



Rep. Kelly M. Cassidy

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LRB102 15057 RLC 36289 a

1 AMENDMENT TO HOUSE BILL 3659

2 AMENDMENT NO. _____. Amend House Bill 3659 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 as follows:

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

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

8 (a) (1) The Department of Corrections shall prescribe rules
9 and regulations for awarding and revoking sentence credit for
10 persons committed to the Department which shall be subject to
11 review by the Prisoner Review Board.

12 (1.5) As otherwise provided by law, sentence credit may be
13 awarded for the following:

14 (A) successful completion of programming while in
15 custody of the Department or while in custody prior to
16 sentencing;

1 (B) compliance with the rules and regulations of the
2 Department; or

3 (C) service to the institution, service to a
4 community, or service to the State.

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

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

1 the entire sentence imposed by the court;

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

19 (iii) that a prisoner serving a sentence for home
20 invasion, armed robbery, aggravated vehicular hijacking,
21 aggravated discharge of a firearm, or armed violence with
22 a category I weapon or category II weapon, when the court
23 has made and entered a finding, pursuant to subsection
24 (c-1) of Section 5-4-1 of this Code, that the conduct
25 leading to conviction for the enumerated offense resulted
26 in great bodily harm to a victim, shall receive no more

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

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

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

1 substance or methamphetamine is 100 grams or more shall
2 receive no more than 7.5 days sentence credit for each
3 month of his or her sentence of imprisonment;

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

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

12 (2.1) For all offenses, other than those enumerated in
13 subdivision (a)(2)(i), (ii), or (iii) committed on or after
14 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
15 June 23, 2005 (the effective date of Public Act 94-71) or
16 subdivision (a)(2)(v) committed on or after August 13, 2007
17 (the effective date of Public Act 95-134) or subdivision
18 (a)(2)(vi) committed on or after June 1, 2008 (the effective
19 date of Public Act 95-625) or subdivision (a)(2)(vii)
20 committed on or after July 23, 2010 (the effective date of
21 Public Act 96-1224), and other than the offense of aggravated
22 driving under the influence of alcohol, other drug or drugs,
23 or intoxicating compound or compounds, or any combination
24 thereof as defined in subparagraph (F) of paragraph (1) of
25 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
26 and other than the offense of aggravated driving under the

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

12 (2.2) A prisoner serving a term of natural life
13 imprisonment or a prisoner who has been sentenced to death
14 shall receive no sentence credit.

15 (2.3) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide that a prisoner who is serving a sentence for
18 aggravated driving under the influence of alcohol, other drug
19 or drugs, or intoxicating compound or compounds, or any
20 combination thereof as defined in subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code, shall receive no more than 4.5 days of
23 sentence credit for each month of his or her sentence of
24 imprisonment.

25 (2.4) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations on sentence credit

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

11 (2.5) Except as provided in paragraph (4.7) of this
12 subsection (a), the rules and regulations on sentence credit
13 shall provide that a prisoner who is serving a sentence for
14 aggravated arson committed on or after July 27, 2001 (the
15 effective date of Public Act 92-176) shall receive no more
16 than 4.5 days of sentence credit for each month of his or her
17 sentence of imprisonment.

18 (2.6) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations on sentence credit
20 shall provide that a prisoner who is serving a sentence for
21 aggravated driving under the influence of alcohol, other drug
22 or drugs, or intoxicating compound or compounds or any
23 combination thereof as defined in subparagraph (C) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code committed on or after January 1, 2011
26 (the effective date of Public Act 96-1230) shall receive no

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

3 (3) In addition to the sentence credits earned under
4 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
5 subsection (a), the rules and regulations shall also provide
6 that the Director may award up to 180 days of earned sentence
7 credit for prisoners serving a sentence of incarceration of
8 less than 5 years, and up to 365 days of earned sentence credit
9 for prisoners serving a sentence of 5 years or longer. The
10 Director may grant this credit for good conduct in specific
11 instances as the Director deems proper. The good conduct may
12 include, but is not limited to, compliance with the rules and
13 regulations of the Department, service to the Department,
14 service to a community, or service to the State.

15 Eligible inmates for an award of earned sentence credit
16 under this paragraph (3) may be selected to receive the credit
17 at the Director's or his or her designee's sole discretion.
18 Eligibility for the additional earned sentence credit under
19 this paragraph (3) may be based on, but is not limited to,
20 participation in programming offered by the Department as
21 appropriate for the prisoner based on the results of any
22 available risk/needs assessment or other relevant assessments
23 or evaluations administered by the Department using a
24 validated instrument, the circumstances of the crime,
25 demonstrated commitment to rehabilitation by a prisoner with a
26 history of conviction for a forcible felony enumerated in

1 Section 2-8 of the Criminal Code of 2012, the inmate's
2 behavior and improvements in disciplinary history while
3 incarcerated, and the inmate's commitment to rehabilitation,
4 including participation in programming offered by the
5 Department.

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

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

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

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

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

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

24 (3.5) The Department shall provide annual written reports
25 to the Governor and the General Assembly on the award of earned
26 sentence credit no later than February 1 of each year. The

1 Department must publish both reports on its website within 48
2 hours of transmitting the reports to the Governor and the
3 General Assembly. The reports must include:

4 (A) the number of inmates awarded earned sentence
5 credit;

6 (B) the average amount of earned sentence credit
7 awarded;

8 (C) the holding offenses of inmates awarded earned
9 sentence credit; and

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

11 (4) (A) Except as provided in paragraph (4.7) of this
12 subsection (a), the rules and regulations shall also provide
13 that any prisoner who is engaged full-time in substance abuse
14 programs, correctional industry assignments, educational
15 programs, work-release programs or activities in accordance
16 with Article 13 of Chapter III of this Code, behavior
17 modification programs, life skills courses, or re-entry
18 planning provided by the Department under this paragraph (4)
19 and satisfactorily completes the assigned program as
20 determined by the standards of the Department, shall receive
21 one day of sentence credit for each day in which that prisoner
22 is engaged in the activities described in this paragraph. The
23 rules and regulations shall also provide that sentence credit
24 may be provided to an inmate who was held in pre-trial
25 detention prior to his or her current commitment to the
26 Department of Corrections and successfully completed a

1 full-time, 60-day or longer substance abuse program,
2 educational program, behavior modification program, life
3 skills course, or re-entry planning provided by the county
4 department of corrections or county jail. Calculation of this
5 county program credit shall be done at sentencing as provided
6 in Section 5-4.5-100 of this Code and shall be included in the
7 sentencing order. The rules and regulations shall also provide
8 that sentence credit may be provided to an inmate who is in
9 compliance with programming requirements in an adult
10 transition center.

11 (B) The Department shall award sentence credit under this
12 paragraph (4) accumulated prior to January 1, 2020 (the
13 effective date of Public Act 101-440) in an amount specified
14 in subparagraph (C) of this paragraph (4) to an inmate serving
15 a sentence for an offense committed prior to June 19, 1998, if
16 the Department determines that the inmate is entitled to this
17 sentence credit, based upon:

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

26 (ii) the inmate's own testimony in the form of an

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

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

25 (D) If the inmate has been convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act,

1 sentencing credits under subparagraph (B) of this paragraph
2 (4) shall be awarded by the Department only if the conditions
3 set forth in paragraph (4.6) of subsection (a) are satisfied.
4 No inmate serving a term of natural life imprisonment shall
5 receive sentence credit under subparagraph (B) of this
6 paragraph (4).

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

17 Availability of these programs shall be subject to the
18 limits of fiscal resources appropriated by the General
19 Assembly for these purposes. Eligible inmates who are denied
20 immediate admission shall be placed on a waiting list under
21 criteria established by the Department. The rules and
22 regulations shall provide that a prisoner who has been placed
23 on a waiting list but is transferred for non-disciplinary
24 reasons before beginning a program shall receive priority
25 placement on the waitlist for appropriate programs at the new
26 facility. The inability of any inmate to become engaged in any

1 such programs by reason of insufficient program resources or
2 for any other reason established under the rules and
3 regulations of the Department shall not be deemed a cause of
4 action under which the Department or any employee or agent of
5 the Department shall be liable for damages to the inmate. The
6 rules and regulations shall provide that a prisoner who begins
7 an educational, vocational, substance abuse, work-release
8 programs or activities in accordance with Article 13 of
9 Chapter III of this Code, behavior modification program, life
10 skills course, re-entry planning, or correctional industry
11 programs but is unable to complete the program due to illness,
12 disability, transfer, lockdown, or another reason outside of
13 the prisoner's control shall receive prorated sentence credits
14 for the days in which the prisoner did participate.

15 (4.1) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations shall also provide
17 that an additional 90 days of sentence credit shall be awarded
18 to any prisoner who passes high school equivalency testing
19 while the prisoner is committed to the Department of
20 Corrections. The sentence credit awarded under this paragraph
21 (4.1) shall be in addition to, and shall not affect, the award
22 of sentence credit under any other paragraph of this Section,
23 but shall also be pursuant to the guidelines and restrictions
24 set forth in paragraph (4) of subsection (a) of this Section.
25 The sentence credit provided for in this paragraph shall be
26 available only to those prisoners who have not previously

1 earned a high school diploma or a high school equivalency
2 certificate. If, after an award of the high school equivalency
3 testing sentence credit has been made, the Department
4 determines that the prisoner was not eligible, then the award
5 shall be revoked. The Department may also award 90 days of
6 sentence credit to any committed person who passed high school
7 equivalency testing while he or she was held in pre-trial
8 detention prior to the current commitment to the Department of
9 Corrections. Except as provided in paragraph (4.7) of this
10 subsection (a), the rules and regulations shall provide that
11 an additional 120 days of sentence credit shall be awarded to
12 any prisoner who obtains an associate degree while the
13 prisoner is committed to the Department of Corrections,
14 regardless of the date that the associate degree was obtained,
15 including if prior to July 1, 2021 (the effective date of
16 Public Act 101-652). The sentence credit awarded under this
17 paragraph (4.1) shall be in addition to, and shall not affect,
18 the award of sentence credit under any other paragraph of this
19 Section, but shall also be under the guidelines and
20 restrictions set forth in paragraph (4) of subsection (a) of
21 this Section. The sentence credit provided for in this
22 paragraph (4.1) shall be available only to those prisoners who
23 have not previously earned an associate degree prior to the
24 current commitment to the Department of Corrections. If, after
25 an award of the associate degree sentence credit has been made
26 and the Department determines that the prisoner was not

1 eligible, then the award shall be revoked. The Department may
2 also award 120 days of sentence credit to any committed person
3 who earned an associate degree while he or she was held in
4 pre-trial detention prior to the current commitment to the
5 Department of Corrections.

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

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

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

21 (4.2) The rules and regulations shall also provide that
22 any prisoner engaged in self-improvement programs, volunteer
23 work, or work assignments that are not otherwise eligible
24 activities under paragraph (4), shall receive up to 0.5 days
25 of sentence credit for each day in which the prisoner is
26 engaged in activities described in this paragraph.

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

26 (4.6) The rules and regulations on sentence credit shall

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

11 (4.7) On or after January 1, 2018 (the effective date of
12 Public Act 100-3), sentence credit under paragraph (3), (4),
13 or (4.1) of this subsection (a) may be awarded to a prisoner
14 who is serving a sentence for an offense described in
15 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
16 on or after January 1, 2018 (the effective date of Public Act
17 100-3); provided, the award of the credits under this
18 paragraph (4.7) shall not reduce the sentence of the prisoner
19 to less than the following amounts:

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

22 (ii) 60% of his or her sentence if the prisoner is
23 required to serve 75% of his or her sentence, except if the
24 prisoner is serving a sentence for gunrunning his or her
25 sentence shall not be reduced to less than 75%.

26 (iii) 100% of his or her sentence if the prisoner is

1 required to serve 100% of his or her sentence.

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

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

1 (c) (1) The Department shall prescribe rules and
2 regulations for revoking sentence credit, including revoking
3 sentence credit awarded under paragraph (3) of subsection (a)
4 of this Section. The Department shall prescribe rules and
5 regulations establishing and requiring the use of a sanctions
6 matrix for revoking sentence credit. The Department shall
7 prescribe rules and regulations for suspending or reducing the
8 rate of accumulation of sentence credit for specific rule
9 violations, during imprisonment. These rules and regulations
10 shall provide that no inmate may be penalized more than one
11 year of sentence credit for any one infraction.

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

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

6 (3) The Director of the Department of Corrections, in
7 appropriate cases, may restore sentence credits which have
8 been revoked, suspended, or reduced. The Department shall
9 prescribe rules and regulations governing the restoration of
10 sentence credits. These rules and regulations shall provide
11 for the automatic restoration of sentence credits following a
12 period in which the prisoner maintains a record without a
13 disciplinary violation.

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

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

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

7 For purposes of this subsection (d):

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

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

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

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

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

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

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

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

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

26 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;

1 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)".