

SB4152



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4152

Introduced 2/9/2022, by Sen. Chapin Rose

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. 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 26220 RLC 36043 b

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

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

12 (1.5) As otherwise provided by law, sentence credit may be
13 awarded for the following:

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

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

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

21 (2) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide, with respect to offenses listed in clause (i),

1 (ii), or (iii) of this paragraph (2) committed on or after June
2 19, 1998 or with respect to the offense listed in clause (iv)
3 of this paragraph (2) committed on or after June 23, 2005 (the
4 effective date of Public Act 94-71) or with respect to offense
5 listed in clause (vi) committed on or after June 1, 2008 (the
6 effective date of Public Act 95-625) or with respect to the
7 offense of being an armed habitual criminal committed on or
8 after August 2, 2005 (the effective date of Public Act 94-398)
9 or with respect to the offenses listed in clause (v) of this
10 paragraph (2) committed on or after August 13, 2007 (the
11 effective date of Public Act 95-134) or with respect to the
12 offense of aggravated domestic battery committed on or after
13 July 23, 2010 (the effective date of Public Act 96-1224) or
14 with respect to the offense of attempt to commit terrorism
15 committed on or after January 1, 2013 (the effective date of
16 Public Act 97-990) or with respect to the offense of
17 aggravated battery under paragraph (4) of subsection (d) of
18 Section 12-3.05 of the Criminal Code of 2012 in which the
19 victim was a peace officer committed on or after the effective
20 date of this amendatory Act of the 102nd General Assembly or
21 with respect to the offense of bringing contraband into a
22 penal institution as described in subsection (a) of Section
23 31A-1.1 of the Criminal Code of 2012 committed on or after the
24 effective date of this amendatory Act of the 102nd General
25 Assembly, the following:

26 (i) that a prisoner who is serving a term of

1 imprisonment for first degree murder or for the offense of
2 terrorism shall receive no sentence credit and shall serve
3 the entire sentence imposed by the court;

4 (ii) that a prisoner serving a sentence for attempt to
5 commit terrorism, attempt to commit first degree murder,
6 solicitation of murder, solicitation of murder for hire,
7 intentional homicide of an unborn child, predatory
8 criminal sexual assault of a child, aggravated criminal
9 sexual assault, criminal sexual assault, aggravated
10 kidnapping, aggravated battery with a firearm as described
11 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
12 or (e) (4) of Section 12-3.05, heinous battery as described
13 in Section 12-4.1 or subdivision (a) (2) of Section
14 12-3.05, being an armed habitual criminal, aggravated
15 battery of a senior citizen as described in Section 12-4.6
16 or subdivision (a) (4) of Section 12-3.05, or aggravated
17 battery of a child as described in Section 12-4.3 or
18 subdivision (b) (1) of Section 12-3.05 shall receive no
19 more than 4.5 days of sentence credit for each month of his
20 or her sentence of imprisonment;

21 (iii) that a prisoner serving a sentence for home
22 invasion, armed robbery, aggravated vehicular hijacking,
23 aggravated discharge of a firearm, or armed violence with
24 a category I weapon or category II weapon, when the court
25 has made and entered a finding, pursuant to subsection
26 (c-1) of Section 5-4-1 of this Code, that the conduct

1 leading to conviction for the enumerated offense resulted
2 in great bodily harm to a victim, shall receive no more
3 than 4.5 days of sentence credit for each month of his or
4 her sentence of imprisonment;

5 (iv) that a prisoner serving a sentence for aggravated
6 discharge of a firearm, whether or not the conduct leading
7 to conviction for the offense resulted in great bodily
8 harm to the victim, shall receive no more than 4.5 days of
9 sentence credit for each month of his or her sentence of
10 imprisonment;

11 (v) that a person serving a sentence for gunrunning,
12 narcotics racketeering, controlled substance trafficking,
13 methamphetamine trafficking, drug-induced homicide,
14 aggravated methamphetamine-related child endangerment,
15 money laundering pursuant to clause (c) (4) or (5) of
16 Section 29B-1 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, or a Class X felony conviction for delivery
18 of a controlled substance, possession of a controlled
19 substance with intent to manufacture or deliver,
20 calculated criminal drug conspiracy, criminal drug
21 conspiracy, street gang criminal drug conspiracy,
22 participation in methamphetamine manufacturing,
23 aggravated participation in methamphetamine
24 manufacturing, delivery of methamphetamine, possession
25 with intent to deliver methamphetamine, aggravated
26 delivery of methamphetamine, aggravated possession with

1 intent to deliver methamphetamine, methamphetamine
2 conspiracy when the substance containing the controlled
3 substance or methamphetamine is 100 grams or more shall
4 receive no more than 7.5 days sentence credit for each
5 month of his or her sentence of imprisonment;

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

10 (vii) that a prisoner serving a sentence for
11 aggravated domestic battery shall receive no more than 4.5
12 days of sentence credit for each month of his or her
13 sentence of imprisonment; -

14 (viii) that a prisoner serving a sentence for
15 aggravated battery under paragraph (4) of subsection (d)
16 of Section 12-3.05 of the Criminal Code of 2012 in which
17 the victim was a peace officer shall receive no more than
18 4.5 days of sentence credit for each month of his or her
19 sentence of imprisonment; and

20 (ix) that a prisoner serving a sentence for bringing
21 contraband into a penal institution as described in
22 subsection (a) of Section 31A-1.1 of the Criminal Code of
23 2012 committed on or after the effective date of this
24 amendatory Act of the 102nd General Assembly shall receive
25 no more than 4.5 days of sentence credit for each month of
26 his or her sentence of imprisonment.

1 (2.1) For all offenses, other than those enumerated in
2 subdivision (a)(2)(i), (ii), or (iii) committed on or after
3 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
4 June 23, 2005 (the effective date of Public Act 94-71) or
5 subdivision (a)(2)(v) committed on or after August 13, 2007
6 (the effective date of Public Act 95-134) or subdivision
7 (a)(2)(vi) committed on or after June 1, 2008 (the effective
8 date of Public Act 95-625) or subdivision (a)(2)(vii)
9 committed on or after July 23, 2010 (the effective date of
10 Public Act 96-1224)or subdivision (a)(2)(viii) committed on or
11 after the effective date of this amendatory Act of the 102nd
12 General Assembly or subdivision (a)(2)(ix) committed on or
13 after the effective date of this amendatory Act of the 102nd
14 General Assembly, and other than the offense of aggravated
15 driving under the influence of alcohol, other drug or drugs,
16 or intoxicating compound or compounds, or any combination
17 thereof as defined in subparagraph (F) of paragraph (1) of
18 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
19 and other than the offense of aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof as defined
22 in subparagraph (C) of paragraph (1) of subsection (d) of
23 Section 11-501 of the Illinois Vehicle Code committed on or
24 after January 1, 2011 (the effective date of Public Act
25 96-1230), the rules and regulations shall provide that a
26 prisoner who is serving a term of imprisonment shall receive

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

5 (2.2) A prisoner serving a term of natural life
6 imprisonment or a prisoner who has been sentenced to death
7 shall receive no sentence credit.

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

18 (2.4) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations on sentence credit
20 shall provide with respect to the offenses of aggravated
21 battery with a machine gun or a firearm equipped with any
22 device or attachment designed or used for silencing the report
23 of a firearm or aggravated discharge of a machine gun or a
24 firearm equipped with any device or attachment designed or
25 used for silencing the report of a firearm, committed on or
26 after July 15, 1999 (the effective date of Public Act 91-121),

1 that a prisoner serving a sentence for any of these offenses
2 shall receive no more than 4.5 days of sentence credit for each
3 month of his or her sentence of imprisonment.

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

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

22 (3) In addition to the sentence credits earned under
23 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
24 subsection (a), the rules and regulations shall also provide
25 that the Director may award up to 180 days of earned sentence
26 credit for prisoners serving a sentence of incarceration of

1 less than 5 years, and up to 365 days of earned sentence credit
2 for prisoners serving a sentence of 5 years or longer. The
3 Director may grant this credit for good conduct in specific
4 instances as the Director deems proper. The good conduct may
5 include, but is not limited to, compliance with the rules and
6 regulations of the Department, service to the Department,
7 service to a community, or service to the State.

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

25 The Director shall not award sentence credit under this
26 paragraph (3) to an inmate unless the inmate has served a

1 minimum of 60 days of the sentence; except nothing in this
2 paragraph shall be construed to permit the Director to extend
3 an inmate's sentence beyond that which was imposed by the
4 court. Prior to awarding credit under this paragraph (3), the
5 Director shall make a written determination that the inmate:

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

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

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

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

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

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

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

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

26 (C) the holding offenses of inmates awarded earned

1 sentence credit; and

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

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

1 compliance with programming requirements in an adult
2 transition center.

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

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

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

1 standards of the Department during the inmate's current
2 term of incarceration.

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

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

25 Educational, vocational, substance abuse, behavior
26 modification programs, life skills courses, re-entry planning,

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

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

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

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

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

24 Except as provided in paragraph (4.7) of this subsection
25 (a), the rules and regulations shall provide that an
26 additional 180 days of sentence credit shall be awarded to any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 For purposes of this subsection (d):

26 (1) "Frivolous" means that a pleading, motion, or

1 other filing which purports to be a legal document filed
2 by a prisoner in his or her lawsuit meets any or all of the
3 following criteria:

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

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

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

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

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

23 (2) "Lawsuit" means a motion pursuant to Section 116-3
24 of the Code of Criminal Procedure of 1963, a habeas corpus
25 action under Article X of the Code of Civil Procedure or
26 under federal law (28 U.S.C. 2254), a petition for claim

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

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

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

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