor. A violation of subdivision (a)(7) of this
9 Section is a Class A misdemeanor for a first offense and a
10 Class 4 felony for a second or subsequent offense. Theft
11 by emergency exit of property, the full retail value of
12 which does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

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

1 ~~unlawful use of a credit card, or forgery~~ is guilty of a
2 Class 3 felony.

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

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

23 Section 11. The Code of Criminal Procedure of 1963 is
24 amended by adding Section 116-2.2 as follows:

1 (725 ILCS 5/116-2.2 new)

2 Sec. 116-2.2. Motion to resentence; statutory penalty
3 reduction.

4 (a) A motion may be filed with the trial court that entered
5 the judgment of conviction in a defendant's case at any time
6 following the entry of a guilty verdict or a finding of guilt
7 for any offense under the Criminal Code of 1961 or the Criminal
8 Code of 2012 or a similar local ordinance by the defendant
9 provided:

10 (1) the motion clearly states the penalty for the
11 offense for which the defendant was found guilty or
12 convicted has been amended or changed and became effective
13 after his or her plea of guilty or conviction, which
14 includes but is not limited to:

15 (A) reduces the minimum or maximum sentence for
16 the offense;

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

19 (C) the underlying conduct relating to the offense
20 was decriminalized; or

21 (D) other instances in which the penalties
22 associated with the offense or conduct underlying the
23 offense were reduced in any way; and

24 (2) reasonable notice of the motion shall be served
25 upon the State.

26 (b) If the petitioner's motion under this Section

1 accurately reflects that the conditions described in paragraph
2 (1) of subsection (a) are present at the time of the hearing on
3 the motion by the court, the court must reduce the penalty
4 imposed on the defendant so that it is consistent with the
5 penalty the defendant would have received if the law in effect
6 at the time of the hearing on the motion by the court was in
7 effect at the time the offense was committed. The court may
8 take any additional action it deems appropriate under the
9 circumstances.

10 Section 15. 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
14 8B 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
19 of the Department of Corrections in regard to committed
20 persons within a correctional institution or facility, and
21 includes the superintendent of any juvenile institution or
22 facility.

23 (a-3) "Aftercare release" means the conditional and
24 revocable release of a person committed to the Department of

1 Juvenile Justice under the Juvenile Court Act of 1987, under
2 the supervision of the Department of Juvenile Justice.

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

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

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

1 (criminal sexual abuse). An attempt to commit any of these
2 offenses.

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

6 10-1 (kidnapping),
7 10-2 (aggravated kidnapping),
8 10-3 (unlawful restraint),
9 10-3.1 (aggravated unlawful restraint).

10 An attempt to commit any of these offenses.

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

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

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

26 (c) "Committed person" is a person committed to the

1 Department, however a committed person shall not be considered
2 to be an employee of the Department of Corrections for any
3 purpose, including eligibility for a pension, benefits, or any
4 other compensation or rights or privileges which may be
5 provided to employees of the Department.

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

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

18 (d) "Correctional institution or facility" means any
19 building or part of a building where committed persons are
20 kept in a secured manner.

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

25 (f) "Director" means both the Director of Corrections and
26 the Director of Juvenile Justice, unless the context is

1 specific to either the Director of Corrections or the Director
2 of Juvenile Justice.

3 (f-5) (Blank).

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

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

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

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

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

21 (2) efficient and low-cost; and

22 (3) readily available.

23 (i) "Escape" means the intentional and unauthorized
24 absence of a committed person from the custody of the
25 Department.

26 (i-5) "Evidence-based recidivism reduction program" means

1 either a group or individual activity that:

2 (1) has been shown by empirical evidence to reduce
3 recidivism or is based on research indicating that it is
4 likely to be effective in reducing recidivism;

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

8 (3) may include:

9 (A) social learning and communication,
10 interpersonal, anti-bullying, rejection response, and
11 other life skills;

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

14 (C) classes on morals or ethics;

15 (D) academic classes;

16 (E) cognitive behavioral treatment;

17 (F) mentoring;

18 (G) substance abuse treatment;

19 (H) vocational training;

20 (I) faith-based classes or services;

21 (J) civic engagement and re-integrative community
22 services;

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

25 (L) victim impact classes or other restorative
26 justice programs; and

1 (M) trauma counseling and trauma-informed support
2 programs.

3 (j) "Furlough" means an authorized leave of absence from
4 the Department of Corrections for a designated purpose and
5 period of time.

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

21 (k) "Parole" means the conditional and revocable release
22 of a person committed to the Department of Corrections under
23 the supervision of a parole officer.

24 (l) "Prisoner Review Board" means the Board established in
25 Section 3-3-1(a), independent of the Department, to review
26 rules and regulations with respect to good time credits, to

1 hear charges brought by the Department against certain
2 prisoners alleged to have violated Department rules with
3 respect to good time credits, to set release dates for certain
4 prisoners sentenced under the law in effect prior to February
5 1, 1978 (the effective date of Public Act 80-1099) ~~this~~
6 ~~Amendatory Act of 1977~~, to hear and decide the time of
7 aftercare release for persons committed to the Department of
8 Juvenile Justice under the Juvenile Court Act of 1987 to hear
9 requests and make recommendations to the Governor with respect
10 to pardon, reprieve or commutation, to set conditions for
11 parole, aftercare release, and mandatory supervised release
12 and determine whether violations of those conditions justify
13 revocation of parole or release, and to assume all other
14 functions previously exercised by the Illinois Parole and
15 Pardon Board.

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

23 (1-10) "Risk and needs assessment tool" means an objective
24 and statistically validated method through which information
25 is collected and evaluated to determine:

26 (1) as part of the intake process, the risk that a

1 committed person will recidivate upon release from the
2 correctional institution or facility;

3 (2) the recidivism reduction programs that will best
4 minimize the risk that the committed person will
5 recidivate upon release from the correctional institution
6 or facility; and

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

13 (l-15) "System" means the risks and needs assessment
14 system established by this amendatory Act of the 102nd General
15 Assembly.

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

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

26 (o) "Wrongfully imprisoned person" means a person who has

1 been discharged from a prison of this State and has received:

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

5 (2) a certificate of innocence from the Circuit Court
6 as provided in Section 2-702 of the Code of Civil
7 Procedure.

8 (Source: P.A. 100-198, eff. 1-1-18; revised 9-21-20.)

9 (730 ILCS 5/3-2-2.5 new)

10 Sec. 3-2-2.5. Duties of the Director of Corrections;
11 reduction of recidivism.

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

14 (1) the Director of Juvenile Justice;

15 (2) the Director of the Administrative Office of the
16 Illinois Courts;

17 (3) the Executive Director of the Illinois Sentencing
18 Policy Advisory Council;

19 (4) the Executive Director of the Illinois Criminal
20 Justice Information Authority; and

21 (5) the Independent Review Committee authorized by
22 Section 3-2-2.7.

23 (b) The Director of Corrections shall:

24 (1) conduct a review of the existing committed person
25 risk and needs assessment systems in operation on the

1 effective date of this amendatory Act of the 102nd General
2 Assembly;

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

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

7 (A) evidence-based recidivism reduction programs
8 relating to the use of committed person risk and needs
9 assessment tools;

10 (B) the most effective and efficient uses of those
11 programs;

12 (C) which evidence-based recidivism reduction
13 programs are the most effective at reducing
14 recidivism, and the type, amount, and intensity of
15 programming that most effectively reduces the risk of
16 recidivism; and

17 (D) products purchased by State agencies that are
18 manufactured in other states or foreign countries and
19 could be manufactured by committed persons
20 participating in a correctional institution or
21 facility work program without reducing job
22 opportunities for other workers in this State;

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

25 (A) any subsequent changes to the risk and needs
26 assessment system made after the effective date of

1 this amendatory Act of the 102nd General Assembly
2 General Assembly;

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

5 (C) an evaluation to ensure that the risk and
6 needs assessment system bases the assessment of each
7 committed person's risk of recidivism on indicators of
8 progress, and of regression that are dynamic and that
9 can reasonably be expected to change while in the
10 correctional institution or facility;

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

13 (E) an evaluation of the rates of recidivism among
14 similarly classified committed persons to identify any
15 unwarranted disparities, including disparities among
16 similarly classified committed persons of different
17 demographic groups, in such rates;

18 (5) make any revisions or updates to the risk and
19 needs assessment system that the Director of Corrections
20 determines appropriate under the review under paragraph
21 (4), including updates to ensure that any disparities
22 identified in paragraph (4) (E) are reduced to the greatest
23 extent possible; and

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

1 (730 ILCS 5/3-2-2.6 new)

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

4 (a) Not later than 2 years after the effective date of this
5 amendatory Act of the 102nd General Assembly, the Director of
6 Corrections, in consultation with the Independent Review
7 Committee created in Section 3-2-2.7, shall develop and
8 release publicly on the Department of Corrections website a
9 risk and needs assessment system, which shall be used to:

10 (1) determine the recidivism risk of each committed
11 person as part of the intake process, and classify each
12 committed person as having minimum, low, medium, or high
13 risk for recidivism;

14 (2) assess and determine, to the extent practicable,
15 the risk of violent or serious misconduct of each
16 committed person;

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

23 (4) reassess the recidivism risk of each committed
24 person periodically, based on factors including indicators
25 of progress, and of regression, that are dynamic and that

1 can reasonably be expected to change while in the
2 correctional institution or facility;

3 (5) reassign the committed person to appropriate
4 evidence-based recidivism reduction programs or productive
5 activities based on the revised determination to ensure
6 that:

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

10 (B) to address the specific criminogenic needs of
11 the committed person; and

12 (C) all committed persons are able to successfully
13 participate in those programs;

14 (6) determine when to provide incentives and rewards
15 for successful participation in evidence-based recidivism
16 reduction programs or productive activities in accordance
17 with subsection (e);

18 (7) determine when a committed person is ready to
19 transfer into prerelease custody or supervised release
20 under Section; and

21 (8) determine the appropriate use of audio technology
22 for program course materials with an understanding of
23 dyslexia. In carrying out this paragraph, the Director of
24 Corrections may use existing risk and needs assessment
25 tools, as appropriate.

26 (b) The system shall provide guidance on the type, amount,

1 and intensity of evidence-based recidivism reduction
2 programming and productive activities that shall be assigned
3 for each committed person, including:

4 (1) programs in which the Department of Corrections
5 shall assign the committed person to participate,
6 according to the committed person's specific criminogenic
7 needs; and

8 (2) information on the best ways that the Department
9 of Corrections can tailor the programs to the specific
10 criminogenic needs of each committed person so as to most
11 effectively lower each committed person's risk of
12 recidivism.

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

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

23 (1) A committed person who is successfully
24 participating in an evidence-based recidivism reduction
25 program shall receive:

26 (A) phone privileges, or, if available, video

1 conferencing privileges, for up to 30 minutes per day,
2 and up to 510 minutes per month; and

3 (B) additional time for visitation at the
4 correctional institution or facility, as determined by
5 the chief administrative officer of the correctional
6 institution or facility.

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

14 (A) bed availability at the transfer correctional
15 institution or facility;

16 (B) the committed person's security designation;
17 and

18 (C) the recommendation from the chief
19 administrative officer of the correctional institution
20 or facility at which the committed person is
21 incarcerated at the time of making the request.

22 (3) The Director of Corrections shall develop
23 additional policies to provide appropriate incentives for
24 successful participation and completion of evidence-based
25 recidivism reduction programming. The incentives shall
26 include not less than 2 of the following:

1 (A) Increased commissary spending limits and
2 product offerings.

3 (B) Extended opportunities to access the email
4 system.

5 (C) Consideration of transfer to preferred housing
6 units (including transfer to different prison
7 facilities).

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

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

26 (5) The incentives described in this subsection (d)

1 shall be in addition to any other rewards or incentives
2 for which a committed person may be eligible.

3 (e) The Director of Corrections shall develop guidelines
4 for the reduction of rewards and incentives earned under
5 subsection (d) for committed persons who violate correctional
6 institution or facility rules or evidence-based recidivism
7 reduction program or productive activity rules, which shall
8 provide:

9 (1) general levels of violations and resulting
10 reductions;

11 (2) that any reduction that includes the loss of
12 sentence credits shall require written notice to the
13 committed person, shall be limited to sentence credits
14 that a committed person earned as of the date of the
15 committed person's rule violation, and shall not include
16 any future sentence credits that the committed person may
17 earn; and

18 (3) for a procedure to restore sentence credits that a
19 committed person lost as a result of a rule violation,
20 based on the committed person's individual progress after
21 the date of the rule violation.

22 (f) The Director of Corrections shall develop and
23 implement training programs for Department of Corrections
24 officers and employees responsible for administering the
25 system, which shall include:

26 (1) initial training to educate officers and employees

1 on how to use the system in an appropriate and consistent
2 manner, as well as the reasons for using the system;

3 (2) continuing education;

4 (3) periodic training updates; and

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

8 (g) In order to ensure that the Department of Corrections
9 is using the system in an appropriate and consistent manner,
10 the Director of Corrections shall monitor and assess the use
11 of the system, which shall include conducting annual audits of
12 the Department of Corrections regarding the use of the system.

13 (h) The Director of Corrections shall incorporate a
14 dyslexia screening program into the system, including by
15 screening for dyslexia during:

16 (1) the intake process; and

17 (2) each periodic risk reassessment of a committed
18 person.

19 The Director of Corrections shall incorporate programs
20 designed to treat dyslexia into the evidence-based recidivism
21 reduction programs or productive activities required to be
22 implemented under this Section. he Director of Corrections may
23 also incorporate programs designed to treat other learning
24 disabilities.

25 (i) Beginning on the date that is 2 years after the
26 effective date of this amendatory Act of the 102nd General

1 Assembly and annually thereafter for a period of 5 years, the
2 Director of Corrections shall submit a report to the General
3 Assembly that contains the following:

4 (1) A summary of the activities and accomplishments of
5 the Director of Corrections in carrying out this
6 amendatory Act of the 102nd General Assembly.

7 (2) A summary and assessment of the types and
8 effectiveness of the evidence-based recidivism reduction
9 programs and productive activities in institutions and
10 facilities operated by the Department of Corrections,
11 including:

12 (A) evidence about which programs have been shown
13 to reduce recidivism;

14 (B) the capacity of each program and activity at
15 each correctional institution or facility, including
16 the number of committed persons along with the
17 recidivism risk of each committed person enrolled in
18 each program; and

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

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

24 (A) the primary offense of conviction;

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

26 (C) the Department of Corrections correctional

1 institution or facility in which the committed
2 person's sentence was served;

3 (D) the evidence-based recidivism reduction
4 programming that the committed person successfully
5 completed, if any;

6 (E) the committed person's assessed and reassessed
7 risk of recidivism; and

8 (F) the productive activities that the committed
9 person successfully completed, if any.

10 (4) The status of correctional industries programs at
11 facilities operated by the Department of Corrections,
12 including:

13 (A) a strategy to expand the availability of those
14 programs without reducing job opportunities for
15 workers in this State who are not in the custody of the
16 Department of Corrections, including the feasibility
17 of committed persons manufacturing products purchased
18 by State agencies that are manufactured in other
19 states;

20 (B) an assessment of the feasibility of expanding
21 such programs, consistent with the strategy required
22 under subparagraph (A), with the goal that 5 years
23 after the effective date of this amendatory Act of the
24 102nd General Assembly, not less than 75% of eligible
25 minimum-risk and low-risk offenders have the
26 opportunity to participate in a correctional

1 industries program for not less than 20 hours per
2 week; and

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

6 (5) An assessment of the Department of Corrections'
7 compliance with this Section.

8 (6) An assessment of progress made toward carrying out
9 the purposes of this amendatory Act of the 102nd General
10 Assembly, including any savings associated with:

11 (A) the transfer of committed persons into
12 prerelease custody or supervised release under Article
13 8B of Chapter V, including savings resulting from the
14 avoidance or deferral of future construction,
15 acquisition, and operations costs; and

16 (B) any decrease in recidivism that may be
17 attributed to the system or the increase in
18 evidence-based recidivism reduction programs required
19 under this Section.

20 (7) An assessment of budgetary savings resulting from
21 this Section, including:

22 (A) a summary of the amount of savings resulting
23 from the transfer of committed persons into prerelease
24 custody under Article 8B of Chapter V, including
25 savings resulting from the avoidance or deferral of
26 future construction, acquisition, or operations costs;

1 (B) a summary of the amount of savings resulting
2 from any decrease in recidivism that may be attributed
3 to the implementation of the risk and needs assessment
4 system or the increase in recidivism reduction
5 programs and productive activities required by Article
6 8B of Chapter V;

7 (C) a strategy to reinvest the savings described
8 in subparagraphs (A) and (B) in other:

9 (i) State and local law enforcement
10 activities; and

11 (ii) expansions of recidivism reduction
12 programs and productive activities in the
13 Department of Corrections; and

14 (D) a description of how the reduced expenditures
15 on State corrections and the budgetary savings
16 resulting from the implementation of Article 8B of
17 Chapter V are currently being used and will be
18 used to:

19 (i) increase investment in law enforcement and
20 crime prevention to combat gangs of national
21 significance and high-level drug traffickers
22 through drug task forces;

23 (ii) hire, train, and equip law enforcement
24 officers and prosecutors; and

25 (iii) promote crime reduction programs using
26 evidence-based practices and strategic planning to

1 help reduce crime and criminal recidivism.

2 (8) Statistics on:

3 (A) the prevalence of dyslexia among committed
4 persons in correctional institutions and facilities
5 operated by the Department of Corrections; and

6 (B) any change in the effectiveness of dyslexia
7 mitigation programs among such committed persons that
8 may be attributed to the incorporation of dyslexia
9 screening into the system and of dyslexia treatment
10 into the evidence-based recidivism reduction programs,
11 as required under this Section.

12 (j) In order to expand evidence-based recidivism reduction
13 programs and productive activities, the Director of
14 Corrections shall develop policies for the chief
15 administrative officer of each correctional institution or
16 facility of the Department of Corrections to enter into
17 partnerships, subject to the availability of appropriations,
18 with any of the following:

19 (1) Nonprofit and other private organizations,
20 including faith-based, art, and community-based
21 organizations that will deliver recidivism reduction
22 programming on a paid or volunteer basis.

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

26 (3) Private entities that:

1 (A) deliver vocational training and
2 certifications;

3 (B) provide equipment to facilitate vocational
4 training or employment opportunities for committed
5 persons;

6 (C) employ committed persons; or

7 (D) assist committed persons in prerelease custody
8 or supervised release in finding employment.

9 (k) The Director of Corrections shall provide each
10 committed persons with the opportunity to actively participate
11 in evidence-based recidivism reduction programs or productive
12 activities, according to his or her specific criminogenic
13 needs, throughout his or her entire term of incarceration.
14 Priority for participation in recidivism reduction programs
15 shall be given to medium-risk and high-risk committed persons,
16 with access to productive activities given to minimum-risk and
17 low-risk committed persons.

18 (l) The Director of Corrections shall ensure there is
19 sufficient prerelease custody capacity to accommodate all
20 eligible committed persons.

21 (730 ILCS 5/3-2-2.7 new)

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

23 (a) The Director of Corrections shall consult with an
24 Independent Review Committee in carrying out the Director of
25 Corrections's duties under Sections 3-2-2.5 through 3-2-2.8.

1 The Illinois Sentencing Policy Advisory Council shall select a
2 nonpartisan and nonprofit organization with expertise in the
3 study and development of risk and needs assessment tools to
4 host the Independent Review Committee.

5 (b) The Independent Review Committee shall be established
6 not later than 30 days after the effective date of this
7 amendatory Act of the 102nd General Assembly.

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

11 (d) The members of the Independent Review Committee shall
12 all have expertise in risk and needs assessment systems and
13 shall include:

14 (1) 2 individuals who have published peer-reviewed
15 scholarship about risk and needs assessments in both
16 corrections and community settings;

17 (2) 2 corrections practitioners who have developed and
18 implemented a risk assessment tool in a corrections system
19 or in a community supervision setting, including one with
20 prior experience working within the Department of
21 Corrections; and

22 (3) one individual with expertise in assessing risk
23 assessment implementation.

24 (e) The Independent Review Committee shall assist the
25 Director of Corrections in carrying out the Director of
26 Corrections's duties under Sections 3-2-2.5 through 3-2-2.8,

1 including by assisting in:

2 (1) conducting a review of the existing committed
3 person risk and needs assessment systems in operation on
4 the effective date of this amendatory Act of the 102nd
5 General Assembly;

6 (2) developing recommendations regarding
7 evidence-based recidivism reduction programs and
8 productive activities;

9 (3) conducting research and data analysis on:

10 (A) evidence-based recidivism reduction programs
11 relating to the use of committed person risk and needs
12 assessment tools;

13 (B) the most effective and efficient uses of such
14 programs; and

15 (C) which evidence-based recidivism reduction
16 programs are the most effective at reducing
17 recidivism, and the type, amount, and intensity of
18 programming that most effectively reduces the risk of
19 recidivism; and

20 (4) reviewing and validating the risk and needs
21 assessment system.

22 Each member of the Independent Review Committee shall
23 serve for a period of 3 years or until the risk and needs
24 assessment tools are implemented by the Department of
25 Corrections, whichever occurs first.

26 (f) The Director of Corrections shall assist the

1 Independent Review Committee in performing the Committee's
2 duties and promptly respond to requests from the Committee for
3 access to Department of Corrections facilities, personnel, and
4 information.

5 (g) The risk and needs assessment tools shall be developed
6 and implemented within 2 years after the effective date of
7 this amendatory Act of the 102nd General Assembly. One year
8 after the implementation of the needs and risk assessment
9 tools for the Department of Corrections, the Independent
10 Review Committee shall be dissolved.

11 (730 ILCS 5/3-2-2.8 new)

12 Sec. 3-2-2.8. Evidence-based recidivism reduction program
13 and recommendations.

14 (a) Prior to releasing the system, in consultation with
15 the Independent Review Committee, the Director of Corrections
16 shall:

17 (1) review the effectiveness of evidence-based
18 recidivism reduction programs that exist as of the
19 effective date of this amendatory Act of the 102nd General
20 Assembly in correctional institutions or facilities
21 operated by the Department of Corrections;

22 (2) review available information regarding the
23 effectiveness of evidence-based recidivism reduction
24 programs and productive activities that exist in
25 State-operated correctional institutions or facilities

1 throughout this State;

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

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

6 (5) direct the Department of Corrections regarding:

7 (A) evidence-based recidivism reduction programs;

8 (B) the ability for faith-based organizations to
9 function as a provider of educational evidence-based
10 programs outside of the religious classes and services
11 provided through the Chaplaincy; and

12 (C) the addition of any new effective
13 evidence-based recidivism reduction programs that the
14 Director of Corrections finds.

15 (b) In carrying out subsection (a), the Director of
16 Corrections shall consider the prevalence and mitigation of
17 dyslexia in correctional institutions and facilities of the
18 Department, including by:

19 (1) reviewing statistics on the prevalence of
20 dyslexia, and the effectiveness of any programs
21 implemented to mitigate the effects of dyslexia, in
22 correctional institutions and facilities operated by the
23 Department of Corrections; and

24 (2) incorporating the findings of the Director of
25 Corrections under paragraph (1) of this subsection (b)
26 into any directives given to the Department of Corrections

1 under paragraph (5) of subsection (a).

2 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

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

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

1 aftercare.

2 (b) Any money held in accounts of committed persons
3 separated from the Department by death, discharge, or
4 unauthorized absence and unclaimed for a period of 1 year
5 thereafter by the person or his legal representative shall be
6 transmitted to the State Treasurer who shall deposit it into
7 the General Revenue Fund. Articles of personal property of
8 persons so separated may be sold or used by the Department if
9 unclaimed for a period of 1 year for the same purpose.
10 Clothing, if unclaimed within 30 days, may be used or disposed
11 of as determined by the Department.

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

18 (c) Forty percent of the profits on sales from commissary
19 stores shall be expended by the Department for the special
20 benefit of committed persons which shall include but not be
21 limited to the advancement of inmate payrolls, for the special
22 benefit of employees, and for the advancement or reimbursement
23 of employee travel, provided that amounts expended for
24 employees shall not exceed the amount of profits derived from
25 sales made to employees by such commissaries, as determined by
26 the Department. The remainder of the profits from sales from

1 commissary stores must be used first to pay for wages and
2 benefits of employees covered under a collective bargaining
3 agreement who are employed at commissary facilities of the
4 Department and then to pay the costs of dietary staff.

5 (d) The Department shall confiscate any unauthorized
6 currency found in the possession of a committed person. The
7 Department shall transmit the confiscated currency to the
8 State Treasurer who shall deposit it into the General Revenue
9 Fund.

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

11 (730 ILCS 5/3-6-1) (from Ch. 38, par. 1003-6-1)

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

13 (a) The Department shall designate those institutions and
14 facilities which shall be maintained for persons assigned as
15 adults.

16 (b) The types, number and population of institutions and
17 facilities shall be determined by the needs of committed
18 persons for treatment and the public for protection. A
19 committed person shall be assigned to an institution or
20 facility of the Department that is located within 200 miles of
21 his or her residence immediately before the committed person's
22 admission to the Department. All institutions and programs
23 shall conform to the minimum standards under this Chapter.

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

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

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

3 (a) (1) The Department of Corrections shall prescribe rules
4 and regulations for awarding and revoking sentence credit for
5 persons committed to the Department which shall be subject to
6 review by the Prisoner Review Board.

7 (1.5) As otherwise provided by law, sentence credit may be
8 awarded for the following:

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

12 (B) compliance with the rules and regulations of the
13 Department; or

14 (C) service to the institution, service to a
15 community, or service to the State.

16 (2) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations on sentence credit
18 shall provide, with respect to offenses listed in clause (i),
19 (ii), or (iii) of this paragraph (2) committed on or after June
20 19, 1998 or with respect to the offense listed in clause (iv)
21 of this paragraph (2) committed on or after June 23, 2005 (the
22 effective date of Public Act 94-71) or with respect to offense
23 listed in clause (vi) committed on or after June 1, 2008 (the
24 effective date of Public Act 95-625) or with respect to the
25 offense of being an armed habitual criminal committed on or
26 after August 2, 2005 (the effective date of Public Act 94-398)

1 or with respect to the offenses listed in clause (v) of this
2 paragraph (2) committed on or after August 13, 2007 (the
3 effective date of Public Act 95-134) or with respect to the
4 offense of aggravated domestic battery committed on or after
5 July 23, 2010 (the effective date of Public Act 96-1224) or
6 with respect to the offense of attempt to commit terrorism
7 committed on or after January 1, 2013 (the effective date of
8 Public Act 97-990), the following:

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

13 (ii) that a prisoner serving a sentence for attempt to
14 commit terrorism, attempt to commit first degree murder,
15 solicitation of murder, solicitation of murder for hire,
16 intentional homicide of an unborn child, predatory
17 criminal sexual assault of a child, aggravated criminal
18 sexual assault, criminal sexual assault, aggravated
19 kidnapping, aggravated battery with a firearm as described
20 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
21 or (e)(4) of Section 12-3.05, heinous battery as described
22 in Section 12-4.1 or subdivision (a)(2) of Section
23 12-3.05, being an armed habitual criminal, aggravated
24 battery of a senior citizen as described in Section 12-4.6
25 or subdivision (a)(4) of Section 12-3.05, or aggravated
26 battery of a child as described in Section 12-4.3 or

1 subdivision (b)(1) of Section 12-3.05 shall receive no
2 more than 4.5 days of sentence credit for each month of his
3 or her sentence of imprisonment;

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

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

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

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

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

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

23 (2.1) For all offenses, other than those enumerated in
24 subdivision (a)(2)(i), (ii), or (iii) committed on or after
25 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
26 June 23, 2005 (the effective date of Public Act 94-71) or

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

23 (2.2) A prisoner serving a term of natural life
24 imprisonment or a prisoner who has been sentenced to death
25 shall receive no sentence credit.

26 (2.3) Except as provided in paragraph (4.7) of this

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

10 (2.4) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations on sentence credit
12 shall provide with respect to the offenses of aggravated
13 battery with a machine gun or a firearm equipped with any
14 device or attachment designed or used for silencing the report
15 of a firearm or aggravated discharge of a machine gun or a
16 firearm equipped with any device or attachment designed or
17 used for silencing the report of a firearm, committed on or
18 after July 15, 1999 (the effective date of Public Act 91-121),
19 that a prisoner serving a sentence for any of these offenses
20 shall receive no more than 4.5 days of sentence credit for each
21 month of his or her sentence of imprisonment.

22 (2.5) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations on sentence credit
24 shall provide that a prisoner who is serving a sentence for
25 aggravated arson committed on or after July 27, 2001 (the
26 effective date of Public Act 92-176) shall receive no more

1 than 4.5 days of sentence credit for each month of his or her
2 sentence of imprisonment.

3 (2.6) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide that a prisoner who is serving a sentence for
6 aggravated driving under the influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds or any
8 combination thereof as defined in subparagraph (C) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code committed on or after January 1, 2011
11 (the effective date of Public Act 96-1230) shall receive no
12 more than 4.5 days of sentence credit for each month of his or
13 her sentence of imprisonment.

14 (3) In addition to the sentence credits earned under
15 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection
16 (a), the rules and regulations shall also provide that the
17 Director may award up to 180 days of earned sentence credit for
18 good conduct in specific instances as the Director deems
19 proper. The good conduct may include, but is not limited to,
20 compliance with the rules and regulations of the Department,
21 service to the Department, service to a community, or service
22 to the State.

23 Eligible inmates for an award of earned sentence credit
24 under this paragraph (3) may be selected to receive the credit
25 at the Director's or his or her designee's sole discretion.
26 Eligibility for the additional earned sentence credit under

1 this paragraph (3) shall be based on, but is not limited to,
2 the results of any available risk/needs assessment or other
3 relevant assessments or evaluations administered by the
4 Department using a validated instrument, the circumstances of
5 the crime, any history of conviction for a forcible felony
6 enumerated in Section 2-8 of the Criminal Code of 2012, the
7 inmate's behavior and disciplinary history while incarcerated,
8 and the inmate's commitment to rehabilitation, including
9 participation in programming offered by the Department.

10 The Director shall not award sentence credit under this
11 paragraph (3) to an inmate unless the inmate has served a
12 minimum of 60 days of the sentence; except nothing in this
13 paragraph shall be construed to permit the Director to extend
14 an inmate's sentence beyond that which was imposed by the
15 court. Prior to awarding credit under this paragraph (3), the
16 Director shall make a written determination that the inmate:

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

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

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

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

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

1 (3.5) The Department shall provide annual written reports
2 to the Governor and the General Assembly on the award of earned
3 sentence credit no later than February 1 of each year. The
4 Department must publish both reports on its website within 48
5 hours of transmitting the reports to the Governor and the
6 General Assembly. The reports must include:

7 (A) the number of inmates awarded earned sentence
8 credit;

9 (B) the average amount of earned sentence credit
10 awarded;

11 (C) the holding offenses of inmates awarded earned
12 sentence credit; and

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

14 (4) (A) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations shall also provide
16 that the sentence credit accumulated and retained under
17 paragraph (2.1) of subsection (a) of this Section by any
18 inmate during specific periods of time in which such inmate is
19 engaged full-time in substance abuse programs, correctional
20 industry assignments, educational programs, behavior
21 modification programs, life skills courses, or re-entry
22 planning provided by the Department under this paragraph (4)
23 and satisfactorily completes the assigned program as
24 determined by the standards of the Department, shall be
25 multiplied by a factor of 1.25 for program participation
26 before August 11, 1993 and 1.50 for program participation on

1 or after that date. The rules and regulations shall also
2 provide that sentence credit, subject to the same offense
3 limits and multiplier provided in this paragraph, may be
4 provided to an inmate who was held in pre-trial detention
5 prior to his or her current commitment to the Department of
6 Corrections and successfully completed a full-time, 60-day or
7 longer substance abuse program, educational program, behavior
8 modification program, life skills course, or re-entry planning
9 provided by the county department of corrections or county
10 jail. Calculation of this county program credit shall be done
11 at sentencing as provided in Section 5-4.5-100 of this Code
12 and shall be included in the sentencing order. However, no
13 inmate shall be eligible for the additional sentence credit
14 under this paragraph (4) or (4.1) of this subsection (a) while
15 assigned to a boot camp or electronic detention.

16 (B) The Department shall award sentence credit under this
17 paragraph (4) accumulated prior to January 1, 2020 (the
18 effective date of Public Act 101-440) ~~this amendatory Act of~~
19 ~~the 101st General Assembly~~ in an amount specified in
20 subparagraph (C) of this paragraph (4) to an inmate serving a
21 sentence for an offense committed prior to June 19, 1998, if
22 the Department determines that the inmate is entitled to this
23 sentence credit, based upon:

24 (i) documentation provided by the Department that the
25 inmate engaged in any full-time substance abuse programs,
26 correctional industry assignments, educational programs,

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

6 (ii) the inmate's own testimony in the form of an
7 affidavit or documentation, or a third party's
8 documentation or testimony in the form of an affidavit
9 that the inmate likely engaged in any full-time substance
10 abuse programs, correctional industry assignments,
11 educational programs, behavior modification programs, life
12 skills courses, or re-entry planning provided by the
13 Department under paragraph (4) and satisfactorily
14 completed the assigned program as determined by the
15 standards of the Department during the inmate's current
16 term of incarceration.

17 (C) If the inmate can provide documentation that he or she
18 is entitled to sentence credit under subparagraph (B) in
19 excess of 45 days of participation in those programs, the
20 inmate shall receive 90 days of sentence credit. If the inmate
21 cannot provide documentation of more than 45 days of
22 participation in those programs, the inmate shall receive 45
23 days of sentence credit. In the event of a disagreement
24 between the Department and the inmate as to the amount of
25 credit accumulated under subparagraph (B), if the Department
26 provides documented proof of a lesser amount of days of

1 participation in those programs, that proof shall control. If
2 the Department provides no documentary proof, the inmate's
3 proof as set forth in clause (ii) of subparagraph (B) shall
4 control as to the amount of sentence credit provided.

5 (D) If the inmate has been convicted of a sex offense as
6 defined in Section 2 of the Sex Offender Registration Act,
7 sentencing credits under subparagraph (B) of this paragraph
8 (4) shall be awarded by the Department only if the conditions
9 set forth in paragraph (4.6) of subsection (a) are satisfied.
10 No inmate serving a term of natural life imprisonment shall
11 receive sentence credit under subparagraph (B) of this
12 paragraph (4).

13 Educational, vocational, substance abuse, behavior
14 modification programs, life skills courses, re-entry planning,
15 and correctional industry programs under which sentence credit
16 may be increased under this paragraph (4) and paragraph (4.1)
17 of this subsection (a) shall be evaluated by the Department on
18 the basis of documented standards. The Department shall report
19 the results of these evaluations to the Governor and the
20 General Assembly by September 30th of each year. The reports
21 shall include data relating to the recidivism rate among
22 program participants.

23 Availability of these programs shall be subject to the
24 limits of fiscal resources appropriated by the General
25 Assembly for these purposes. Eligible inmates who are denied
26 immediate admission shall be placed on a waiting list under

1 criteria established by the Department. The inability of any
2 inmate to become engaged in any such programs by reason of
3 insufficient program resources or for any other reason
4 established under the rules and regulations of the Department
5 shall not be deemed a cause of action under which the
6 Department or any employee or agent of the Department shall be
7 liable for damages to the inmate.

8 (4.1) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations shall also provide
10 that an additional 90 days of sentence credit shall be awarded
11 to any prisoner who passes high school equivalency testing
12 while the prisoner is committed to the Department of
13 Corrections. The sentence credit awarded under this paragraph
14 (4.1) shall be in addition to, and shall not affect, the award
15 of sentence credit under any other paragraph of this Section,
16 but shall also be pursuant to the guidelines and restrictions
17 set forth in paragraph (4) of subsection (a) of this Section.
18 The sentence credit provided for in this paragraph shall be
19 available only to those prisoners who have not previously
20 earned a high school diploma or a high school equivalency
21 certificate. If, after an award of the high school equivalency
22 testing sentence credit has been made, the Department
23 determines that the prisoner was not eligible, then the award
24 shall be revoked. The Department may also award 90 days of
25 sentence credit to any committed person who passed high school
26 equivalency testing while he or she was held in pre-trial

1 detention prior to the current commitment to the Department of
2 Corrections.

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

23 Except as provided in paragraph (4.7) of this subsection
24 (a), the rules and regulations shall provide that an
25 additional 180 days of sentence credit shall be awarded to any
26 prisoner who obtains a master's or professional degree while

1 the prisoner is committed to the Department of Corrections.
2 The sentence credit awarded under this paragraph (4.1) shall
3 be in addition to, and shall not affect, the award of sentence
4 credit under any other paragraph of this Section, but shall
5 also be under the guidelines and restrictions set forth in
6 paragraph (4) of this subsection (a). The sentence credit
7 provided for in this paragraph shall be available only to
8 those prisoners who have not previously earned a master's or
9 professional degree prior to the current commitment to the
10 Department of Corrections. If, after an award of the master's
11 or professional degree sentence credit has been made, the
12 Department determines that the prisoner was not eligible, then
13 the award shall be revoked. The Department may also award 180
14 days of sentence credit to any committed person who earned a
15 master's or professional degree while he or she was held in
16 pre-trial detention prior to the current commitment to the
17 Department of Corrections.

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

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

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

1 a rate as the Director shall determine.

2 (4.7) On or after January 1, 2018 (the effective date of
3 Public Act 100-3) ~~this amendatory Act of the 100th General~~
4 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)
5 of this subsection (a) may be awarded to a prisoner who is
6 serving a sentence for an offense described in paragraph (2),
7 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
8 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
9 ~~amendatory Act of the 100th General Assembly~~; provided, the
10 award of the credits under this paragraph (4.7) shall not
11 reduce the sentence of the prisoner to less than the following
12 amounts:

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

15 (ii) 60% of his or her sentence if the prisoner is
16 required to serve 75% of his or her sentence, except if the
17 prisoner is serving a sentence for gunrunning his or her
18 sentence shall not be reduced to less than 75%.

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

21 (5) Whenever the Department is to release any inmate
22 earlier than it otherwise would because of a grant of earned
23 sentence credit under paragraph (3) of subsection (a) of this
24 Section given at any time during the term, the Department
25 shall give reasonable notice of the impending release not less
26 than 14 days prior to the date of the release to the State's

1 Attorney of the county where the prosecution of the inmate
2 took place, and if applicable, the State's Attorney of the
3 county into which the inmate will be released. The Department
4 must also make identification information and a recent photo
5 of the inmate being released accessible on the Internet by
6 means of a hyperlink labeled "Community Notification of Inmate
7 Early Release" on the Department's World Wide Web homepage.
8 The identification information shall include the inmate's:
9 name, any known alias, date of birth, physical
10 characteristics, commitment offense, and county where
11 conviction was imposed. The identification information shall
12 be placed on the website within 3 days of the inmate's release
13 and the information may not be removed until either:
14 completion of the first year of mandatory supervised release
15 or return of the inmate to custody of the Department.

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

20 (i) A prisoner shall earn 10 days of sentence credits
21 for every 30 days of successful participation in
22 evidence-based recidivism reduction programming or
23 productive activities.

24 (ii) A prisoner determined by the Department of
25 Corrections to be at a minimum or low risk for
26 recidivating, who, over 2 consecutive assessments, has not

1 increased their risk of recidivism, shall earn an
2 additional 5 days of sentence credits for every 30 days of
3 successful participation in evidence-based recidivism
4 reduction programming or productive activities.

5 (iii) A prisoner shall earn 7 days additional sentence
6 credits per year.

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

10 (i) prior to the effective date of this amendatory Act
11 of the 102nd General Assembly; or

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

14 (C) Sentence credits earned under this paragraph (6) by
15 prisoners who successfully participate in recidivism reduction
16 programs or productive activities shall be applied toward time
17 in prerelease custody or mandatory supervised release. The
18 Director of Corrections shall transfer eligible prisoners, as
19 determined under Section 5-8B-5, into prerelease custody or
20 supervised release.

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

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

1 The additional sentence credits provided in this paragraph
2 (6) apply to prisoners who are or were committed to an
3 institution or facility of the Department before, on, or after
4 the effective date of this amendatory Act of the 102nd General
5 Assembly.

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

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

19 When the Department seeks to revoke, suspend, or reduce
20 the rate of accumulation of any sentence credits for an
21 alleged infraction of its rules, it shall bring charges
22 therefor against the prisoner sought to be so deprived of
23 sentence credits before the Prisoner Review Board as provided
24 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
25 amount of credit at issue exceeds 30 days or when, during any
26 12-month ~~12-month~~ period, the cumulative amount of credit

1 revoked exceeds 30 days except where the infraction is
2 committed or discovered within 60 days of scheduled release.
3 In those cases, the Department of Corrections may revoke up to
4 30 days of sentence credit. The Board may subsequently approve
5 the revocation of additional sentence credit, if the
6 Department seeks to revoke sentence credit in excess of 30
7 days. However, the Board shall not be empowered to review the
8 Department's decision with respect to the loss of 30 days of
9 sentence credit within any calendar year for any prisoner or
10 to increase any penalty beyond the length requested by the
11 Department.

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

19 Nothing contained in this Section shall prohibit the
20 Prisoner Review Board from ordering, pursuant to Section
21 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
22 sentence imposed by the court that was not served due to the
23 accumulation of sentence credit.

24 (d) If a lawsuit is filed by a prisoner in an Illinois or
25 federal court against the State, the Department of
26 Corrections, or the Prisoner Review Board, or against any of

1 their officers or employees, and the court makes a specific
2 finding that a pleading, motion, or other paper filed by the
3 prisoner is frivolous, the Department of Corrections shall
4 conduct a hearing to revoke up to 180 days of sentence credit
5 by bringing charges against the prisoner sought to be deprived
6 of the sentence credits before the Prisoner Review Board as
7 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
8 If the prisoner has not accumulated 180 days of sentence
9 credit at the time of the finding, then the Prisoner Review
10 Board may revoke all sentence credit accumulated by the
11 prisoner.

12 For purposes of this subsection (d):

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

17 (A) it lacks an arguable basis either in law or in
18 fact;

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

22 (C) the claims, defenses, and other legal
23 contentions therein are not warranted by existing law
24 or by a nonfrivolous argument for the extension,
25 modification, or reversal of existing law or the
26 establishment of new law;

1 (D) the allegations and other factual contentions
2 do not have evidentiary support or, if specifically so
3 identified, are not likely to have evidentiary support
4 after a reasonable opportunity for further
5 investigation or discovery; or

6 (E) the denials of factual contentions are not
7 warranted on the evidence, or if specifically so
8 identified, are not reasonably based on a lack of
9 information or belief.

10 (2) "Lawsuit" means a motion pursuant to Section 116-3
11 of the Code of Criminal Procedure of 1963, a habeas corpus
12 action under Article X of the Code of Civil Procedure or
13 under federal law (28 U.S.C. 2254), a petition for claim
14 under the Court of Claims Act, an action under the federal
15 Civil Rights Act (42 U.S.C. 1983), or a second or
16 subsequent petition for post-conviction relief under
17 Article 122 of the Code of Criminal Procedure of 1963
18 whether filed with or without leave of court or a second or
19 subsequent petition for relief from judgment under Section
20 2-1401 of the Code of Civil Procedure.

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

23 (f) Whenever the Department is to release any inmate who
24 has been convicted of a violation of an order of protection
25 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, earlier than it otherwise would

1 because of a grant of sentence credit, the Department, as a
2 condition of release, shall require that the person, upon
3 release, be placed under electronic surveillance as provided
4 in Section 5-8A-7 of this Code.

5 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
6 101-440, eff. 1-1-20; revised 8-19-20.)

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

8 Sec. 3-6-7. Pregnant female committed persons and new
9 mothers. Notwithstanding any other statute, directive, or
10 administrative regulation, when a pregnant female committed
11 person is brought to a hospital from an Illinois correctional
12 center for the purpose of delivering her baby and for at least
13 3 months after delivery, no handcuffs, shackles, or restraints
14 of any kind may be used during her transport to a medical
15 facility for the purpose of delivering her baby. Under no
16 circumstances may leg irons or shackles or waist shackles be
17 used on any pregnant female committed person who is in labor.
18 Upon the pregnant female committed person's entry to the
19 hospital delivery room, a correctional officer must be posted
20 immediately outside the delivery room. The Department must
21 provide for adequate personnel to monitor the pregnant female
22 committed person during her transport to and from the hospital
23 and during her stay at the hospital.

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

1 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

2 Sec. 3-7-2. Facilities.

3 (a) All institutions and facilities of the Department
4 shall provide every committed person with access to toilet
5 facilities, barber facilities, bathing facilities at least
6 once each week, a library of legal materials and published
7 materials including newspapers and magazines approved by the
8 Director. A committed person may not receive any materials
9 that the Director deems pornographic.

10 (b) (Blank).

11 (c) All institutions and facilities of the Department
12 shall provide facilities for every committed person to leave
13 his cell for at least one hour each day unless the chief
14 administrative officer determines that it would be harmful or
15 dangerous to the security or safety of the institution or
16 facility.

17 (d) All institutions and facilities of the Department
18 shall provide every committed person with a wholesome and
19 nutritional diet at regularly scheduled hours, drinking water,
20 clothing adequate for the season, bedding, soap and towels and
21 medical and dental care.

22 (e) All institutions and facilities of the Department
23 shall permit every committed person to send and receive an
24 unlimited number of uncensored letters and to receive emails,
25 provided, however, that the Director may order that mail be
26 inspected and read for reasons of the security, safety or

1 morale of the institution or facility.

2 (f) All of the institutions and facilities of the
3 Department shall permit every committed person to receive
4 in-person visitors and video contact, if available, except in
5 case of abuse of the visiting privilege or when the chief
6 administrative officer determines that such visiting would be
7 harmful or dangerous to the security, safety or morale of the
8 institution or facility. Each committed person is entitled to
9 7 visits per month. Every committed person may submit a list of
10 at least 30 persons to the Department that are authorized to
11 visit the committed person. The list shall be kept in an
12 electronic format by the Department beginning on August 1,
13 2019, as well as available in paper form for Department
14 employees. The chief administrative officer shall have the
15 right to restrict visitation to non-contact visits, video, or
16 other forms of non-contact visits for reasons of safety,
17 security, and order, including, but not limited to,
18 restricting contact visits for committed persons engaged in
19 gang activity. No committed person in a super maximum security
20 facility or on disciplinary segregation is allowed contact
21 visits. Any committed person found in possession of illegal
22 drugs or who fails a drug test shall not be permitted contact
23 visits for a period of at least 6 months. Any committed person
24 involved in gang activities or found guilty of assault
25 committed against a Department employee shall not be permitted
26 contact visits for a period of at least 6 months. The

1 Department shall offer every visitor appropriate written
2 information concerning HIV and AIDS, including information
3 concerning how to contact the Illinois Department of Public
4 Health for counseling information. The Department shall
5 develop the written materials in consultation with the
6 Department of Public Health. The Department shall ensure that
7 all such information and materials are culturally sensitive
8 and reflect cultural diversity as appropriate. Implementation
9 of the changes made to this Section by Public Act 94-629 is
10 subject to appropriation. The Department shall seek the lowest
11 possible cost to provide video calling and shall charge to the
12 extent of recovering any demonstrated costs of providing video
13 calling. The Department shall not make a commission or profit
14 from video calling services. Nothing in this Section shall be
15 construed to permit video calling instead of in-person
16 visitation. Under Section 3-2-2.6, the Director of Corrections
17 shall determine whether the statutory visitation period in
18 this Section should be increased and may in his or her
19 discretion increase that period in the best interest of
20 committed persons. If the Director has established limits on
21 the number and time periods of telephone calls that may be made
22 by committed persons, the Director shall reassess the
23 limitations and may increase the time periods and numbers of
24 the telephone calls that may be made by committed persons.

25 (f-5) (Blank).

26 (f-10) The Department may not restrict or limit in-person

1 visits to committed persons due to the availability of
2 interactive video conferences.

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

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

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

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

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

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

16 (3) The Department shall post on its website daily any
17 restrictions or denials of visitation for that day and the
18 succeeding 5 calendar days, including those based on a
19 lockdown of the facility, to inform family members and other
20 visitors.

21 (g) All institutions and facilities of the Department
22 shall permit religious ministrations and sacraments to be
23 available to every committed person, but attendance at
24 religious services shall not be required.

25 (h) Within 90 days after December 31, 1996, the Department
26 shall prohibit the use of curtains, cell-coverings, or any

1 other matter or object that obstructs or otherwise impairs the
2 line of vision into a committed person's cell.

3 (i) Priority shall be given to providing education,
4 treatment, and psychological and psychiatric counseling to
5 those committed persons deemed by the chief administrative
6 officer to be of the greatest risk of causing physical harm to
7 the committed person or others.

8 (j) If the committed person is female, feminine hygiene
9 products shall be furnished to the committed person without
10 cost.

11 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;
12 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.
13 8-14-18.)

14 (730 ILCS 5/3-7-2a) (from Ch. 38, par. 1003-7-2a)

15 Sec. 3-7-2a. If a facility maintains a commissary or
16 commissaries serving inmates, the selling prices for all goods
17 shall be sufficient to cover the costs of the goods and an
18 additional charge of up to 35% for tobacco products and up to
19 25% for non-tobacco products. The amount of the additional
20 charges for goods sold at commissaries serving inmates shall
21 be based upon the amount necessary to pay for the wages and
22 benefits of commissary employees who are employed in any
23 commissary facilities of the Department. The Department shall
24 determine the additional charges upon any changes in wages and
25 benefits of commissary employees as negotiated in the

1 collective bargaining agreement. If a facility maintains a
2 commissary or commissaries serving employees, the selling
3 price for all goods shall be sufficient to cover the costs of
4 the goods and an additional charge of up to 10%. A compliance
5 audit of all commissaries and the distribution of commissary
6 funds shall be included in the regular compliance audit of the
7 Department conducted by the Auditor General in accordance with
8 the Illinois State Auditing Act.

9 Items purchased for sale at any such commissary shall be
10 purchased, wherever possible, at wholesale costs. If a
11 facility maintains a commissary or commissaries as of the
12 effective date of this amendatory Act of the 93rd General
13 Assembly, the Department may not contract with a private
14 contractor or vendor to operate, manage, or perform any
15 portion of the commissary services. The Department may not
16 enter into any such contract for commissary services at a
17 facility that opens subsequent to the effective date of this
18 amendatory Act of the 93rd General Assembly.

19 The correctional institution or facility that maintains a
20 commissary may not limit the amount of a committed person's
21 spending at the commissary.

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

23 (730 ILCS 5/3-8-4) (from Ch. 38, par. 1003-8-4)

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

25 (a) After the initial assignments under Sections 3-8-2 and

1 3-8-3, all transfers of committed persons to another
2 institution or facility shall be reviewed and approved by a
3 person or persons designated by the Director. The review shall
4 take into consideration, the distance that the family of the
5 committed person resides away from the correctional
6 institution or facility and the request of the committed
7 person to be reassigned to another institution or facility of
8 the Department. A record of each transfer and the reasons
9 therefor shall be included in the person's master record file.

10 (b) Transfers to facilities for psychiatric treatment and
11 care within the Department shall be made only after prior
12 psychiatric examination and certification to the Director that
13 such transfer is required. Persons in facilities for
14 psychiatric treatment and care within the Department shall be
15 reexamined at least every 6 months. Persons found to no longer
16 require psychiatric treatment and care shall be transferred to
17 other facilities of the Department.

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

19 (730 ILCS 5/3-14-1.1 new)

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

21 (a) In this Section:

22 "Committed person" means a currently incarcerated
23 person who (i) is at least 60 years of age and (ii) has
24 served at least two-thirds of her her sentence of
25 imprisonment in an institution or facility of the

1 Department of Corrections.

2 "Family member" means a spouse, parent, child, or
3 sibling.

4 "Program" means the Pathway to Community Program
5 created in this Section.

6 (b) A committed person may petition the Department of
7 Corrections for participation in the Pathway to Community
8 Program as provided in this Section. If a committed person
9 files a petition, the Department shall make an exhaustive
10 effort to find and notify the victim and the family members of
11 the victim of the petitioner's offense.

12 (c) The petition shall contain a statement by the
13 petitioner that he or she is qualified to participate in the
14 Program, together with the petitioner's plans for reentry,
15 including, but not limited to, information about where the
16 petitioner will live, how the petitioner will be supported
17 financially, and any plans for the petitioner's ongoing
18 medical care if necessary. The petition may also contain
19 supporting statements or documentation related to the factors
20 listed in paragraphs (1) through (7) of subsection (d) of this
21 Section.

22 (d) The petition shall, in the first instance, be screened
23 by the Department of Corrections, who shall determine whether
24 to recommend that the petitioner be considered for
25 participation in the Program. In so doing, the Department
26 shall draw on information in the petition and on its own

1 resources, including its use of tools that assesses the
2 petitioner's risks, assets, and needs to determine whether the
3 petitioner may be released and, if so, under what specific
4 conditions set by the Department. Among other factors, in
5 making this determination the Department shall consider the
6 following:

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

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

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

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

21 (5) the petitioner's renunciation of criminal activity
22 and gang affiliation if the petitioner was a member of a
23 gang;

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

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

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

21 (f) Time served in the Program shall be credited toward
22 time served on the sentence. The end date of the period of
23 mandatory supervised release shall remain the same as it would
24 have been had the petitioner not been given early supervised
25 release, and the petitioner shall remain under supervision of
26 the Department until that date, except that the Department may

1 enter an order releasing and discharging the petitioner from
2 mandatory supervised release if it determines that he or she
3 is likely to remain at liberty without committing another
4 offense. Discharge of the petitioner from mandatory supervised
5 release does not discharge the petitioner's sentence, if time
6 to be served remains; nor does it deprive the Department of
7 jurisdiction over the petitioner, if time to be served
8 remains.

9 (g) Beginning on the effective date of this amendatory Act
10 of the 102nd General Assembly, notwithstanding any other law
11 to the contrary, all persons serving sentences in the
12 Department who meet the requirements of subsection (b) of this
13 Section are eligible to petition to participate in the
14 Program. The Department shall establish a system to allow for
15 the orderly disposition of the applications of those presently
16 incarcerated as they become eligible.

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

20 (i) The Department shall select a panel of independent
21 researchers to assess the effectiveness of the Program and to
22 make annual recommendations to the Governor and General
23 Assembly as to whether the Program should be extended.

24 (j) Notwithstanding any other provision of law to the
25 contrary, this Section shall control any release under this
26 Program.

1 (730 ILCS 5/3-14-4) (from Ch. 38, par. 1003-14-4)

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

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

12 (b) For those persons to be placed in a half-way house
13 directly upon release from an institution on parole or
14 mandatory supervised release status or upon placement in
15 prerelease custody, not less than 15 days prior to the
16 placement of such a person in such a half-way house, the
17 Department of Corrections shall give written notice to the
18 State's Attorney and the Sheriff of the county and the proper
19 law enforcement agency of the municipality in which the
20 half-way house is located of the identity of the person to be
21 placed in that program. Such identifying information shall
22 include, but not be limited to, the name of the individual,
23 age, physical description, photograph, the crime for which the
24 person was originally sentenced to the Department of
25 Corrections, and like information. The notice shall be given

1 in all cases, except when placement of an emergency nature is
2 necessary. In such emergency cases, oral notice shall be given
3 to the appropriate parties within 24 hours with written notice
4 to follow within 5 days.

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

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

13 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

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

15 (a) Except when the death penalty is sought under hearing
16 procedures otherwise specified, after a determination of
17 guilt, a hearing shall be held to impose the sentence.
18 However, prior to the imposition of sentence on an individual
19 being sentenced for an offense based upon a charge for a
20 violation of Section 11-501 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance, the individual must
22 undergo a professional evaluation to determine if an alcohol
23 or other drug abuse problem exists and the extent of such a
24 problem. Programs conducting these evaluations shall be
25 licensed by the Department of Human Services. However, if the

1 individual is not a resident of Illinois, the court may, in its
2 discretion, accept an evaluation from a program in the state
3 of such individual's residence. The court shall make a
4 specific finding about whether the defendant is eligible for
5 participation in a Department impact incarceration program as
6 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
7 explanation as to why a sentence to impact incarceration is
8 not an appropriate sentence. The court may in its sentencing
9 order recommend a defendant for placement in a Department of
10 Corrections substance abuse treatment program as provided in
11 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
12 upon the defendant being accepted in a program by the
13 Department of Corrections. At the hearing the court shall:

14 (1) consider the evidence, if any, received upon the
15 trial;

16 (2) consider any presentence reports;

17 (3) consider the financial impact of incarceration
18 based on the financial impact statement filed with the
19 clerk of the court by the Department of Corrections;

20 (4) consider evidence and information offered by the
21 parties in aggravation and mitigation;

22 (4.5) consider substance abuse treatment, eligibility
23 screening, and an assessment, if any, of the defendant by
24 an agent designated by the State of Illinois to provide
25 assessment services for the Illinois courts;

26 (5) hear arguments as to sentencing alternatives;

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

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

1 crime that is not a violent crime as defined in subsection
2 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

3 (7.5) afford a qualified person affected by: (i) a
4 violation of Section 405, 405.1, 405.2, or 407 of the
5 Illinois Controlled Substances Act or a violation of
6 Section 55 or Section 65 of the Methamphetamine Control
7 and Community Protection Act; or (ii) a Class 4 felony
8 violation of Section 11-14, 11-14.3 except as described in
9 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
10 11-18.1, or 11-19 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, committed by the defendant the
12 opportunity to make a statement concerning the impact on
13 the qualified person and to offer evidence in aggravation
14 or mitigation; provided that the statement and evidence
15 offered in aggravation or mitigation shall first be
16 prepared in writing in conjunction with the State's
17 Attorney before it may be presented orally at the hearing.
18 Sworn testimony offered by the qualified person is subject
19 to the defendant's right to cross-examine. All statements
20 and evidence offered under this paragraph (7.5) shall
21 become part of the record of the court. In this paragraph
22 (7.5), "qualified person" means any person who: (i) lived
23 or worked within the territorial jurisdiction where the
24 offense took place when the offense took place; or (ii) is
25 familiar with various public places within the territorial
26 jurisdiction where the offense took place when the offense

1 took place. "Qualified person" includes any peace officer
2 or any member of any duly organized State, county, or
3 municipal peace officer unit assigned to the territorial
4 jurisdiction where the offense took place when the offense
5 took place;

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

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

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

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

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

14 (c) In imposing a sentence for a violent crime or for an
15 offense of operating or being in physical control of a vehicle
16 while under the influence of alcohol, any other drug or any
17 combination thereof, or a similar provision of a local
18 ordinance, when such offense resulted in the personal injury
19 to someone other than the defendant, the trial judge shall
20 specify on the record the particular evidence, information,
21 factors in mitigation and aggravation or other reasons that
22 led to his sentencing determination. The full verbatim record
23 of the sentencing hearing shall be filed with the clerk of the
24 court and shall be a public record.

25 (c-1) In imposing a sentence for the offense of aggravated
26 kidnapping for ransom, home invasion, armed robbery,

1 aggravated vehicular hijacking, aggravated discharge of a
2 firearm, or armed violence with a category I weapon or
3 category II weapon, the trial judge shall make a finding as to
4 whether the conduct leading to conviction for the offense
5 resulted in great bodily harm to a victim, and shall enter that
6 finding and the basis for that finding in the record.

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

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

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

1 and may not be relied on by the defendant on appeal.

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

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

22 When the sentence is imposed for one of the offenses
23 enumerated in paragraph (a)(2) of Section 3-6-3, other than
24 first degree murder, and the offense was committed on or after
25 June 19, 1998, and when the sentence is imposed for reckless
26 homicide as defined in subsection (e) of Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the
2 offense was committed on or after January 1, 1999, and when the
3 sentence is imposed for aggravated driving under the influence
4 of alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (F) of paragraph (1) of subsection (d) of Section
7 11-501 of the Illinois Vehicle Code, and when the sentence is
8 imposed for aggravated arson if the offense was committed on
9 or after July 27, 2001 (the effective date of Public Act
10 92-176), and when the sentence is imposed for aggravated
11 driving under the influence of alcohol, other drug or drugs,
12 or intoxicating compound or compounds, or any combination
13 thereof as defined in subparagraph (C) of paragraph (1) of
14 subsection (d) of Section 11-501 of the Illinois Vehicle Code
15 committed on or after January 1, 2011 (the effective date of
16 Public Act 96-1230), the judge's statement, to be given after
17 pronouncing the sentence, shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois
22 as applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, the defendant is entitled to no more than 4 1/2 days of
25 sentence credit for each month of his or her sentence of
26 imprisonment. Therefore, this defendant will serve at least

1 85% of his or her sentence. Assuming the defendant receives 4
2 1/2 days credit for each month of his or her sentence, the
3 period of estimated actual custody is ... years and ...
4 months. If the defendant, because of his or her own misconduct
5 or failure to comply with the institutional regulations
6 receives lesser credit, the actual time served in prison will
7 be longer."

8 When a sentence of imprisonment is imposed for first
9 degree murder and the offense was committed on or after June
10 19, 1998, the judge's statement, to be given after pronouncing
11 the sentence, shall include the following:

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

21 When the sentencing order recommends placement in a
22 substance abuse program for any offense that results in
23 incarceration in a Department of Corrections facility and the
24 crime was committed on or after September 1, 2003 (the
25 effective date of Public Act 93-354), the judge's statement,
26 in addition to any other judge's statement required under this

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

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

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

23 (1) order that the officer preparing the presentence
24 report consult with the United States Department of
25 Veterans Affairs, Illinois Department of Veterans'
26 Affairs, or another agency or person with suitable

1 knowledge or experience for the purpose of providing the
2 court with information regarding treatment options
3 available to the defendant, including federal, State, and
4 local programming; and

5 (2) consider the treatment recommendations of any
6 diagnosing or treating mental health professionals
7 together with the treatment options available to the
8 defendant in imposing sentence.

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

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

18 (d) When the defendant is committed to the Department of
19 Corrections, the State's Attorney shall and counsel for the
20 defendant may file a statement with the clerk of the court to
21 be transmitted to the department, agency or institution to
22 which the defendant is committed to furnish such department,
23 agency or institution with the facts and circumstances of the
24 offense for which the person was committed together with all
25 other factual information accessible to them in regard to the
26 person prior to his commitment relative to his habits,

1 associates, disposition and reputation and any other facts and
2 circumstances which may aid such department, agency or
3 institution during its custody of such person. The clerk shall
4 within 10 days after receiving any such statements transmit a
5 copy to such department, agency or institution and a copy to
6 the other party, provided, however, that this shall not be
7 cause for delay in conveying the person to the department,
8 agency or institution to which he has been committed.

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

12 (1) the sentence imposed;

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

15 (3) any presentence reports;

16 (3.5) any sex offender evaluations;

17 (3.6) any substance abuse treatment eligibility
18 screening and assessment of the defendant by an agent
19 designated by the State of Illinois to provide assessment
20 services for the Illinois courts;

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

25 (4.1) any finding of great bodily harm made by the
26 court with respect to an offense enumerated in subsection

1 (c-1);

2 (5) all statements filed under subsection (d) of this
3 Section;

4 (6) any medical or mental health records or summaries
5 of the defendant;

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

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

11 (9) all additional matters which the court directs the
12 clerk to transmit.

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

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

20 (730 ILCS 5/Art. 5-8B heading new)

21 ARTICLE 8B.PRERELEASE CUSTODY

22 (730 ILCS 5/5-8B-1 new)

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

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

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

4 (a) This Section applies in the case of a committed person
5 who:

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

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

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

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

20 (B) has had a petition to be transferred to prerelease
21 custody approved by the chief administrative officer of
22 the correctional institution or facility, after the chief
23 administrative officer's determination that:

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

1 (ii) the committed person has made a good faith
2 effort to lower their recidivism risk through
3 participation in recidivism reduction programs or
4 productive activities;

5 (iii) the committed person is unlikely to
6 recidivate; and

7 (iv) the transfer of the committed person to
8 prerelease custody is otherwise appropriate.

9 (b) A committed person shall be placed in prerelease
10 custody as follows:

11 (1) A committed person placed in prerelease custody
12 under this Section who is placed in home confinement
13 shall:

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

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

22 (i) perform a job or job-related activities,
23 including an apprenticeship, or participate in
24 job-seeking activities;

25 (ii) participate in evidence-based recidivism
26 reduction programming or productive activities

1 assigned by the system, or similar activities;

2 (iii) perform community service;

3 (iv) participate in crime victim restoration
4 activities;

5 (v) receive medical treatment; or

6 (vi) attend religious activities; and

7 (C) comply with other conditions as the Director
8 determines appropriate.

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

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

21 (4) (A) Except as provided in subsection (d), a
22 committed person who is placed in home confinement shall
23 remain in home confinement until the committed person has
24 served not less than 85% of the committed person's imposed
25 term of imprisonment.

26 (B) A committed person placed in prerelease custody

1 under this Section who is placed at a residential reentry
2 center shall be subject to the conditions as the Director
3 of Corrections determines appropriate.

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

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

21 (e) The Director of Corrections, in consultation with the
22 Director of Court Services, shall issue guidelines, for use by
23 the Department of Corrections in determining:

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

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

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

10 The agreements shall:

11 (1) authorize county probation departments to exercise
12 the authority granted to the Director under subsections
13 (c) and (d); and

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

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

22 (h) Any prerelease custody into which a committed person
23 is placed under this Section may not include a condition
24 prohibiting the committed person from receiving mentoring
25 services from a person who provided those services to the
26 committed person while the committed person was incarcerated,

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

10 Section 20. The County Jail Act is amended by changing
11 Section 17.5 as follows:

12 (730 ILCS 125/17.5)

13 Sec. 17.5. Pregnant female prisoners and new mothers.
14 Notwithstanding any other statute, directive, or
15 administrative regulation, when a pregnant female prisoner is
16 brought to a hospital from a county jail for the purpose of
17 delivering her baby, no handcuffs, shackles, or restraints of
18 any kind may be used during her transport to a medical facility
19 for the purpose of delivering her baby and for at least 3
20 months after delivery. Under no circumstances may leg irons or
21 shackles or waist shackles be used on any pregnant female
22 prisoner who is in labor. In addition, restraint of a pregnant
23 female prisoner in the custody of the Cook County shall comply
24 with Section 3-15003.6 of the Counties Code. Upon the pregnant

1 female prisoner's entry to the hospital delivery room, 2
2 county correctional officers must be posted immediately
3 outside the delivery room. The Sheriff must provide for
4 adequate personnel to monitor the pregnant female prisoner
5 during her transport to and from the hospital and during her
6 stay at the hospital.

7 (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