



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4741**

Introduced 1/27/2022, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-5-1  
730 ILCS 5/3-6-3

from Ch. 38, par. 1003-5-1  
from Ch. 38, par. 1003-6-3

Amends the Unified Code of Corrections. Provides that all master record files shall be confidential and access shall be limited to authorized personnel of the Department of Corrections or Department of Juvenile Justice or by disclosure in accordance with a court order or subpoena. Clarifies the responsibilities of the Department of Corrections and the Department of Juvenile Justice and the responsibilities of the Directors of those Departments concerning the award and revocation of sentence credits. Effective immediately.

LRB102 24720 RLC 34983 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 Unified Code of Corrections is amended by  
5 changing Sections 3-5-1 and 3-6-3 as follows:

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

7 Sec. 3-5-1. Master Record File.

8 (a) The Department of Corrections and the Department of  
9 Juvenile Justice shall maintain a master record file on each  
10 person committed to it, which shall contain the following  
11 information:

12 (1) all information from the committing court;

13 (1.5) ethnic and racial background data collected in  
14 accordance with Section 4.5 of the Criminal Identification  
15 Act;

16 (2) reception summary;

17 (3) evaluation and assignment reports and  
18 recommendations;

19 (4) reports as to program assignment and progress;

20 (5) reports of disciplinary infractions and  
21 disposition, including tickets and Administrative Review  
22 Board action;

23 (6) any parole or aftercare release plan;

- 1 (7) any parole or aftercare release reports;
- 2 (8) the date and circumstances of final discharge;
- 3 (9) criminal history;
- 4 (10) current and past gang affiliations and ranks;
- 5 (11) information regarding associations and family
- 6 relationships;
- 7 (12) any grievances filed and responses to those
- 8 grievances; and
- 9 (13) other information that the respective Department
- 10 determines is relevant to the secure confinement and
- 11 rehabilitation of the committed person.

12 (b) All files shall be confidential and access shall be  
13 limited to authorized personnel of the respective Department  
14 or by disclosure in accordance with a court order or subpoena.  
15 Personnel of other correctional, welfare or law enforcement  
16 agencies may have access to files under rules and regulations  
17 of the respective Department. The respective Department shall  
18 keep a record of all outside personnel who have access to  
19 files, the files reviewed, any file material copied, and the  
20 purpose of access. If the respective Department or the  
21 Prisoner Review Board makes a determination under this Code  
22 which affects the length of the period of confinement or  
23 commitment, the committed person and his counsel shall be  
24 advised of factual information relied upon by the respective  
25 Department or Board to make the determination, provided that  
26 the Department or Board shall not be required to advise a

1 person committed to the Department of Juvenile Justice any  
2 such information which in the opinion of the Department of  
3 Juvenile Justice or Board would be detrimental to his  
4 treatment or rehabilitation.

5 (c) The master file shall be maintained at a place  
6 convenient to its use by personnel of the respective  
7 Department in charge of the person. When custody of a person is  
8 transferred from the Department to another department or  
9 agency, a summary of the file shall be forwarded to the  
10 receiving agency with such other information required by law  
11 or requested by the agency under rules and regulations of the  
12 respective Department.

13 (d) The master file of a person no longer in the custody of  
14 the respective Department shall be placed on inactive status  
15 and its use shall be restricted subject to rules and  
16 regulations of the Department.

17 (e) All public agencies may make available to the  
18 respective Department on request any factual data not  
19 otherwise privileged as a matter of law in their possession in  
20 respect to individuals committed to the respective Department.

21 (Source: P.A. 97-696, eff. 6-22-12; 98-528, eff. 1-1-15;  
22 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

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

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

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

1 and regulations for awarding and revoking sentence credit for  
2 persons committed to the Department of Corrections and the  
3 Department of Juvenile Justice shall prescribe rules and  
4 regulations for awarding and revoking sentence credit for  
5 persons committed to the Department of Juvenile Justice under  
6 Section 5-8-6 of the Unified Code of Corrections, which shall  
7 be subject to 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 of Corrections or the Department  
12 of Juvenile Justice or while in custody prior to  
13 sentencing;

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

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

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

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

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

1 or subdivision (a)(4) of Section 12-3.05, or aggravated  
2 battery of a child as described in Section 12-4.3 or  
3 subdivision (b)(1) of Section 12-3.05 shall receive no  
4 more than 4.5 days of sentence credit for each month of his  
5 or her sentence of imprisonment;

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

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

22 (v) that a person serving a sentence for gunrunning,  
23 narcotics racketeering, controlled substance trafficking,  
24 methamphetamine trafficking, drug-induced homicide,  
25 aggravated methamphetamine-related child endangerment,  
26 money laundering pursuant to clause (c) (4) or (5) of

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

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

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

25 (2.1) For all offenses, other than those enumerated in  
26 subdivision (a)(2)(i), (ii), or (iii) committed on or after



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

25 (2.2) A prisoner serving a term of natural life  
26 imprisonment or a prisoner who has been sentenced to death

1 shall receive no sentence credit.

2 (2.3) Except as provided in paragraph (4.7) of this  
3 subsection (a), the rules and regulations on sentence credit  
4 shall provide that a prisoner who is serving a sentence for  
5 aggravated driving under the influence of alcohol, other drug  
6 or drugs, or intoxicating compound or compounds, or any  
7 combination thereof as defined in subparagraph (F) of  
8 paragraph (1) of subsection (d) of Section 11-501 of the  
9 Illinois Vehicle Code, shall receive no more than 4.5 days of  
10 sentence credit for each month of his or her sentence of  
11 imprisonment.

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

24 (2.5) Except as provided in paragraph (4.7) of this  
25 subsection (a), the rules and regulations on sentence credit  
26 shall provide that a prisoner who is serving a sentence for

1 aggravated arson committed on or after July 27, 2001 (the  
2 effective date of Public Act 92-176) shall receive no more  
3 than 4.5 days of sentence credit for each month of his or her  
4 sentence of imprisonment.

5 (2.6) 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 (C) of  
11 paragraph (1) of subsection (d) of Section 11-501 of the  
12 Illinois Vehicle Code committed on or after January 1, 2011  
13 (the effective date of Public Act 96-1230) shall receive no  
14 more than 4.5 days of sentence credit for each month of his or  
15 her sentence of imprisonment.

16 (3) In addition to the sentence credits earned under  
17 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this  
18 subsection (a), the rules and regulations shall also provide  
19 that the Director of Corrections or the Director of Juvenile  
20 Justice may award up to 180 days of earned sentence credit for  
21 prisoners serving a sentence of incarceration of less than 5  
22 years, and up to 365 days of earned sentence credit for  
23 prisoners serving a sentence of 5 years or longer. The  
24 Director may grant this credit for good conduct in specific  
25 instances as either ~~the~~ Director deems proper for eligible  
26 persons in the custody of each Director's respective

1 Department. The good conduct may include, but is not limited  
2 to, compliance with the rules and regulations of the  
3 Department, service to the Department, service to a community,  
4 or service to the State.

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

22 The Director of Corrections or the Director of Juvenile  
23 Justice shall not award sentence credit under this paragraph  
24 (3) to an inmate unless the inmate has served a minimum of 60  
25 days of the sentence; except nothing in this paragraph shall  
26 be construed to permit either ~~the~~ Director to extend an

1 inmate's sentence beyond that which was imposed by the court.  
2 Prior to awarding credit under this paragraph (3), each ~~the~~  
3 Director shall make a written determination that the inmate:

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

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

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

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

12 The Director of Corrections or the Director of Juvenile  
13 Justice shall determine the form and content of the written  
14 determination required in this subsection.

15 (3.5) The Department shall provide annual written reports  
16 to the Governor and the General Assembly on the award of earned  
17 sentence credit no later than February 1 of each year. The  
18 Department must publish both reports on its website within 48  
19 hours of transmitting the reports to the Governor and the  
20 General Assembly. The reports must include:

21 (A) the number of inmates awarded earned sentence  
22 credit;

23 (B) the average amount of earned sentence credit  
24 awarded;

25 (C) the holding offenses of inmates awarded earned  
26 sentence credit; and

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

2 (4) (A) Except as provided in paragraph (4.7) of this  
3 subsection (a), the rules and regulations shall also provide  
4 that any prisoner who is engaged full-time in substance abuse  
5 programs, correctional industry assignments, educational  
6 programs, work-release programs or activities in accordance  
7 with Article 13 of Chapter III of this Code, behavior  
8 modification programs, life skills courses, or re-entry  
9 planning provided by the Department under this paragraph (4)  
10 and satisfactorily completes the assigned program as  
11 determined by the standards of the Department, shall receive  
12 one day of sentence credit for each day in which that prisoner  
13 is engaged in the activities described in this paragraph. The  
14 rules and regulations shall also provide that sentence credit  
15 may be provided to an inmate who was held in pre-trial  
16 detention prior to his or her current commitment to the  
17 Department of Corrections and successfully completed a  
18 full-time, 60-day or longer substance abuse program,  
19 educational program, behavior modification program, life  
20 skills course, or re-entry planning provided by the county  
21 department of corrections or county jail. Calculation of this  
22 county program credit shall be done at sentencing as provided  
23 in Section 5-4.5-100 of this Code and shall be included in the  
24 sentencing order. The rules and regulations shall also provide  
25 that sentence credit may be provided to an inmate who is in  
26 compliance with programming requirements in an adult

1 transition center.

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

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

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

1 term of incarceration.

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

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

24 Educational, vocational, substance abuse, behavior  
25 modification programs, life skills courses, re-entry planning,  
26 and correctional industry programs under which sentence credit



1 may be earned under this paragraph (4) and paragraph (4.1) of  
2 this subsection (a) shall be evaluated by the Department on  
3 the basis of documented standards. The Department shall report  
4 the results of these evaluations to the Governor and the  
5 General Assembly by September 30th of each year. The reports  
6 shall include data relating to the recidivism rate among  
7 program participants.

8 Availability of these programs shall be subject to the  
9 limits of fiscal resources appropriated by the General  
10 Assembly for these purposes. Eligible inmates who are denied  
11 immediate admission shall be placed on a waiting list under  
12 criteria established by the Department. The rules and  
13 regulations shall provide that a prisoner who has been placed  
14 on a waiting list but is transferred for non-disciplinary  
15 reasons before beginning a program shall receive priority  
16 placement on the waitlist for appropriate programs at the new  
17 facility. The inability of any inmate to become engaged in any  
18 such programs by reason of insufficient program resources or  
19 for any other reason established under the rules and  
20 regulations of the Department shall not be deemed a cause of  
21 action under which the Department or any employee or agent of  
22 the Department shall be liable for damages to the inmate. The  
23 rules and regulations shall provide that a prisoner who begins  
24 an educational, vocational, substance abuse, work-release  
25 programs or activities in accordance with Article 13 of  
26 Chapter III of this Code, behavior modification program, life

1 skills course, re-entry planning, or correctional industry  
2 programs but is unable to complete the program due to illness,  
3 disability, transfer, lockdown, or another reason outside of  
4 the prisoner's control shall receive prorated sentence credits  
5 for the days in which the prisoner did participate.

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

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

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

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

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

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

12 (4.2) The rules and regulations shall also provide that  
13 any prisoner engaged in self-improvement programs, volunteer  
14 work, or work assignments that are not otherwise eligible  
15 activities under paragraph (4), shall receive up to 0.5 days  
16 of sentence credit for each day in which the prisoner is  
17 engaged in activities described in this paragraph.

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

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

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

1 either ~~the~~ Director's sole discretion, be awarded sentence  
2 credit at a rate as the Director shall determine.

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

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

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

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

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

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

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

19 (c) (1) The Department shall prescribe rules and  
20 regulations for revoking sentence credit, including revoking  
21 sentence credit awarded under paragraph (3) of subsection (a)  
22 of this Section. The Department shall prescribe rules and  
23 regulations establishing and requiring the use of a sanctions  
24 matrix for revoking sentence credit. The Department shall  
25 prescribe rules and regulations for suspending or reducing the  
26 rate of accumulation of sentence credit for specific rule



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

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

24 (3) The Director of ~~the Department of~~ Corrections or the  
25 Director of Juvenile Justice, in appropriate cases, may  
26 restore sentence credits which have been revoked, suspended,

1 or reduced. The Department shall prescribe rules and  
2 regulations governing the restoration of sentence credits.  
3 These rules and regulations shall provide for the automatic  
4 restoration of sentence credits following a period in which  
5 the prisoner maintains a record without a disciplinary  
6 violation.

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

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

26 For purposes of this subsection (d):

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

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

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

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

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

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

24           (2) "Lawsuit" means a motion pursuant to Section 116-3  
25 of the Code of Criminal Procedure of 1963, a habeas corpus  
26 action under Article X of the Code of Civil Procedure or

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

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

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

19 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;  
20 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.