

# SB2916



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2916

Introduced 10/13/2021, by Sen. Chapin Rose, Donald P. DeWitte  
and Terri Bryant

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for aggravated battery in which the victim was a peace officer committed on or after the effective date of the amendatory Act shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

LRB102 20321 RLC 29176 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

7 (Text of Section before amendment by P.A. 101-652)

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

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

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

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

18 (B) compliance with the rules and regulations of the  
19 Department; or

20 (C) service to the institution, service to a  
21 community, or service to the State.

22 (2) Except as provided in paragraph (4.7) of this  
23 subsection (a), the rules and regulations on sentence credit

1 shall provide, with respect to offenses listed in clause (i),  
2 (ii), or (iii) of this paragraph (2) committed on or after June  
3 19, 1998 or with respect to the offense listed in clause (iv)  
4 of this paragraph (2) committed on or after June 23, 2005 (the  
5 effective date of Public Act 94-71) or with respect to offense  
6 listed in clause (vi) committed on or after June 1, 2008 (the  
7 effective date of Public Act 95-625) or with respect to the  
8 offense of being an armed habitual criminal committed on or  
9 after August 2, 2005 (the effective date of Public Act 94-398)  
10 or with respect to the offenses listed in clause (v) of this  
11 paragraph (2) committed on or after August 13, 2007 (the  
12 effective date of Public Act 95-134) or with respect to the  
13 offense of aggravated domestic battery committed on or after  
14 July 23, 2010 (the effective date of Public Act 96-1224) or  
15 with respect to the offense of attempt to commit terrorism  
16 committed on or after January 1, 2013 (the effective date of  
17 Public Act 97-990), the following:

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

22 (ii) that a prisoner serving a sentence for attempt to  
23 commit terrorism, attempt to commit first degree murder,  
24 solicitation of murder, solicitation of murder for hire,  
25 intentional homicide of an unborn child, predatory  
26 criminal sexual assault of a child, aggravated criminal

1 sexual assault, criminal sexual assault, aggravated  
2 kidnapping, aggravated battery with a firearm as described  
3 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
4 or (e) (4) of Section 12-3.05, heinous battery as described  
5 in Section 12-4.1 or subdivision (a) (2) of Section  
6 12-3.05, being an armed habitual criminal, aggravated  
7 battery of a senior citizen as described in Section 12-4.6  
8 or subdivision (a) (4) of Section 12-3.05, or aggravated  
9 battery of a child as described in Section 12-4.3 or  
10 subdivision (b) (1) of Section 12-3.05 shall receive no  
11 more than 4.5 days of sentence credit for each month of his  
12 or her sentence of imprisonment;

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

23 (iv) that a prisoner serving a sentence for aggravated  
24 discharge of a firearm, whether or not the conduct leading  
25 to conviction for the offense resulted in great bodily  
26 harm to the victim, shall receive no more than 4.5 days of

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

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

24 (vi) that a prisoner serving a sentence for a second  
25 or subsequent offense of luring a minor shall receive no  
26 more than 4.5 days of sentence credit for each month of his

1 or her sentence of imprisonment; and

2 (vii) that a prisoner serving a sentence for  
3 aggravated domestic battery shall receive no more than 4.5  
4 days of sentence credit for each month of his or her  
5 sentence of imprisonment.

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

1 prisoner who is serving a term of imprisonment shall receive  
2 one day of sentence credit for each day of his or her sentence  
3 of imprisonment or recommitment under Section 3-3-9. Each day  
4 of sentence credit shall reduce by one day the prisoner's  
5 period of imprisonment or recommitment under Section 3-3-9.

6 (2.2) A prisoner serving a term of natural life  
7 imprisonment or a prisoner who has been sentenced to death  
8 shall receive no sentence credit.

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

19 (2.4) Except as provided in paragraph (4.7) of this  
20 subsection (a), the rules and regulations on sentence credit  
21 shall provide with respect to the offenses of aggravated  
22 battery with a machine gun or a firearm equipped with any  
23 device or attachment designed or used for silencing the report  
24 of a firearm or aggravated discharge of a machine gun or a  
25 firearm equipped with any device or attachment designed or  
26 used for silencing the report of a firearm, committed on or

1 after July 15, 1999 (the effective date of Public Act 91-121),  
2 that a prisoner serving a sentence for any of these offenses  
3 shall receive no more than 4.5 days of sentence credit for each  
4 month of his or her sentence of imprisonment.

5 (2.5) 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 arson committed on or after July 27, 2001 (the  
9 effective date of Public Act 92-176) shall receive no more  
10 than 4.5 days of sentence credit for each month of his or her  
11 sentence of imprisonment.

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

23 (3) In addition to the sentence credits earned under  
24 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection  
25 (a), the rules and regulations shall also provide that the  
26 Director may award up to 180 days of earned sentence credit for



1 good conduct in specific instances as the Director deems  
2 proper. The good conduct may include, but is not limited to,  
3 compliance with the rules and regulations of the Department,  
4 service to the Department, service to a community, or service  
5 to the State.

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

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

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

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

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

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

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

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

16 (A) the number of inmates awarded earned sentence  
17 credit;

18 (B) the average amount of earned sentence credit  
19 awarded;

20 (C) the holding offenses of inmates awarded earned  
21 sentence credit; and

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

23 (4) (A) Except as provided in paragraph (4.7) of this  
24 subsection (a), the rules and regulations shall also provide  
25 that the sentence credit accumulated and retained under  
26 paragraph (2.1) of subsection (a) of this Section by any

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

25 (B) The Department shall award sentence credit under this  
26 paragraph (4) accumulated prior to January 1, 2020 (the

1 effective date of Public Act 101-440) ~~this amendatory Act of~~  
2 ~~the 101st General Assembly~~ in an amount specified in  
3 subparagraph (C) of this paragraph (4) to an inmate serving a  
4 sentence for an offense committed prior to June 19, 1998, if  
5 the Department determines that the inmate is entitled to this  
6 sentence credit, based upon:

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

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

26 (C) If the inmate can provide documentation that he or she

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

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

22 Educational, vocational, substance abuse, behavior  
23 modification programs, life skills courses, re-entry planning,  
24 and correctional industry programs under which sentence credit  
25 may be increased under this paragraph (4) and paragraph (4.1)  
26 of this subsection (a) shall be evaluated by the Department on

1 the basis of documented standards. The Department shall report  
2 the results of these evaluations to the Governor and the  
3 General Assembly by September 30th of each year. The reports  
4 shall include data relating to the recidivism rate among  
5 program participants.

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

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

1 The sentence credit provided for in this paragraph shall be  
2 available only to those prisoners who have not previously  
3 earned a high school diploma or a high school equivalency  
4 certificate. If, after an award of the high school equivalency  
5 testing sentence credit has been made, the Department  
6 determines that the prisoner was not eligible, then the award  
7 shall be revoked. The Department may also award 90 days of  
8 sentence credit to any committed person who passed high school  
9 equivalency testing while he or she was held in pre-trial  
10 detention prior to the current commitment to the Department of  
11 Corrections.

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

1 the award shall be revoked. The Department may also award 180  
2 days of sentence credit to any committed person who earned a  
3 bachelor's degree while he or she was held in pre-trial  
4 detention prior to the current commitment to the Department of  
5 Corrections.

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



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

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

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

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

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

24 (ii) 60% of his or her sentence if the prisoner is  
25 required to serve 75% of his or her sentence, except if the  
26 prisoner is serving a sentence for gunrunning his or her

1 sentence shall not be reduced to less than 75%.

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

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

25 (b) Whenever a person is or has been committed under  
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and  
2 forfeiting of sentence credit.

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

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

1 Department's decision with respect to the loss of 30 days of  
2 sentence credit within any calendar year for any prisoner or  
3 to increase any penalty beyond the length requested by the  
4 Department.

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

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

17 (d) If a lawsuit is filed by a prisoner in an Illinois or  
18 federal court against the State, the Department of  
19 Corrections, or the Prisoner Review Board, or against any of  
20 their officers or employees, and the court makes a specific  
21 finding that a pleading, motion, or other paper filed by the  
22 prisoner is frivolous, the Department of Corrections shall  
23 conduct a hearing to revoke up to 180 days of sentence credit  
24 by bringing charges against the prisoner sought to be deprived  
25 of the sentence credits before the Prisoner Review Board as  
26 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.

1 If the prisoner has not accumulated 180 days of sentence  
2 credit at the time of the finding, then the Prisoner Review  
3 Board may revoke all sentence credit accumulated by the  
4 prisoner.

5 For purposes of this subsection (d):

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

10 (A) it lacks an arguable basis either in law or in  
11 fact;

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

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

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

25 (E) the denials of factual contentions are not  
26 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of  
2 information or belief.

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

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

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

24 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;  
25 101-440, eff. 1-1-20; revised 8-19-20.)

1 (Text of Section after amendment by P.A. 101-652)

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

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

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

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

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

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

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



1 or with respect to the offenses listed in clause (v) of this  
2 paragraph (2) committed on or after August 13, 2007 (the  
3 effective date of Public Act 95-134) or with respect to the  
4 offense of aggravated domestic battery committed on or after  
5 July 23, 2010 (the effective date of Public Act 96-1224) or  
6 with respect to the offense of attempt to commit terrorism  
7 committed on or after January 1, 2013 (the effective date of  
8 Public Act 97-990) or with respect to the offense of  
9 aggravated battery under paragraph (4) of subsection (d) of  
10 Section 12-3.05 of the Criminal Code of 2012 in which the  
11 victim was a peace officer committed on or after the effective  
12 date of this amendatory Act of the 102nd General Assembly, the  
13 following:

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

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

1 in Section 12-4.1 or subdivision (a)(2) of Section  
2 12-3.05, being an armed habitual criminal, aggravated  
3 battery of a senior citizen as described in Section 12-4.6  
4 or subdivision (a)(4) of Section 12-3.05, or aggravated  
5 battery of a child as described in Section 12-4.3 or  
6 subdivision (b)(1) of Section 12-3.05 shall receive no  
7 more than 4.5 days of sentence credit for each month of his  
8 or her sentence of 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; and  
2 (viii) that a prisoner serving a sentence for  
3 aggravated battery under paragraph (4) of subsection (d)  
4 of Section 12-3.05 of the Criminal Code of 2012 in which  
5 the victim was a peace officer shall receive no more than  
6 4.5 days of sentence credit for each month of his or her  
7 sentence of imprisonment.

8 (2.1) For all offenses, other than those enumerated in  
9 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
10 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
11 June 23, 2005 (the effective date of Public Act 94-71) or  
12 subdivision (a)(2)(v) committed on or after August 13, 2007  
13 (the effective date of Public Act 95-134) or subdivision  
14 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
15 date of Public Act 95-625) or subdivision (a)(2)(vii)  
16 committed on or after July 23, 2010 (the effective date of  
17 Public Act 96-1224) or subdivision (a)(2)(viii) committed on  
18 or after the effective date of this amendatory Act of the 102nd  
19 General Assembly, and other than the offense of aggravated  
20 driving under the influence of alcohol, other drug or drugs,  
21 or intoxicating compound or compounds, or any combination  
22 thereof as defined in subparagraph (F) of paragraph (1) of  
23 subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
24 and other than the offense of aggravated driving under the  
25 influence of alcohol, other drug or drugs, or intoxicating  
26 compound or compounds, or any combination thereof as defined

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

10 (2.2) A prisoner serving a term of natural life  
11 imprisonment or a prisoner who has been sentenced to death  
12 shall receive no sentence credit.

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

23 (2.4) Except as provided in paragraph (4.7) of this  
24 subsection (a), the rules and regulations on sentence credit  
25 shall provide with respect to the offenses of aggravated  
26 battery with a machine gun or a firearm equipped with any

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

9 (2.5) Except as provided in paragraph (4.7) of this  
10 subsection (a), the rules and regulations on sentence credit  
11 shall provide that a prisoner who is serving a sentence for  
12 aggravated arson committed on or after July 27, 2001 (the  
13 effective date of Public Act 92-176) shall receive no more  
14 than 4.5 days of sentence credit for each month of his or her  
15 sentence of imprisonment.

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

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

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

1 while incarcerated, and the inmate's commitment to  
2 rehabilitation, including participation in programming offered  
3 by the Department.

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

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

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

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

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

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

21 (3.5) The Department shall provide annual written reports  
22 to the Governor and the General Assembly on the award of earned  
23 sentence credit no later than February 1 of each year. The  
24 Department must publish both reports on its website within 48  
25 hours of transmitting the reports to the Governor and the  
26 General Assembly. The reports must include:



1 (A) the number of inmates awarded earned sentence  
2 credit;

3 (B) the average amount of earned sentence credit  
4 awarded;

5 (C) the holding offenses of inmates awarded earned  
6 sentence credit; and

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

8 (4) (A) Except as provided in paragraph (4.7) of this  
9 subsection (a), the rules and regulations shall also provide  
10 that any prisoner who is engaged full-time in substance abuse  
11 programs, correctional industry assignments, educational  
12 programs, work-release programs or activities in accordance  
13 with Article 13 of Chapter III of this Code ~~730 ILCS 5/3-13-1~~  
14 ~~et seq.~~, behavior modification programs, life skills courses,  
15 or re-entry planning provided by the Department under this  
16 paragraph (4) and satisfactorily completes the assigned  
17 program as determined by the standards of the Department,  
18 shall receive ~~one day~~ of sentence credit for each day in  
19 which that prisoner is engaged in the activities described in  
20 this paragraph. The rules and regulations shall also provide  
21 that sentence credit may be provided to an inmate who was held  
22 in pre-trial detention prior to his or her current commitment  
23 to the Department of Corrections and successfully completed a  
24 full-time, 60-day or longer substance abuse program,  
25 educational program, behavior modification program, life  
26 skills course, or re-entry planning provided by the county

1 department of corrections or county jail. Calculation of this  
2 county program credit shall be done at sentencing as provided  
3 in Section 5-4.5-100 of this Code and shall be included in the  
4 sentencing order. The rules and regulations shall also provide  
5 that sentence credit may be provided to an inmate who is in  
6 compliance with programming requirements in an adult  
7 transition center.

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

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

23 (ii) the inmate's own testimony in the form of an  
24 affidavit or documentation, or a third party's  
25 documentation or testimony in the form of an affidavit  
26 that the inmate likely engaged in any full-time substance

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

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

22 (D) If the inmate has been convicted of a sex offense as  
23 defined in Section 2 of the Sex Offender Registration Act,  
24 sentencing credits under subparagraph (B) of this paragraph  
25 (4) shall be awarded by the Department only if the conditions  
26 set forth in paragraph (4.6) of subsection (a) are satisfied.

1 No inmate serving a term of natural life imprisonment shall  
2 receive sentence credit under subparagraph (B) of this  
3 paragraph (4).

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

14 Availability of these programs shall be subject to the  
15 limits of fiscal resources appropriated by the General  
16 Assembly for these purposes. Eligible inmates who are denied  
17 immediate admission shall be placed on a waiting list under  
18 criteria established by the Department. The rules and  
19 regulations shall provide that a prisoner who has been placed  
20 on a waiting list but is transferred for non-disciplinary  
21 reasons before beginning a program shall receive priority  
22 placement on the waitlist for appropriate programs at the new  
23 facility. The inability of any inmate to become engaged in any  
24 such programs by reason of insufficient program resources or  
25 for any other reason established under the rules and  
26 regulations of the Department shall not be deemed a cause of

1 action under which the Department or any employee or agent of  
2 the Department shall be liable for damages to the inmate. The  
3 rules and regulations shall provide that a prisoner who begins  
4 an educational, vocational, substance abuse, work-release  
5 programs or activities in accordance with Article 13 of  
6 Chapter III of this Code ~~730 ILCS 5/3-13-1 et seq.~~, behavior  
7 modification program, life skills course, re-entry planning,  
8 or correctional industry programs but is unable to complete  
9 the program due to illness, disability, transfer, lockdown, or  
10 another reason outside of the prisoner's control shall receive  
11 prorated sentence credits for the days in which the prisoner  
12 did participate.

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

1 days of sentence credit to any committed person who earned an  
2 associate degree while he or she was held in pre-trial  
3 detention prior to the current commitment to the Department of  
4 Corrections.

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

25 Except as provided in paragraph (4.7) of this subsection  
26 (a), the rules and regulations shall provide that an

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

20 (4.2) The rules and regulations shall also provide that  
21 any prisoner engaged in self-improvement programs, volunteer  
22 work, or work assignments that are not otherwise eligible  
23 activities under paragraph ~~section~~ (4), shall receive up to  
24 0.5 days of sentence credit for each day in which the prisoner  
25 is engaged in activities described in this paragraph.

26 (4.5) The rules and regulations on sentence credit shall



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

25 (4.6) The rules and regulations on sentence credit shall  
26 also provide that a prisoner who has been convicted of a sex

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

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

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

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

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

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

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

26           (c) (1) The Department shall prescribe rules and

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

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

1 empowered to review the Department's decision with respect to  
2 the loss of 30 days of sentence credit within any calendar year  
3 for any prisoner or to increase any penalty beyond the length  
4 requested by the Department.

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

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

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

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

6 For purposes of this subsection (d):

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

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

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

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

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

26 (E) the denials of factual contentions are not

1 warranted on the evidence, or if specifically so  
2 identified, are not reasonably based on a lack of  
3 information or belief.

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

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

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

25 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;  
26 101-440, eff. 1-1-20; 101-652, eff. 7-1-21; revised 4-28-21.)

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.