

SB2917



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2917

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 bringing contraband into a penal institution 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. Provides that on or after the effective date of the amendatory Act, a prisoner serving a sentence for bringing contraband into a penal institution shall receive no additional sentence credit under the Code.

LRB102 20347 RLC 29203 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 bringing
9 contraband into a penal institution as described in subsection
10 (a) of Section 31A-1.1 of the Criminal Code of 2012 committed
11 on or after the effective date of this amendatory Act of the
12 102nd General Assembly, the following:

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

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

1 12-3.05, being an armed habitual criminal, aggravated
2 battery of a senior citizen as described in Section 12-4.6
3 or subdivision (a)(4) of Section 12-3.05, or aggravated
4 battery of a child as described in Section 12-4.3 or
5 subdivision (b)(1) of Section 12-3.05 shall receive no
6 more than 4.5 days of sentence credit for each month of his
7 or her sentence of imprisonment;

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

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

24 (v) that a person serving a sentence for gunrunning,
25 narcotics racketeering, controlled substance trafficking,
26 methamphetamine trafficking, drug-induced homicide,

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

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

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

1 (viii) that a prisoner serving a sentence for bringing
2 contraband into a penal institution as described in
3 subsection (a) of Section 31A-1.1 of the Criminal Code of
4 2012 committed on or after the effective date of this
5 amendatory Act of the 102nd General Assembly shall receive
6 no more than 4.5 days of sentence credit for each month of
7 his or her 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 (4.8) On or after the effective date of this amendatory
2 Act of the 102nd General Assembly, sentence credit under
3 paragraph (3), (4), (4.1), (4.2), or (4.7) of this subsection
4 (a) may not be awarded to a prisoner who is serving a sentence
5 for bringing contraband into a penal institution as described
6 in subsection (a) of Section 31A-1.1 of the Criminal Code of
7 2012.

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

1 completion of the first year of mandatory supervised release
2 or return of the inmate to custody of the Department.

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

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

18 (2) When the Department seeks to revoke, suspend, or
19 reduce the rate of accumulation of any sentence credits for an
20 alleged infraction of its rules, it shall bring charges
21 therefor against the prisoner sought to be so deprived of
22 sentence credits before the Prisoner Review Board as provided
23 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
24 amount of credit at issue exceeds 30 days, whether from one
25 infraction or cumulatively from multiple infractions arising
26 out of a single event, or when, during any 12-month period, the

1 cumulative amount of credit revoked exceeds 30 days except
2 where the infraction is committed or discovered within 60 days
3 of scheduled release. In those cases, the Department of
4 Corrections may revoke up to 30 days of sentence credit. The
5 Board may subsequently approve the revocation of additional
6 sentence credit, if the Department seeks to revoke sentence
7 credit in excess of 30 days. However, the Board shall not be
8 empowered to review the Department's decision with respect to
9 the loss of 30 days of sentence credit within any calendar year
10 for any prisoner or to increase any penalty beyond the length
11 requested by the Department.

12 (3) The Director of the Department of Corrections, in
13 appropriate cases, may restore sentence credits which have
14 been revoked, suspended, or reduced. The Department shall
15 prescribe rules and regulations governing the restoration of
16 sentence credits. These rules and regulations shall provide
17 for the automatic restoration of sentence credits following a
18 period in which the prisoner maintains a record without a
19 disciplinary violation.

20 Nothing contained in this Section shall prohibit the
21 Prisoner Review Board from ordering, pursuant to Section
22 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
23 sentence imposed by the court that was not served due to the
24 accumulation of sentence credit.

25 (d) If a lawsuit is filed by a prisoner in an Illinois or
26 federal court against the State, the Department of

1 Corrections, or the Prisoner Review Board, or against any of
2 their officers or employees, and the court makes a specific
3 finding that a pleading, motion, or other paper filed by the
4 prisoner is frivolous, the Department of Corrections shall
5 conduct a hearing to revoke up to 180 days of sentence credit
6 by bringing charges against the prisoner sought to be deprived
7 of the sentence credits before the Prisoner Review Board as
8 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
9 If the prisoner has not accumulated 180 days of sentence
10 credit at the time of the finding, then the Prisoner Review
11 Board may revoke all sentence credit accumulated by the
12 prisoner.

13 For purposes of this subsection (d):

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

18 (A) it lacks an arguable basis either in law or in
19 fact;

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

23 (C) the claims, defenses, and other legal
24 contentions therein are not warranted by existing law
25 or by a nonfrivolous argument for the extension,
26 modification, or reversal of existing law or the

1 establishment of new law;

2 (D) the allegations and other factual contentions
3 do not have evidentiary support or, if specifically so
4 identified, are not likely to have evidentiary support
5 after a reasonable opportunity for further
6 investigation or discovery; or

7 (E) the denials of factual contentions are not
8 warranted on the evidence, or if specifically so
9 identified, are not reasonably based on a lack of
10 information or belief.

11 (2) "Lawsuit" means a motion pursuant to Section 116-3
12 of the Code of Criminal Procedure of 1963, a habeas corpus
13 action under Article X of the Code of Civil Procedure or
14 under federal law (28 U.S.C. 2254), a petition for claim
15 under the Court of Claims Act, an action under the federal
16 Civil Rights Act (42 U.S.C. 1983), or a second or
17 subsequent petition for post-conviction relief under
18 Article 122 of the Code of Criminal Procedure of 1963
19 whether filed with or without leave of court or a second or
20 subsequent petition for relief from judgment under Section
21 2-1401 of the Code of Civil Procedure.

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

24 (f) Whenever the Department is to release any inmate who
25 has been convicted of a violation of an order of protection
26 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, earlier than it otherwise would
2 because of a grant of sentence credit, the Department, as a
3 condition of release, shall require that the person, upon
4 release, be placed under electronic surveillance as provided
5 in Section 5-8A-7 of this Code.

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

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.