



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB3991

Introduced 3/4/2021, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
625 ILCS 5/6-508	from Ch. 95 1/2, par. 6-508
720 ILCS 5/33A-3	from Ch. 38, par. 33A-3
720 ILCS 5/24-1.7 rep.	
725 ILCS 5/111-3	from Ch. 38, par. 111-3
730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
730 ILCS 5/5-4.5-95 rep.	

Amends the Criminal Code of 2012. Repeals the armed habitual criminal statute. Amends the Unified Code of Corrections. Repeals the general recidivism and habitual criminal provisions of the Code. Provides that notwithstanding any provision of law to the contrary, a person convicted before the repeal of the armed habitual criminal statute and the general recidivism and habitual criminal provisions of the Code shall not be eligible for consideration of conditions of parole or mandatory supervised release if any of his or her convictions under those statutes was first degree murder, second degree murder, or any sex offense under the Sex Offenses Article of the Criminal Code of 2012. Amends the Illinois Vehicle Code and the Code of Criminal Procedure of 1963 to make conforming changes.

LRB102 02628 RLC 12631 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 6-106.1 and 6-508 as follows:

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)  
7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements  
10 of the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Department of State Police to conduct  
18 fingerprint based criminal background checks on current and  
19 future information available in the state system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. Applicants who have completed the  
22 fingerprinting requirements shall not be subjected to the  
23 fingerprinting process when applying for subsequent permits or

1 submitting proof of successful completion of the annual  
2 refresher course. Individuals who on July 1, 1995 (the  
3 effective date of Public Act 88-612) possess a valid school  
4 bus driver permit that has been previously issued by the  
5 appropriate Regional School Superintendent are not subject to  
6 the fingerprinting provisions of this Section as long as the  
7 permit remains valid and does not lapse. The applicant shall  
8 be required to pay all related application and fingerprinting  
9 fees as established by rule including, but not limited to, the  
10 amounts established by the Department of State Police and the  
11 Federal Bureau of Investigation to process fingerprint based  
12 criminal background investigations. All fees paid for  
13 fingerprint processing services under this Section shall be  
14 deposited into the State Police Services Fund for the cost  
15 incurred in processing the fingerprint based criminal  
16 background investigations. All other fees paid under this  
17 Section shall be deposited into the Road Fund for the purpose  
18 of defraying the costs of the Secretary of State in  
19 administering this Section. All applicants must:

- 20 1. be 21 years of age or older;
- 21 2. possess a valid and properly classified driver's  
22 license issued by the Secretary of State;
- 23 3. possess a valid driver's license, which has not  
24 been revoked, suspended, or canceled for 3 years  
25 immediately prior to the date of application, or have not  
26 had his or her commercial motor vehicle driving privileges

1 disqualified within the 3 years immediately prior to the  
2 date of application;

3 4. successfully pass a written test, administered by  
4 the Secretary of State, on school bus operation, school  
5 bus safety, and special traffic laws relating to school  
6 buses and submit to a review of the applicant's driving  
7 habits by the Secretary of State at the time the written  
8 test is given;

9 5. demonstrate ability to exercise reasonable care in  
10 the operation of school buses in accordance with rules  
11 promulgated by the Secretary of State;

12 6. demonstrate physical fitness to operate school  
13 buses by submitting the results of a medical examination,  
14 including tests for drug use for each applicant not  
15 subject to such testing pursuant to federal law, conducted  
16 by a licensed physician, a licensed advanced practice  
17 registered nurse, or a licensed physician assistant within  
18 90 days of the date of application according to standards  
19 promulgated by the Secretary of State;

20 7. affirm under penalties of perjury that he or she  
21 has not made a false statement or knowingly concealed a  
22 material fact in any application for permit;

23 8. have completed an initial classroom course,  
24 including first aid procedures, in school bus driver  
25 safety as promulgated by the Secretary of State; and after  
26 satisfactory completion of said initial course an annual

1 refresher course; such courses and the agency or  
2 organization conducting such courses shall be approved by  
3 the Secretary of State; failure to complete the annual  
4 refresher course, shall result in cancellation of the  
5 permit until such course is completed;

6 9. not have been under an order of court supervision  
7 for or convicted of 2 or more serious traffic offenses, as  
8 defined by rule, within one year prior to the date of  
9 application that may endanger the life or safety of any of  
10 the driver's passengers within the duration of the permit  
11 period;

12 10. not have been under an order of court supervision  
13 for or convicted of reckless driving, aggravated reckless  
14 driving, driving while under the influence of alcohol,  
15 other drug or drugs, intoxicating compound or compounds or  
16 any combination thereof, or reckless homicide resulting  
17 from the operation of a motor vehicle within 3 years of the  
18 date of application;

19 11. not have been convicted of committing or  
20 attempting to commit any one or more of the following  
21 offenses: (i) those offenses defined in Sections 8-1,  
22 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
23 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
25 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
26 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,

1 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,  
2 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,  
3 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4,  
4 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,  
5 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1,  
6 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,  
7 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5,  
8 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,  
9 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
10 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
11 24-1.7 before the effective date of this amendatory Act of  
12 the 102nd General Assembly, 24-2.1, 24-3.3, 24-3.5,  
13 24-3.8, 24-3.9, 31A-1.1, 33A-2, and 33D-1, in subsection  
14 (A), clauses (a) and (b), of Section 24-3, and those  
15 offenses contained in Article 29D of the Criminal Code of  
16 1961 or the Criminal Code of 2012; (ii) those offenses  
17 defined in the Cannabis Control Act except those offenses  
18 defined in subsections (a) and (b) of Section 4, and  
19 subsection (a) of Section 5 of the Cannabis Control Act;  
20 (iii) those offenses defined in the Illinois Controlled  
21 Substances Act; (iv) those offenses defined in the  
22 Methamphetamine Control and Community Protection Act; and  
23 (v) any offense committed or attempted in any other state  
24 or against the laws of the United States, which if  
25 committed or attempted in this State would be punishable  
26 as one or more of the foregoing offenses; (vi) the

1 offenses defined in Section 4.1 and 5.1 of the Wrongs to  
2 Children Act or Section 11-9.1A of the Criminal Code of  
3 1961 or the Criminal Code of 2012; (vii) those offenses  
4 defined in Section 6-16 of the Liquor Control Act of 1934;  
5 and (viii) those offenses defined in the Methamphetamine  
6 Precursor Control Act;

7 12. not have been repeatedly involved as a driver in  
8 motor vehicle collisions or been repeatedly convicted of  
9 offenses against laws and ordinances regulating the  
10 movement of traffic, to a degree which indicates lack of  
11 ability to exercise ordinary and reasonable care in the  
12 safe operation of a motor vehicle or disrespect for the  
13 traffic laws and the safety of other persons upon the  
14 highway;

15 13. not have, through the unlawful operation of a  
16 motor vehicle, caused an accident resulting in the death  
17 of any person;

18 14. not have, within the last 5 years, been adjudged  
19 to be afflicted with or suffering from any mental  
20 disability or disease;

21 15. consent, in writing, to the release of results of  
22 reasonable suspicion drug and alcohol testing under  
23 Section 6-106.1c of this Code by the employer of the  
24 applicant to the Secretary of State; and

25 16. not have been convicted of committing or  
26 attempting to commit within the last 20 years: (i) an

1 offense defined in subsection (c) of Section 4, subsection  
2 (b) of Section 5, and subsection (a) of Section 8 of the  
3 Cannabis Control Act; or (ii) any offenses in any other  
4 state or against the laws of the United States that, if  
5 committed or attempted in this State, would be punishable  
6 as one or more of the foregoing offenses.

7 (b) A school bus driver permit shall be valid for a period  
8 specified by the Secretary of State as set forth by rule. It  
9 shall be renewable upon compliance with subsection (a) of this  
10 Section.

11 (c) A school bus driver permit shall contain the holder's  
12 driver's license number, legal name, residence address, zip  
13 code, and date of birth, a brief description of the holder and  
14 a space for signature. The Secretary of State may require a  
15 suitable photograph of the holder.

16 (d) The employer shall be responsible for conducting a  
17 pre-employment interview with prospective school bus driver  
18 candidates, distributing school bus driver applications and  
19 medical forms to be completed by the applicant, and submitting  
20 the applicant's fingerprint cards to the Department of State  
21 Police that are required for the criminal background  
22 investigations. The employer shall certify in writing to the  
23 Secretary of State that all pre-employment conditions have  
24 been successfully completed including the successful  
25 completion of an Illinois specific criminal background  
26 investigation through the Department of State Police and the



1 submission of necessary fingerprints to the Federal Bureau of  
2 Investigation for criminal history information available  
3 through the Federal Bureau of Investigation system. The  
4 applicant shall present the certification to the Secretary of  
5 State at the time of submitting the school bus driver permit  
6 application.

7 (e) Permits shall initially be provisional upon receiving  
8 certification from the employer that all pre-employment  
9 conditions have been successfully completed, and upon  
10 successful completion of all training and examination  
11 requirements for the classification of the vehicle to be  
12 operated, the Secretary of State shall provisionally issue a  
13 School Bus Driver Permit. The permit shall remain in a  
14 provisional status pending the completion of the Federal  
15 Bureau of Investigation's criminal background investigation  
16 based upon fingerprinting specimens submitted to the Federal  
17 Bureau of Investigation by the Department of State Police. The  
18 Federal Bureau of Investigation shall report the findings  
19 directly to the Secretary of State. The Secretary of State  
20 shall remove the bus driver permit from provisional status  
21 upon the applicant's successful completion of the Federal  
22 Bureau of Investigation's criminal background investigation.

23 (f) A school bus driver permit holder shall notify the  
24 employer and the Secretary of State if he or she is issued an  
25 order of court supervision for or convicted in another state  
26 of an offense that would make him or her ineligible for a

1 permit under subsection (a) of this Section. The written  
2 notification shall be made within 5 days of the entry of the  
3 order of court supervision or conviction. Failure of the  
4 permit holder to provide the notification is punishable as a  
5 petty offense for a first violation and a Class B misdemeanor  
6 for a second or subsequent violation.

7 (g) Cancellation; suspension; notice and procedure.

8 (1) The Secretary of State shall cancel a school bus  
9 driver permit of an applicant whose criminal background  
10 investigation discloses that he or she is not in  
11 compliance with the provisions of subsection (a) of this  
12 Section.

13 (2) The Secretary of State shall cancel a school bus  
14 driver permit when he or she receives notice that the  
15 permit holder fails to comply with any provision of this  
16 Section or any rule promulgated for the administration of  
17 this Section.

18 (3) The Secretary of State shall cancel a school bus  
19 driver permit if the permit holder's restricted commercial  
20 or commercial driving privileges are withdrawn or  
21 otherwise invalidated.

22 (4) The Secretary of State may not issue a school bus  
23 driver permit for a period of 3 years to an applicant who  
24 fails to obtain a negative result on a drug test as  
25 required in item 6 of subsection (a) of this Section or  
26 under federal law.

1           (5) The Secretary of State shall forthwith suspend a  
2 school bus driver permit for a period of 3 years upon  
3 receiving notice that the holder has failed to obtain a  
4 negative result on a drug test as required in item 6 of  
5 subsection (a) of this Section or under federal law.

6           (6) The Secretary of State shall suspend a school bus  
7 driver permit for a period of 3 years upon receiving  
8 notice from the employer that the holder failed to perform  
9 the inspection procedure set forth in subsection (a) or  
10 (b) of Section 12-816 of this Code.

11           (7) The Secretary of State shall suspend a school bus  
12 driver permit for a period of 3 years upon receiving  
13 notice from the employer that the holder refused to submit  
14 to an alcohol or drug test as required by Section 6-106.1c  
15 or has submitted to a test required by that Section which  
16 disclosed an alcohol concentration of more than 0.00 or  
17 disclosed a positive result on a National Institute on  
18 Drug Abuse five-drug panel, utilizing federal standards  
19 set forth in 49 CFR 40.87.

20           The Secretary of State shall notify the State  
21 Superintendent of Education and the permit holder's  
22 prospective or current employer that the applicant has (1) has  
23 failed a criminal background investigation or (2) is no longer  
24 eligible for a school bus driver permit; and of the related  
25 cancellation of the applicant's provisional school bus driver  
26 permit. The cancellation shall remain in effect pending the

1 outcome of a hearing pursuant to Section 2-118 of this Code.  
2 The scope of the hearing shall be limited to the issuance  
3 criteria contained in subsection (a) of this Section. A  
4 petition requesting a hearing shall be submitted to the  
5 Secretary of State and shall contain the reason the individual  
6 feels he or she is entitled to a school bus driver permit. The  
7 permit holder's employer shall notify in writing to the  
8 Secretary of State that the employer has certified the removal  
9 of the offending school bus driver from service prior to the  
10 start of that school bus driver's next workshift. An employing  
11 school board that fails to remove the offending school bus  
12 driver from service is subject to the penalties defined in  
13 Section 3-14.23 of the School Code. A school bus contractor  
14 who violates a provision of this Section is subject to the  
15 penalties defined in Section 6-106.11.

16 All valid school bus driver permits issued under this  
17 Section prior to January 1, 1995, shall remain effective until  
18 their expiration date unless otherwise invalidated.

19 (h) When a school bus driver permit holder who is a service  
20 member is called to active duty, the employer of the permit  
21 holder shall notify the Secretary of State, within 30 days of  
22 notification from the permit holder, that the permit holder  
23 has been called to active duty. Upon notification pursuant to  
24 this subsection, (i) the Secretary of State shall characterize  
25 the permit as inactive until a permit holder renews the permit  
26 as provided in subsection (i) of this Section, and (ii) if a

1 permit holder fails to comply with the requirements of this  
2 Section while called to active duty, the Secretary of State  
3 shall not characterize the permit as invalid.

4 (i) A school bus driver permit holder who is a service  
5 member returning from active duty must, within 90 days, renew  
6 a permit characterized as inactive pursuant to subsection (h)  
7 of this Section by complying with the renewal requirements of  
8 subsection (b) of this Section.

9 (j) For purposes of subsections (h) and (i) of this  
10 Section:

11 "Active duty" means active duty pursuant to an executive  
12 order of the President of the United States, an act of the  
13 Congress of the United States, or an order of the Governor.

14 "Service member" means a member of the Armed Services or  
15 reserve forces of the United States or a member of the Illinois  
16 National Guard.

17 (k) A private carrier employer of a school bus driver  
18 permit holder, having satisfied the employer requirements of  
19 this Section, shall be held to a standard of ordinary care for  
20 intentional acts committed in the course of employment by the  
21 bus driver permit holder. This subsection (k) shall in no way  
22 limit the liability of the private carrier employer for  
23 violation of any provision of this Section or for the  
24 negligent hiring or retention of a school bus driver permit  
25 holder.

26 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

1 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
2 Sec. 6-508. Commercial Driver's License (CDL) -  
3 qualification standards.

4 (a) Testing.

5 (1) General. No person shall be issued an original or  
6 renewal CDL unless that person is domiciled in this State  
7 or is applying for a non-domiciled CDL under Sections  
8 6-509 and 6-510 of this Code. The Secretary shall cause to  
9 be administered such tests as the Secretary deems  
10 necessary to meet the requirements of 49 C.F.R. Part 383,  
11 subparts F, G, H, and J.

12 (1.5) Effective July 1, 2014, no person shall be  
13 issued an original CDL or an upgraded CDL that requires a  
14 skills test unless that person has held a CLP, for a  
15 minimum of 14 calendar days, for the classification of  
16 vehicle and endorsement, if any, for which the person is  
17 seeking a CDL.

18 (2) Third party testing. The Secretary of State may  
19 authorize a "third party tester", pursuant to 49 C.F.R.  
20 383.75 and 49 C.F.R. 384.228 and 384.229, to administer  
21 the skills test or tests specified by the Federal Motor  
22 Carrier Safety Administration pursuant to the Commercial  
23 Motor Vehicle Safety Act of 1986 and any appropriate  
24 federal rule.

25 (3) (i) Effective February 7, 2020, unless the person

1 is exempted by 49 CFR 380.603, no person shall be issued an  
2 original (first time issuance) CDL, an upgraded CDL or a  
3 school bus (S), passenger (P), or hazardous Materials (H)  
4 endorsement unless the person has successfully completed  
5 entry-level driver training (ELDT) taught by a training  
6 provider listed on the federal Training Provider Registry.

7 (ii) Persons who obtain a CLP before February 7, 2020  
8 are not required to complete ELDT if the person obtains a  
9 CDL before the CLP or renewed CLP expires.

10 (iii) Except for persons seeking the H endorsement,  
11 persons must complete the theory and behind-the-wheel  
12 (range and public road) portions of ELDT within one year  
13 of completing the first portion.

14 (iv) The Secretary shall adopt rules to implement this  
15 subsection.

16 (b) Waiver of Skills Test. The Secretary of State may  
17 waive the skills test specified in this Section for a driver  
18 applicant for a commercial driver license who meets the  
19 requirements of 49 C.F.R. 383.77. The Secretary of State shall  
20 waive the skills tests specified in this Section for a driver  
21 applicant who has military commercial motor vehicle  
22 experience, subject to the requirements of 49 C.F.R. 383.77.

23 (b-1) No person shall be issued a CDL unless the person  
24 certifies to the Secretary one of the following types of  
25 driving operations in which he or she will be engaged:

26 (1) non-excepted interstate;

1 (2) non-excepted intrastate;

2 (3) excepted interstate; or

3 (4) excepted intrastate.

4 (b-2) (Blank).

5 (c) Limitations on issuance of a CDL. A CDL shall not be  
6 issued to a person while the person is subject to a  
7 disqualification from driving a commercial motor vehicle, or  
8 unless otherwise permitted by this Code, while the person's  
9 driver's license is suspended, revoked or cancelled in any  
10 state, or any territory or province of Canada; nor may a CLP or  
11 CDL be issued to a person who has a CLP or CDL issued by any  
12 other state, or foreign jurisdiction, nor may a CDL be issued  
13 to a person who has an Illinois CLP unless the person first  
14 surrenders all of these licenses or permits. However, a person  
15 may hold an Illinois CLP and an Illinois CDL providing the CLP  
16 is necessary to train or practice for an endorsement or  
17 vehicle classification not present on the current CDL. No CDL  
18 shall be issued to or renewed for a person who does not meet  
19 the requirement of 49 CFR 391.41(b)(11). The requirement may  
20 be met with the aid of a hearing aid.

21 (c-1) The Secretary may issue a CDL with a school bus  
22 driver endorsement to allow a person to drive the type of bus  
23 described in subsection (d-5) of Section 6-104 of this Code.  
24 The CDL with a school bus driver endorsement may be issued only  
25 to a person meeting the following requirements:

26 (1) the person has submitted his or her fingerprints



1 to the Department of State Police in the form and manner  
2 prescribed by the Department of State Police. These  
3 fingerprints shall be checked against the fingerprint  
4 records now and hereafter filed in the Department of State  
5 Police and Federal Bureau of Investigation criminal  
6 history records databases;

7 (2) the person has passed a written test, administered  
8 by the Secretary of State, on charter bus operation,  
9 charter bus safety, and certain special traffic laws  
10 relating to school buses determined by the Secretary of  
11 State to be relevant to charter buses, and submitted to a  
12 review of the driver applicant's driving habits by the  
13 Secretary of State at the time the written test is given;

14 (3) the person has demonstrated physical fitness to  
15 operate school buses by submitting the results of a  
16 medical examination, including tests for drug use; and

17 (4) the person has not been convicted of committing or  
18 attempting to commit any one or more of the following  
19 offenses: (i) those offenses defined in Sections 8-1.2,  
20 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
21 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
22 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
23 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
24 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
25 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
26 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,

1 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
2 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
3 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
4 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
5 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,  
6 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5,  
7 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
8 24-1.2, 24-1.2-5, 24-1.6, 24-1.7 before the effective date  
9 of this amendatory Act of the 102nd General Assembly,  
10 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1,  
11 33A-2, and 33D-1, and in subsection (b) of Section 8-1,  
12 and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),  
13 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and  
14 in subsection (a) and subsection (b), clause (1), of  
15 Section 12-4, and in subsection (A), clauses (a) and (b),  
16 of Section 24-3, and those offenses contained in Article  
17 29D of the Criminal Code of 1961 or the Criminal Code of  
18 2012; (ii) those offenses defined in the Cannabis Control  
19 Act except those offenses defined in subsections (a) and  
20 (b) of Section 4, and subsection (a) of Section 5 of the  
21 Cannabis Control Act; (iii) those offenses defined in the  
22 Illinois Controlled Substances Act; (iv) those offenses  
23 defined in the Methamphetamine Control and Community  
24 Protection Act; (v) any offense committed or attempted in  
25 any other state or against the laws of the United States,  
26 which if committed or attempted in this State would be

1 punishable as one or more of the foregoing offenses; (vi)  
2 the offenses defined in Sections 4.1 and 5.1 of the Wrongs  
3 to Children Act or Section 11-9.1A of the Criminal Code of  
4 1961 or the Criminal Code of 2012; (vii) those offenses  
5 defined in Section 6-16 of the Liquor Control Act of 1934;  
6 and (viii) those offenses defined in the Methamphetamine  
7 Precursor Control Act.

8 The Department of State Police shall charge a fee for  
9 conducting the criminal history records check, which shall be  
10 deposited into the State Police Services Fund and may not  
11 exceed the actual cost of the records check.

12 (c-2) The Secretary shall issue a CDL with a school bus  
13 endorsement to allow a person to drive a school bus as defined  
14 in this Section. The CDL shall be issued according to the  
15 requirements outlined in 49 C.F.R. 383. A person may not  
16 operate a school bus as defined in this Section without a  
17 school bus endorsement. The Secretary of State may adopt rules  
18 consistent with Federal guidelines to implement this  
19 subsection (c-2).

20 (d) (Blank).

21 (Source: P.A. 101-185, eff. 1-1-20.)

22 Section 10. The Criminal Code of 2012 is amended by  
23 changing Section 33A-3 as follows:

24 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

1           Sec. 33A-3. Sentence.

2           (a) Violation of Section 33A-2(a) with a Category I weapon  
3 is a Class X felony for which the defendant shall be sentenced  
4 to a minimum term of imprisonment of 15 years.

5           (a-5) Violation of Section 33A-2(a) with a Category II  
6 weapon is a Class X felony for which the defendant shall be  
7 sentenced to a minimum term of imprisonment of 10 years.

8           (b) Violation of Section 33A-2(a) with a Category III  
9 weapon is a Class 2 felony or the felony classification  
10 provided for the same act while unarmed, whichever permits the  
11 greater penalty. A second or subsequent violation of Section  
12 33A-2(a) with a Category III weapon is a Class 1 felony or the  
13 felony classification provided for the same act while unarmed,  
14 whichever permits the greater penalty.

15           (b-5) Violation of Section 33A-2(b) with a firearm that is  
16 a Category I or Category II weapon is a Class X felony for  
17 which the defendant shall be sentenced to a minimum term of  
18 imprisonment of 20 years.

19           (b-10) Violation of Section 33A-2(c) with a firearm that  
20 is a Category I or Category II weapon is a Class X felony for  
21 which the defendant shall be sentenced to a term of  
22 imprisonment of not less than 25 years nor more than 40 years.

23           (c) Unless sentencing under subsection (a) of Section  
24 5-4.5-95 of the Unified Code of Corrections before the  
25 effective date of this amendatory Act of the 102nd General  
26 Assembly (~~730 ILCS 5/5-4.5-95~~) is applicable, any person who

1 violates subsection (a) or (b) of Section 33A-2 with a  
2 firearm, when that person has been convicted in any state or  
3 federal court of 3 or more of the following offenses: treason,  
4 first degree murder, second degree murder, predatory criminal  
5 sexual assault of a child, aggravated criminal sexual assault,  
6 criminal sexual assault, robbery, burglary, arson, kidnaping,  
7 aggravated battery resulting in great bodily harm or permanent  
8 disability or disfigurement, a violation of the  
9 Methamphetamine Control and Community Protection Act, or a  
10 violation of Section 401(a) of the Illinois Controlled  
11 Substances Act, when the third offense was committed after  
12 conviction on the second, the second offense was committed  
13 after conviction on the first, and the violation of Section  
14 33A-2 was committed after conviction on the third, shall be  
15 sentenced to a term of imprisonment of not less than 25 years  
16 nor more than 50 years.

17 (c-5) Except as otherwise provided in paragraph (b-10) or  
18 (c) of this Section, a person who violates Section 33A-2(a)  
19 with a firearm that is a Category I weapon or Section 33A-2(b)  
20 in any school, in any conveyance owned, leased, or contracted  
21 by a school to transport students to or from school or a school  
22 related activity, or on the real property comprising any  
23 school or public park, and where the offense was related to the  
24 activities of an organized gang, shall be sentenced to a term  
25 of imprisonment of not less than the term set forth in  
26 subsection (a) or (b-5) of this Section, whichever is

1 applicable, and not more than 30 years. For the purposes of  
2 this subsection (c-5), "organized gang" has the meaning  
3 ascribed to it in Section 10 of the Illinois Streetgang  
4 Terrorism Omnibus Prevention Act.

5 (d) For armed violence based upon a predicate offense  
6 listed in this subsection (d) the court shall enter the  
7 sentence for armed violence to run consecutively to the  
8 sentence imposed for the predicate offense. The offenses  
9 covered by this provision are:

- 10 (i) solicitation of murder,
- 11 (ii) solicitation of murder for hire,
- 12 (iii) heinous battery as described in Section 12-4.1  
13 or subdivision (a) (2) of Section 12-3.05,
- 14 (iv) aggravated battery of a senior citizen as  
15 described in Section 12-4.6 or subdivision (a) (4) of  
16 Section 12-3.05,
- 17 (v) (blank),
- 18 (vi) a violation of subsection (g) of Section 5 of the  
19 Cannabis Control Act,
- 20 (vii) cannabis trafficking,
- 21 (viii) a violation of subsection (a) of Section 401 of  
22 the Illinois Controlled Substances Act,
- 23 (ix) controlled substance trafficking involving a  
24 Class X felony amount of controlled substance under  
25 Section 401 of the Illinois Controlled Substances Act,
- 26 (x) calculated criminal drug conspiracy,

1 (xi) streetgang criminal drug conspiracy, or  
2 (xii) a violation of the Methamphetamine Control and  
3 Community Protection Act.  
4 (Source: P.A. 95-688, eff. 10-23-07; 95-1052, eff. 7-1-09;  
5 96-1551, eff. 7-1-11.)

6 (720 ILCS 5/24-1.7 rep.)

7 Section 15. The Criminal Code of 2012 is amended by  
8 repealing Section 24-1.7.

9 Section 20. The Code of Criminal Procedure of 1963 is  
10 amended by changing Section 111-3 as follows:

11 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

12 Sec. 111-3. Form of charge.

13 (a) A charge shall be in writing and allege the commission  
14 of an offense by:

15 (1) Stating the name of the offense;

16 (2) Citing the statutory provision alleged to have  
17 been violated;

18 (3) Setting forth the nature and elements of the  
19 offense charged;

20 (4) Stating the date and county of the offense as  
21 definitely as can be done; and

22 (5) Stating the name of the accused, if known, and if  
23 not known, designate the accused by any name or

1 description by which he can be identified with reasonable  
2 certainty.

3 (a-5) If the victim is alleged to have been subjected to an  
4 offense involving an illegal sexual act including, but not  
5 limited to, a sexual offense defined in Article 11 or Section  
6 10-9 of the Criminal Code of 2012, the charge shall state the  
7 identity of the victim by name, initials, or description.

8 (b) An indictment shall be signed by the foreman of the  
9 Grand Jury and an information shall be signed by the State's  
10 Attorney and sworn to by him or another. A complaint shall be  
11 sworn to and signed by the complainant; provided, that when a  
12 peace officer observes the commission of a misdemeanor and is  
13 the complaining witness, the signing of the complaint by the  
14 peace officer is sufficient to charge the defendant with the  
15 commission of the offense, and the complaint need not be sworn  
16 to if the officer signing the complaint certifies that the  
17 statements set forth in the complaint are true and correct and  
18 are subject to the penalties provided by law for false  
19 certification under Section 1-109 of the Code of Civil  
20 Procedure and perjury under Section 32-2 of the Criminal Code  
21 of 2012; and further provided, however, that when a citation  
22 is issued on a Uniform Traffic Ticket or Uniform Conservation  
23 Ticket (in a form prescribed by the Conference of Chief  
24 Circuit Judges and filed with the Supreme Court), the copy of  
25 such Uniform Ticket which is filed with the circuit court  
26 constitutes a complaint to which the defendant may plead,



1 unless he specifically requests that a verified complaint be  
2 filed.

3 (c) When the State seeks an enhanced sentence because of a  
4 prior conviction, the charge shall also state the intention to  
5 seek an enhanced sentence and shall state such prior  
6 conviction so as to give notice to the defendant. However, the  
7 fact of such prior conviction and the State's intention to  
8 seek an enhanced sentence are not elements of the offense and  
9 may not be disclosed to the jury during trial unless otherwise  
10 permitted by issues properly raised during such trial. For the  
11 purposes of this Section, "enhanced sentence" means a sentence  
12 which is increased by a prior conviction from one  
13 classification of offense to another higher level  
14 classification of offense set forth in Section 5-4.5-10 of the  
15 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not  
16 include an increase in the sentence applied within the same  
17 level of classification of offense.

18 (c-5) Notwithstanding any other provision of law, in all  
19 cases in which the imposition of the death penalty is not a  
20 possibility, if an alleged fact (other than the fact of a prior  
21 conviction) is not an element of an offense but is sought to be  
22 used to increase the range of penalties for the offense beyond  
23 the statutory maximum that could otherwise be imposed for the  
24 offense, the alleged fact must be included in the charging  
25 instrument or otherwise provided to the defendant through a  
26 written notification before trial, submitted to a trier of

1 fact as an aggravating factor, and proved beyond a reasonable  
2 doubt. Failure to prove the fact beyond a reasonable doubt is  
3 not a bar to a conviction for commission of the offense, but is  
4 a bar to increasing, based on that fact, the range of penalties  
5 for the offense beyond the statutory maximum that could  
6 otherwise be imposed for that offense. Nothing in this  
7 subsection (c-5) requires the imposition of a sentence that  
8 increases the range of penalties for the offense beyond the  
9 statutory maximum that could otherwise be imposed for the  
10 offense if the imposition of that sentence is not required by  
11 law.

12 (d) At any time prior to trial, the State on motion shall  
13 be permitted to amend the charge, whether brought by  
14 indictment, information or complaint, to make the charge  
15 comply with subsection (c) or (c-5) of this Section. Nothing  
16 in Section 103-5 of this Code precludes such an amendment or a  
17 written notification made in accordance with subsection (c-5)  
18 of this Section.

19 (e) The provisions of subsection (a) of Section 5-4.5-95  
20 of the Unified Code of Corrections before its repeal on the  
21 effective date of this amendatory Act of the 102nd General  
22 Assembly (~~730 ILCS 5/5-4.5-95~~) shall not be affected by this  
23 Section.

24 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)

25 Section 25. The Unified Code of Corrections is amended by

1 changing Sections 3-2-2, 3-3-3, and 3-6-3 as follows:

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

3 Sec. 3-2-2. Powers and duties of the Department.

4 (1) In addition to the powers, duties, and  
5 responsibilities which are otherwise provided by law, the  
6 Department shall have the following powers:

7 (a) To accept persons committed to it by the courts of  
8 this State for care, custody, treatment and  
9 rehabilitation, and to accept federal prisoners and aliens  
10 over whom the Office of the Federal Detention Trustee is  
11 authorized to exercise the federal detention function for  
12 limited purposes and periods of time.

13 (b) To develop and maintain reception and evaluation  
14 units for purposes of analyzing the custody and  
15 rehabilitation needs of persons committed to it and to  
16 assign such persons to institutions and programs under its  
17 control or transfer them to other appropriate agencies. In  
18 consultation with the Department of Alcoholism and  
19 Substance Abuse (now the Department of Human Services),  
20 the Department of Corrections shall develop a master plan  
21 for the screening and evaluation of persons committed to  
22 its custody who have alcohol or drug abuse problems, and  
23 for making appropriate treatment available to such  
24 persons; the Department shall report to the General  
25 Assembly on such plan not later than April 1, 1987. The

1 maintenance and implementation of such plan shall be  
2 contingent upon the availability of funds.

3 (b-1) To create and implement, on January 1, 2002, a  
4 pilot program to establish the effectiveness of  
5 pupillometer technology (the measurement of the pupil's  
6 reaction to light) as an alternative to a urine test for  
7 purposes of screening and evaluating persons committed to  
8 its custody who have alcohol or drug problems. The pilot  
9 program shall require the pupillometer technology to be  
10 used in at least one Department of Corrections facility.  
11 The Director may expand the pilot program to include an  
12 additional facility or facilities as he or she deems  
13 appropriate. A minimum of 4,000 tests shall be included in  
14 the pilot program. The Department must report to the  
15 General Assembly on the effectiveness of the program by  
16 January 1, 2003.

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

21 (c) To maintain and administer all State correctional  
22 institutions and facilities under its control and to  
23 establish new ones as needed. Pursuant to its power to  
24 establish new institutions and facilities, the Department  
25 may, with the written approval of the Governor, authorize  
26 the Department of Central Management Services to enter

1 into an agreement of the type described in subsection (d)  
2 of Section 405-300 of the Department of Central Management  
3 Services Law (20 ILCS 405/405-300). The Department shall  
4 designate those institutions which shall constitute the  
5 State Penitentiary System.

6 Pursuant to its power to establish new institutions  
7 and facilities, the Department may authorize the  
8 Department of Central Management Services to accept bids  
9 from counties and municipalities for the construction,  
10 remodeling or conversion of a structure to be leased to  
11 the Department of Corrections for the purposes of its  
12 serving as a correctional institution or facility. Such  
13 construction, remodeling or conversion may be financed  
14 with revenue bonds issued pursuant to the Industrial  
15 Building Revenue Bond Act by the municipality or county.  
16 The lease specified in a bid shall be for a term of not  
17 less than the time needed to retire any revenue bonds used  
18 to finance the project, but not to exceed 40 years. The  
19 lease may grant to the State the option to purchase the  
20 structure outright.

21 Upon receipt of the bids, the Department may certify  
22 one or more of the bids and shall submit any such bids to  
23 the General Assembly for approval. Upon approval of a bid  
24 by a constitutional majority of both houses of the General  
25 Assembly, pursuant to joint resolution, the Department of  
26 Central Management Services may enter into an agreement

1 with the county or municipality pursuant to such bid.

2 (c-5) To build and maintain regional juvenile  
3 detention centers and to charge a per diem to the counties  
4 as established by the Department to defray the costs of  
5 housing each minor in a center. In this subsection (c-5),  
6 "juvenile detention center" means a facility to house  
7 minors during pendency of trial who have been transferred  
8 from proceedings under the Juvenile Court Act of 1987 to  
9 prosecutions under the criminal laws of this State in  
10 accordance with Section 5-805 of the Juvenile Court Act of  
11 1987, whether the transfer was by operation of law or  
12 permissive under that Section. The Department shall  
13 designate the counties to be served by each regional  
14 juvenile detention center.

15 (d) To develop and maintain programs of control,  
16 rehabilitation and employment of committed persons within  
17 its institutions.

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

20 (d-10) To provide educational and visitation  
21 opportunities to committed persons within its institutions  
22 through temporary access to content-controlled tablets  
23 that may be provided as a privilege to committed persons  
24 to induce or reward compliance.

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

1 (f) To establish in cooperation with the Department of  
2 Transportation to supply a sufficient number of prisoners  
3 for use by the Department of Transportation to clean up  
4 the trash and garbage along State, county, township, or  
5 municipal highways as designated by the Department of  
6 Transportation. The Department of Corrections, at the  
7 request of the Department of Transportation, shall furnish  
8 such prisoners at least annually for a period to be agreed  
9 upon between the Director of Corrections and the Secretary  
10 of Transportation. The prisoners used on this program  
11 shall be selected by the Director of Corrections on  
12 whatever basis he deems proper in consideration of their  
13 term, behavior and earned eligibility to participate in  
14 such program - where they will be outside of the prison  
15 facility but still in the custody of the Department of  
16 Corrections. Prisoners convicted of first degree murder,  
17 or a Class X felony, or armed violence, or aggravated  
18 kidnapping, or criminal sexual assault, aggravated  
19 criminal sexual abuse or a subsequent conviction for  
20 criminal sexual abuse, or forcible detention, or arson, or  
21 a prisoner adjudged a Habitual Criminal before the  
22 effective date of this amendatory Act of the 102nd General  
23 Assembly shall not be eligible for selection to  
24 participate in such program. The prisoners shall remain as  
25 prisoners in the custody of the Department of Corrections  
26 and such Department shall furnish whatever security is

1 necessary. The Department of Transportation shall furnish  
2 trucks and equipment for the highway cleanup program and  
3 personnel to supervise and direct the program. Neither the  
4 Department of Corrections nor the Department of  
5 Transportation shall replace any regular employee with a  
6 prisoner.

7 (g) To maintain records of persons committed to it and  
8 to establish programs of research, statistics and  
9 planning.

10 (h) To investigate the grievances of any person  
11 committed to the Department and to inquire into any  
12 alleged misconduct by employees or committed persons; and  
13 for these purposes it may issue subpoenas and compel the  
14 attendance of witnesses and the production of writings and  
15 papers, and may examine under oath any witnesses who may  
16 appear before it; to also investigate alleged violations  
17 of a parolee's or releasee's conditions of parole or  
18 release; and for this purpose it may issue subpoenas and  
19 compel the attendance of witnesses and the production of  
20 documents only if there is reason to believe that such  
21 procedures would provide evidence that such violations  
22 have occurred.

23 If any person fails to obey a subpoena issued under  
24 this subsection, the Director may apply to any circuit  
25 court to secure compliance with the subpoena. The failure  
26 to comply with the order of the court issued in response



1 thereto shall be punishable as contempt of court.

2 (i) To appoint and remove the chief administrative  
3 officers, and administer programs of training and  
4 development of personnel of the Department. Personnel  
5 assigned by the Department to be responsible for the  
6 custody and control of committed persons or to investigate  
7 the alleged misconduct of committed persons or employees  
8 or alleged violations of a parolee's or releasee's  
9 conditions of parole shall be conservators of the peace  
10 for those purposes, and shall have the full power of peace  
11 officers outside of the facilities of the Department in  
12 the protection, arrest, retaking and reconfining of  
13 committed persons or where the exercise of such power is  
14 necessary to the investigation of such misconduct or  
15 violations. This subsection shall not apply to persons  
16 committed to the Department of Juvenile Justice under the  
17 Juvenile Court Act of 1987 on aftercare release.

18 (j) To cooperate with other departments and agencies  
19 and with local communities for the development of  
20 standards and programs for better correctional services in  
21 this State.

22 (k) To administer all moneys and properties of the  
23 Department.

24 (l) To report annually to the Governor on the  
25 committed persons, institutions and programs of the  
26 Department.

1 (1-5) (Blank).

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

4 (n) To establish rules and regulations for  
5 administering a system of sentence credits, established in  
6 accordance with Section 3-6-3, subject to review by the  
7 Prisoner Review Board.

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

13 (p) To exchange information with the Department of  
14 Human Services and the Department of Healthcare and Family  
15 Services for the purpose of verifying living arrangements  
16 and for other purposes directly connected with the  
17 administration of this Code and the Illinois Public Aid  
18 Code.

19 (q) To establish a diversion program.

20 The program shall provide a structured environment for  
21 selected technical parole or mandatory supervised release  
22 violators and committed persons who have violated the  
23 rules governing their conduct while in work release. This  
24 program shall not apply to those persons who have  
25 committed a new offense while serving on parole or  
26 mandatory supervised release or while committed to work

1 release.

2 Elements of the program shall include, but shall not  
3 be limited to, the following:

4 (1) The staff of a diversion facility shall  
5 provide supervision in accordance with required  
6 objectives set by the facility.

7 (2) Participants shall be required to maintain  
8 employment.

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

12 (4) Each participant shall:

13 (A) provide restitution to victims in  
14 accordance with any court order;

15 (B) provide financial support to his  
16 dependents; and

17 (C) make appropriate payments toward any other  
18 court-ordered obligations.

19 (5) Each participant shall complete community  
20 service in addition to employment.

21 (6) Participants shall take part in such  
22 counseling, educational and other programs as the  
23 Department may deem appropriate.

24 (7) Participants shall submit to drug and alcohol  
25 screening.

26 (8) The Department shall promulgate rules

1 governing the administration of the program.

2 (r) To enter into intergovernmental cooperation  
3 agreements under which persons in the custody of the  
4 Department may participate in a county impact  
5 incarceration program established under Section 3-6038 or  
6 3-15003.5 of the Counties Code.

7 (r-5) (Blank).

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

19 (i) are members of a criminal streetgang;

20 (ii) with respect to other individuals within the  
21 streetgang, occupy a position of organizer,  
22 supervisor, or other position of management or  
23 leadership; and

24 (iii) are actively and personally engaged in  
25 directing, ordering, authorizing, or requesting  
26 commission of criminal acts by others, which are

1           punishable as a felony, in furtherance of streetgang  
2           related activity both within and outside of the  
3           Department of Corrections.

4           "Streetgang", "gang", and "streetgang related" have the  
5           meanings ascribed to them in Section 10 of the Illinois  
6           Streetgang Terrorism Omnibus Prevention Act.

7           (s) To operate a super-maximum security institution,  
8           in order to manage and supervise inmates who are  
9           disruptive or dangerous and provide for the safety and  
10          security of the staff and the other inmates.

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

23          As used in this subdivision (1)(t), "unprivileged  
24          conversation" or "unprivileged communication" means a  
25          conversation or communication that is not protected by any  
26          privilege recognized by law or by decision, rule, or order

1 of the Illinois Supreme Court.

2 (u) To establish a Women's and Children's Pre-release  
3 Community Supervision Program for the purpose of providing  
4 housing and services to eligible female inmates, as  
5 determined by the Department, and their newborn and young  
6 children.

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

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

23 (2) The Department of Corrections shall by January 1,  
24 1998, consider building and operating a correctional facility  
25 within 100 miles of a county of over 2,000,000 inhabitants,  
26 especially a facility designed to house juvenile participants

1 in the impact incarceration program.

2 (3) When the Department lets bids for contracts for  
3 medical services to be provided to persons committed to  
4 Department facilities by a health maintenance organization,  
5 medical service corporation, or other health care provider,  
6 the bid may only be let to a health care provider that has  
7 obtained an irrevocable letter of credit or performance bond  
8 issued by a company whose bonds have an investment grade or  
9 higher rating by a bond rating organization.

10 (4) When the Department lets bids for contracts for food  
11 or commissary services to be provided to Department  
12 facilities, the bid may only be let to a food or commissary  
13 services provider that has obtained an irrevocable letter of  
14 credit or performance bond issued by a company whose bonds  
15 have an investment grade or higher rating by a bond rating  
16 organization.

17 (5) On and after the date 6 months after August 16, 2013  
18 (the effective date of Public Act 98-488), as provided in the  
19 Executive Order 1 (2012) Implementation Act, all of the  
20 powers, duties, rights, and responsibilities related to State  
21 healthcare purchasing under this Code that were transferred  
22 from the Department of Corrections to the Department of  
23 Healthcare and Family Services by Executive Order 3 (2005) are  
24 transferred back to the Department of Corrections; however,  
25 powers, duties, rights, and responsibilities related to State  
26 healthcare purchasing under this Code that were exercised by

1 the Department of Corrections before the effective date of  
2 Executive Order 3 (2005) but that pertain to individuals  
3 resident in facilities operated by the Department of Juvenile  
4 Justice are transferred to the Department of Juvenile Justice.  
5 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;  
6 101-235, eff. 1-1-20.)

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

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

9 (a) Except for those offenders who accept the fixed  
10 release date established by the Prisoner Review Board under  
11 Section 3-3-2.1, every person serving a term of imprisonment  
12 under the law in effect prior to the effective date of this  
13 amendatory Act of 1977 shall be eligible for parole when he or  
14 she has served:

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

18 (2) 20 years of a life sentence less time credit for  
19 good behavior; or

20 (3) 20 years or one-third of a determinate sentence,  
21 whichever is less, less time credit for good behavior.

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

25 (c) Except for those sentenced to a term of natural life



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

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

9 (d-5) Notwithstanding any provision of law to the  
10 contrary, a person convicted under Section 24-1.7 of the  
11 Criminal Code of 2012 or Section 5-4.5-95 of this Code before  
12 their repeal on the effective date of this amendatory Act of  
13 the 102nd General Assembly shall not be eligible for  
14 consideration of conditions of parole or mandatory supervised  
15 release if any of his or her convictions under those statutes  
16 was first degree murder, second degree murder, or any offense  
17 under Article 11 of the Criminal Code of 2012 or the Criminal  
18 Code of 1961.

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

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

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

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

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

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

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

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

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

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

1 offense of being an armed habitual criminal committed on or  
2 after August 2, 2005 (the effective date of Public Act 94-398)  
3 but before the effective date of this amendatory Act of the  
4 102nd General Assembly or with respect to the offenses listed  
5 in clause (v) of this paragraph (2) committed on or after  
6 August 13, 2007 (the effective date of Public Act 95-134) or  
7 with respect to the offense of aggravated domestic battery  
8 committed on or after July 23, 2010 (the effective date of  
9 Public Act 96-1224) or with respect to the offense of attempt  
10 to commit terrorism committed on or after January 1, 2013 (the  
11 effective date of Public Act 97-990), the following:

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

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

1 effective date of this amendatory Act of the 102nd General  
2 Assembly, aggravated battery of a senior citizen as  
3 described in Section 12-4.6 or subdivision (a)(4) of  
4 Section 12-3.05, or aggravated battery of a child as  
5 described in Section 12-4.3 or subdivision (b)(1) of  
6 Section 12-3.05 shall receive no more than 4.5 days of  
7 sentence credit for each month of his or her sentence of  
8 imprisonment;

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

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

25 (v) that a person serving a sentence for gunrunning,  
26 narcotics racketeering, controlled substance trafficking,

1 methamphetamine trafficking, drug-induced homicide,  
2 aggravated methamphetamine-related child endangerment,  
3 money laundering pursuant to clause (c) (4) or (5) of  
4 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012, or a Class X felony conviction for delivery  
6 of a controlled substance, possession of a controlled  
7 substance with intent to manufacture or deliver,  
8 calculated criminal drug conspiracy, criminal drug  
9 conspiracy, street gang criminal drug conspiracy,  
10 participation in methamphetamine manufacturing,  
11 aggravated participation in methamphetamine  
12 manufacturing, delivery of methamphetamine, possession  
13 with intent to deliver methamphetamine, aggravated  
14 delivery of methamphetamine, aggravated possession with  
15 intent to deliver methamphetamine, methamphetamine  
16 conspiracy when the substance containing the controlled  
17 substance or methamphetamine is 100 grams or more shall  
18 receive no more than 7.5 days sentence credit for each  
19 month of his or her sentence of imprisonment;

20 (vi) that a prisoner serving a sentence for a second  
21 or subsequent offense of luring a minor shall receive no  
22 more than 4.5 days of sentence credit for each month of his  
23 or her sentence of imprisonment; and

24 (vii) that a prisoner serving a sentence for  
25 aggravated domestic battery shall receive no more than 4.5  
26 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in  
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
5 June 23, 2005 (the effective date of Public Act 94-71) or  
6 subdivision (a)(2)(v) committed on or after August 13, 2007  
7 (the effective date of Public Act 95-134) or subdivision  
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
9 date of Public Act 95-625) or subdivision (a)(2)(vii)  
10 committed on or after July 23, 2010 (the effective date of  
11 Public Act 96-1224), and other than the offense of aggravated  
12 driving under the influence of alcohol, other drug or drugs,  
13 or intoxicating compound or compounds, or any combination  
14 thereof as defined in subparagraph (F) of paragraph (1) of  
15 subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
16 and other than the offense of aggravated driving under the  
17 influence of alcohol, other drug or drugs, or intoxicating  
18 compound or compounds, or any combination thereof as defined  
19 in subparagraph (C) of paragraph (1) of subsection (d) of  
20 Section 11-501 of the Illinois Vehicle Code committed on or  
21 after January 1, 2011 (the effective date of Public Act  
22 96-1230), the rules and regulations shall provide that a  
23 prisoner who is serving a term of imprisonment shall receive  
24 one day of sentence credit for each day of his or her sentence  
25 of imprisonment or recommitment under Section 3-3-9. Each day  
26 of sentence credit shall reduce by one day the prisoner's

1 period of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life  
3 imprisonment or a prisoner who has been sentenced to death  
4 shall receive no sentence credit.

5 (2.3) Except as provided in paragraph (4.7) of this  
6 subsection (a), the rules and regulations on sentence credit  
7 shall provide that a prisoner who is serving a sentence for  
8 aggravated driving under the influence of alcohol, other drug  
9 or drugs, or intoxicating compound or compounds, or any  
10 combination thereof as defined in subparagraph (F) of  
11 paragraph (1) of subsection (d) of Section 11-501 of the  
12 Illinois Vehicle Code, shall receive no more than 4.5 days of  
13 sentence credit for each month of his or her sentence of  
14 imprisonment.

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

1           (2.5) Except as provided in paragraph (4.7) of this  
2 subsection (a), the rules and regulations on sentence credit  
3 shall provide that a prisoner who is serving a sentence for  
4 aggravated arson committed on or after July 27, 2001 (the  
5 effective date of Public Act 92-176) shall receive no more  
6 than 4.5 days of sentence credit for each month of his or her  
7 sentence of imprisonment.

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

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



1 to the State.

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

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

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

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

25 (B-1) has received a risk/needs assessment or other  
26 relevant evaluation or assessment administered by the

1 Department using a validated instrument; and

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

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

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

12 (A) the number of inmates awarded earned sentence  
13 credit;

14 (B) the average amount of earned sentence credit  
15 awarded;

16 (C) the holding offenses of inmates awarded earned  
17 sentence credit; and

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

19 (4)(A) Except as provided in paragraph (4.7) of this  
20 subsection (a), the rules and regulations shall also provide  
21 that the sentence credit accumulated and retained under  
22 paragraph (2.1) of subsection (a) of this Section by any  
23 inmate during specific periods of time in which such inmate is  
24 engaged full-time in substance abuse programs, correctional  
25 industry assignments, educational programs, behavior  
26 modification programs, life skills courses, or re-entry

1 planning provided by the Department under this paragraph (4)  
2 and satisfactorily completes the assigned program as  
3 determined by the standards of the Department, shall be  
4 multiplied by a factor of 1.25 for program participation  
5 before August 11, 1993 and 1.50 for program participation on  
6 or after that date. The rules and regulations shall also  
7 provide that sentence credit, subject to the same offense  
8 limits and multiplier provided in this paragraph, may be  
9 provided to an inmate who was held in pre-trial detention  
10 prior to his or her current commitment to the Department of  
11 Corrections and successfully completed a full-time, 60-day or  
12 longer substance abuse program, educational program, behavior  
13 modification program, life skills course, or re-entry planning  
14 provided by the county department of corrections or county  
15 jail. Calculation of this county program credit shall be done  
16 at sentencing as provided in Section 5-4.5-100 of this Code  
17 and shall be included in the sentencing order. However, no  
18 inmate shall be eligible for the additional sentence credit  
19 under this paragraph (4) or (4.1) of this subsection (a) while  
20 assigned to a boot camp or electronic detention.

21 (B) The Department shall award sentence credit under this  
22 paragraph (4) accumulated prior to January 1, 2020 (the  
23 effective date of Public Act 101-440) ~~this amendatory Act of~~  
24 ~~the 101st General Assembly~~ in an amount specified in  
25 subparagraph (C) of this paragraph (4) to an inmate serving a  
26 sentence for an offense committed prior to June 19, 1998, if

1 the Department determines that the inmate is entitled to this  
2 sentence credit, based upon:

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

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

22 (C) If the inmate can provide documentation that he or she  
23 is entitled to sentence credit under subparagraph (B) in  
24 excess of 45 days of participation in those programs, the  
25 inmate shall receive 90 days of sentence credit. If the inmate  
26 cannot provide documentation of more than 45 days of

1 participation in those programs, the inmate shall receive 45  
2 days of sentence credit. In the event of a disagreement  
3 between the Department and the inmate as to the amount of  
4 credit accumulated under subparagraph (B), if the Department  
5 provides documented proof of a lesser amount of days of  
6 participation in those programs, that proof shall control. If  
7 the Department provides no documentary proof, the inmate's  
8 proof as set forth in clause (ii) of subparagraph (B) shall  
9 control as to the amount of sentence credit provided.

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

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

1 program participants.

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

13 (4.1) Except as provided in paragraph (4.7) of this  
14 subsection (a), the rules and regulations shall also provide  
15 that an additional 90 days of sentence credit shall be awarded  
16 to any prisoner who passes high school equivalency testing  
17 while the prisoner is committed to the Department of  
18 Corrections. The sentence credit awarded under this paragraph  
19 (4.1) shall be in addition to, and shall not affect, the award  
20 of sentence credit under any other paragraph of this Section,  
21 but shall also be pursuant to the guidelines and restrictions  
22 set forth in paragraph (4) of subsection (a) of this Section.  
23 The sentence credit provided for in this paragraph shall be  
24 available only to those prisoners who have not previously  
25 earned a high school diploma or a high school equivalency  
26 certificate. If, after an award of the high school equivalency

1 testing sentence credit has been made, the Department  
2 determines that the prisoner was not eligible, then the award  
3 shall be revoked. The Department may also award 90 days of  
4 sentence credit to any committed person who passed high school  
5 equivalency testing while he or she was held in pre-trial  
6 detention prior to the current commitment to the Department of  
7 Corrections.

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

1 Corrections.

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

23 (4.5) The rules and regulations on sentence credit shall  
24 also provide that when the court's sentencing order recommends  
25 a prisoner for substance abuse treatment and the crime was  
26 committed on or after September 1, 2003 (the effective date of



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

22 (4.6) The rules and regulations on sentence credit shall  
23 also provide that a prisoner who has been convicted of a sex  
24 offense as defined in Section 2 of the Sex Offender  
25 Registration Act shall receive no sentence credit unless he or  
26 she either has successfully completed or is participating in

1 sex offender treatment as defined by the Sex Offender  
2 Management Board. However, prisoners who are waiting to  
3 receive treatment, but who are unable to do so due solely to  
4 the lack of resources on the part of the Department, may, at  
5 the Director's sole discretion, be awarded sentence credit at  
6 a rate as the Director shall determine.

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

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

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

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

26 (5) Whenever the Department is to release any inmate

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

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

25 (c) The Department shall prescribe rules and regulations  
26 for revoking sentence credit, including revoking sentence

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

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

1           The Director of the Department of Corrections, in  
2 appropriate cases, may restore up to 30 days of sentence  
3 credits which have been revoked, suspended, or reduced. Any  
4 restoration of sentence credits in excess of 30 days shall be  
5 subject to review by the Prisoner Review Board. However, the  
6 Board may not restore sentence credit in excess of the amount  
7 requested by the Director.

8           Nothing contained in this Section shall prohibit the  
9 Prisoner Review Board from ordering, pursuant to Section  
10 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
11 sentence imposed by the court that was not served due to the  
12 accumulation of sentence credit.

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

1 For purposes of this subsection (d):

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

6 (A) it lacks an arguable basis either in law or in  
7 fact;

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

11 (C) the claims, defenses, and other legal  
12 contentions therein are not warranted by existing law  
13 or by a nonfrivolous argument for the extension,  
14 modification, or reversal of existing law or the  
15 establishment of new law;

16 (D) the allegations and other factual contentions  
17 do not have evidentiary support or, if specifically so  
18 identified, are not likely to have evidentiary support  
19 after a reasonable opportunity for further  
20 investigation or discovery; or

21 (E) the denials of factual contentions are not  
22 warranted on the evidence, or if specifically so  
23 identified, are not reasonably based on a lack of  
24 information or belief.

25 (2) "Lawsuit" means a motion pursuant to Section 116-3  
26 of the Code of Criminal Procedure of 1963, a habeas corpus

1 action under Article X of the Code of Civil Procedure or  
2 under federal law (28 U.S.C. 2254), a petition for claim  
3 under the Court of Claims Act, an action under the federal  
4 Civil Rights Act (42 U.S.C. 1983), or a second or  
5 subsequent petition for post-conviction relief under  
6 Article 122 of the Code of Criminal Procedure of 1963  
7 whether filed with or without leave of court or a second or  
8 subsequent petition for relief from judgment under Section  
9 2-1401 of the Code of Civil Procedure.

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

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

20 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;  
21 101-440, eff. 1-1-20; revised 8-19-20.)

22 (730 ILCS 5/5-4.5-95 rep.)

23 Section 30. The Unified Code of Corrections is amended by  
24 repealing Section 5-4.5-95.