

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.