



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB1053

Introduced 1/12/2023, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

30 ILCS 715/3	from Ch. 56 1/2, par. 1703
625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
625 ILCS 5/6-508	from Ch. 95 1/2, par. 6-508
720 ILCS 5/33A-3	from Ch. 38, par. 33A-3
720 ILCS 5/24-1.7 rep.	
725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1
725 ILCS 5/111-3	from Ch. 38, par. 111-3
730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
730 ILCS 5/5-4.5-95 rep.	

Amends the Criminal Code of 2012. Repeals the armed habitual criminal statute. Amends the Unified Code of Corrections. Repeals the general recidivism and habitual criminal provisions of the Code. Provides that notwithstanding any provision of law to the contrary, a person convicted before the repeal of the armed habitual criminal statute and the general recidivism and habitual criminal provisions of the Code shall not be eligible for consideration of conditions of parole or mandatory supervised release if any of his or her convictions under those statutes was first degree murder, second degree murder, or any sex offense under the Sex Offenses Article of the Criminal Code of 2012. Amends the Intergovernmental Drug Laws Enforcement Act, the Illinois Vehicle Code, and the Code of Criminal Procedure of 1963 to make conforming changes.

LRB103 00063 RLC 45063 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Intergovernmental Drug Laws Enforcement Act  
5 is amended by changing Section 3 as follows:

6 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

7 Sec. 3. A Metropolitan Enforcement Group which meets the  
8 minimum criteria established in this Section is eligible to  
9 receive State grants to help defray the costs of operation. To  
10 be eligible a MEG must:

11 (1) Be established and operating pursuant to  
12 intergovernmental contracts written and executed in  
13 conformity with the Intergovernmental Cooperation Act, and  
14 involve 2 or more units of local government.

15 (2) Establish a MEG Policy Board composed of an  
16 elected official, or his designee, and the chief law  
17 enforcement officer, or his designee, from each  
18 participating unit of local government to oversee the  
19 operations of the MEG and make such reports to the  
20 Illinois State Police as the Illinois State Police may  
21 require.

22 (3) Designate a single appropriate elected official of  
23 a participating unit of local government to act as the

1 financial officer of the MEG for all participating units  
2 of local government and to receive funds for the operation  
3 of the MEG.

4 (4) Limit its operations to enforcement of drug laws;  
5 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,  
6 24-1.2-5, 24-1.5, 24-1.7 before the effective date of this  
7 amendatory Act of the 103rd General Assembly, 24-1.8,  
8 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.2, 24-3.3, 24-3.4,  
9 24-3.5, 24-3.7, 24-3.8, 24-3.9, 24-3A, 24-3B, 24-4, and  
10 24-5 of the Criminal Code of 2012; Sections 2, 3, 6.1, and  
11 14 of the Firearm Owners Identification Card Act; and the  
12 investigation of streetgang related offenses.

13 (5) Cooperate with the Illinois State Police in order  
14 to assure compliance with this Act and to enable the  
15 Illinois State Police to fulfill its duties under this  
16 Act, and supply the Illinois State Police with all  
17 information the Illinois State Police deems necessary  
18 therefor.

19 (6) Receive funding of at least 50% of the total  
20 operating budget of the MEG from the participating units  
21 of local government.

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
23 102-813, eff. 5-13-22.)

24 Section 10. The Illinois Vehicle Code is amended by  
25 changing Sections 6-106.1 and 6-508 as follows:

1 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

2 Sec. 6-106.1. School bus driver permit.

3 (a) The Secretary of State shall issue a school bus driver  
4 permit to those applicants who have met all the requirements  
5 of the application and screening process under this Section to  
6 insure the welfare and safety of children who are transported  
7 on school buses throughout the State of Illinois. Applicants  
8 shall obtain the proper application required by the Secretary  
9 of State from their prospective or current employer and submit  
10 the completed application to the prospective or current  
11 employer along with the necessary fingerprint submission as  
12 required by the Illinois State Police to conduct fingerprint  
13 based criminal background checks on current and future  
14 information available in the state system and current  
15 information available through the Federal Bureau of  
16 Investigation's system. Applicants who have completed the  
17 fingerprinting requirements shall not be subjected to the  
18 fingerprinting process when applying for subsequent permits or  
19 submitting proof of successful completion of the annual  
20 refresher course. Individuals who on July 1, 1995 (the  
21 effective date of Public Act 88-612) possess a valid school  
22 bus driver permit that has been previously issued by the  
23 appropriate Regional School Superintendent are not subject to  
24 the fingerprinting provisions of this Section as long as the  
25 permit remains valid and does not lapse. The applicant shall

1 be required to pay all related application and fingerprinting  
2 fees as established by rule including, but not limited to, the  
3 amounts established by the Illinois State Police and the  
4 Federal Bureau of Investigation to process fingerprint based  
5 criminal background investigations. All fees paid for  
6 fingerprint processing services under this Section shall be  
7 deposited into the State Police Services Fund for the cost  
8 incurred in processing the fingerprint based criminal  
9 background investigations. All other fees paid under this  
10 Section shall be deposited into the Road Fund for the purpose  
11 of defraying the costs of the Secretary of State in  
12 administering this Section. All applicants must:

- 13 1. be 21 years of age or older;
- 14 2. possess a valid and properly classified driver's  
15 license issued by the Secretary of State;
- 16 3. possess a valid driver's license, which has not  
17 been revoked, suspended, or canceled for 3 years  
18 immediately prior to the date of application, or have not  
19 had his or her commercial motor vehicle driving privileges  
20 disqualified within the 3 years immediately prior to the  
21 date of application;
- 22 4. successfully pass a written test, administered by  
23 the Secretary of State, on school bus operation, school  
24 bus safety, and special traffic laws relating to school  
25 buses and submit to a review of the applicant's driving  
26 habits by the Secretary of State at the time the written

1 test is given;

2 5. demonstrate ability to exercise reasonable care in  
3 the operation of school buses in accordance with rules  
4 promulgated by the Secretary of State;

5 6. demonstrate physical fitness to operate school  
6 buses by submitting the results of a medical examination,  
7 including tests for drug use for each applicant not  
8 subject to such testing pursuant to federal law, conducted  
9 by a licensed physician, a licensed advanced practice  
10 registered nurse, or a licensed physician assistant within  
11 90 days of the date of application according to standards  
12 promulgated by the Secretary of State;

13 7. affirm under penalties of perjury that he or she  
14 has not made a false statement or knowingly concealed a  
15 material fact in any application for permit;

16 8. have completed an initial classroom course,  
17 including first aid procedures, in school bus driver  
18 safety as promulgated by the Secretary of State; and after  
19 satisfactory completion of said initial course an annual  
20 refresher course; such courses and the agency or  
21 organization conducting such courses shall be approved by  
22 the Secretary of State; failure to complete the annual  
23 refresher course, shall result in cancellation of the  
24 permit until such course is completed;

25 9. not have been under an order of court supervision  
26 for or convicted of 2 or more serious traffic offenses, as

1 defined by rule, within one year prior to the date of  
2 application that may endanger the life or safety of any of  
3 the driver's passengers within the duration of the permit  
4 period;

5 10. not have been under an order of court supervision  
6 for or convicted of reckless driving, aggravated reckless  
7 driving, driving while under the influence of alcohol,  
8 other drug or drugs, intoxicating compound or compounds or  
9 any combination thereof, or reckless homicide resulting  
10 from the operation of a motor vehicle within 3 years of the  
11 date of application;

12 11. not have been convicted of committing or  
13 attempting to commit any one or more of the following  
14 offenses: (i) those offenses defined in Sections 8-1,  
15 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
16 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
18 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
19 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
20 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,  
21 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,  
22 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,  
23 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
24 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,  
25 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
26 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,

1 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,  
2 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
3 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
4 24-1.7 before the effective date of this amendatory Act of  
5 the 103rd General Assembly, 24-2.1, 24-3.3, 24-3.5,  
6 24-3.8, 24-3.9, 31A-1.1, 33A-2, and 33D-1, in subsection  
7 (A), clauses (a) and (b), of Section 24-3, and those  
8 offenses contained in Article 29D of the Criminal Code of  
9 1961 or the Criminal Code of 2012; (ii) those offenses  
10 defined in the Cannabis Control Act except those offenses  
11 defined in subsections (a) and (b) of Section 4, and  
12 subsection (a) of Section 5 of the Cannabis Control Act;  
13 (iii) those offenses defined in the Illinois Controlled  
14 Substances Act; (iv) those offenses defined in the  
15 Methamphetamine Control and Community Protection Act; ~~and~~  
16 (v) any offense committed or attempted in any other state  
17 or against the laws of the United States, which if  
18 committed or attempted in this State would be punishable  
19 as one or more of the foregoing offenses; (vi) the  
20 offenses defined in Section 4.1 and 5.1 of the Wrongs to  
21 Children Act or Section 11-9.1A of the Criminal Code of  
22 1961 or the Criminal Code of 2012; (vii) those offenses  
23 defined in Section 6-16 of the Liquor Control Act of 1934;  
24 and (viii) those offenses defined in the Methamphetamine  
25 Precursor Control Act;

26 12. not have been repeatedly involved as a driver in



1 motor vehicle collisions or been repeatedly convicted of  
2 offenses against laws and ordinances regulating the  
3 movement of traffic, to a degree which indicates lack of  
4 ability to exercise ordinary and reasonable care in the  
5 safe operation of a motor vehicle or disrespect for the  
6 traffic laws and the safety of other persons upon the  
7 highway;

8 13. not have, through the unlawful operation of a  
9 motor vehicle, caused an accident resulting in the death  
10 of any person;

11 14. not have, within the last 5 years, been adjudged  
12 to be afflicted with or suffering from any mental  
13 disability or disease;

14 15. consent, in writing, to the release of results of  
15 reasonable suspicion drug and alcohol testing under  
16 Section 6-106.1c of this Code by the employer of the  
17 applicant to the Secretary of State; and

18 16. not have been convicted of committing or  
19 attempting to commit within the last 20 years: (i) an  
20 offense defined in subsection (c) of Section 4, subsection  
21 (b) of Section 5, and subsection (a) of Section 8 of the  
22 Cannabis Control Act; or (ii) any offenses in any other  
23 state or against the laws of the United States that, if  
24 committed or attempted in this State, would be punishable  
25 as one or more of the foregoing offenses.

26 (b) A school bus driver permit shall be valid for a period

1 specified by the Secretary of State as set forth by rule. It  
2 shall be renewable upon compliance with subsection (a) of this  
3 Section.

4 (c) A school bus driver permit shall contain the holder's  
5 driver's license number, legal name, residence address, zip  
6 code, and date of birth, a brief description of the holder and  
7 a space for signature. The Secretary of State may require a  
8 suitable photograph of the holder.

9 (d) The employer shall be responsible for conducting a  
10 pre-employment interview with prospective school bus driver  
11 candidates, distributing school bus driver applications and  
12 medical forms to be completed by the applicant, and submitting  
13 the applicant's fingerprint cards to the Illinois State Police  
14 that are required for the criminal background investigations.  
15 The employer shall certify in writing to the Secretary of  
16 State that all pre-employment conditions have been  
17 successfully completed including the successful completion of  
18 an Illinois specific criminal background investigation through  
19 the Illinois State Police and the submission of necessary  
20 fingerprints to the Federal Bureau of Investigation for  
21 criminal history information available through the Federal  
22 Bureau of Investigation system. The applicant shall present  
23 the certification to the Secretary of State at the time of  
24 submitting the school bus driver permit application.

25 (e) Permits shall initially be provisional upon receiving  
26 certification from the employer that all pre-employment

1 conditions have been successfully completed, and upon  
2 successful completion of all training and examination  
3 requirements for the classification of the vehicle to be  
4 operated, the Secretary of State shall provisionally issue a  
5 School Bus Driver Permit. The permit shall remain in a  
6 provisional status pending the completion of the Federal  
7 Bureau of Investigation's criminal background investigation  
8 based upon fingerprinting specimens submitted to the Federal  
9 Bureau of Investigation by the Illinois State Police. The  
10 Federal Bureau of Investigation shall report the findings  
11 directly to the Secretary of State. The Secretary of State  
12 shall remove the bus driver permit from provisional status  
13 upon the applicant's successful completion of the Federal  
14 Bureau of Investigation's criminal background investigation.

15 (f) A school bus driver permit holder shall notify the  
16 employer and the Secretary of State if he or she is issued an  
17 order of court supervision for or convicted in another state  
18 of an offense that would make him or her ineligible for a  
19 permit under subsection (a) of this Section. The written  
20 notification shall be made within 5 days of the entry of the  
21 order of court supervision or conviction. Failure of the  
22 permit holder to provide the notification is punishable as a  
23 petty offense for a first violation and a Class B misdemeanor  
24 for a second or subsequent violation.

25 (g) Cancellation; suspension; notice and procedure.

26 (1) The Secretary of State shall cancel a school bus

1 driver permit of an applicant whose criminal background  
2 investigation discloses that he or she is not in  
3 compliance with the provisions of subsection (a) of this  
4 Section.

5 (2) The Secretary of State shall cancel a school bus  
6 driver permit when he or she receives notice that the  
7 permit holder fails to comply with any provision of this  
8 Section or any rule promulgated for the administration of  
9 this Section.

10 (3) The Secretary of State shall cancel a school bus  
11 driver permit if the permit holder's restricted commercial  
12 or commercial driving privileges are withdrawn or  
13 otherwise invalidated.

14 (4) The Secretary of State may not issue a school bus  
15 driver permit for a period of 3 years to an applicant who  
16 fails to obtain a negative result on a drug test as  
17 required in item 6 of subsection (a) of this Section or  
18 under federal law.

19 (5) The Secretary of State shall forthwith suspend a  
20 school bus driver permit for a period of 3 years upon  
21 receiving notice that the holder has failed to obtain a  
22 negative result on a drug test as required in item 6 of  
23 subsection (a) of this Section or under federal law.

24 (6) The Secretary of State shall suspend a school bus  
25 driver permit for a period of 3 years upon receiving  
26 notice from the employer that the holder failed to perform

1 the inspection procedure set forth in subsection (a) or  
2 (b) of Section 12-816 of this Code.

3 (7) The Secretary of State shall suspend a school bus  
4 driver permit for a period of 3 years upon receiving  
5 notice from the employer that the holder refused to submit  
6 to an alcohol or drug test as required by Section 6-106.1c  
7 or has submitted to a test required by that Section which  
8 disclosed an alcohol concentration of more than 0.00 or  
9 disclosed a positive result on a National Institute on  
10 Drug Abuse five-drug panel, utilizing federal standards  
11 set forth in 49 CFR 40.87.

12 The Secretary of State shall notify the State  
13 Superintendent of Education and the permit holder's  
14 prospective or current employer that the applicant has (1) has  
15 failed a criminal background investigation or (2) is no longer  
16 eligible for a school bus driver permit; and of the related  
17 cancellation of the applicant's provisional school bus driver  
18 permit. The cancellation shall remain in effect pending the  
19 outcome of a hearing pursuant to Section 2-118 of this Code.  
20 The scope of the hearing shall be limited to the issuance  
21 criteria contained in subsection (a) of this Section. A  
22 petition requesting a hearing shall be submitted to the  
23 Secretary of State and shall contain the reason the individual  
24 feels he or she is entitled to a school bus driver permit. The  
25 permit holder's employer shall notify in writing to the  
26 Secretary of State that the employer has certified the removal

1 of the offending school bus driver from service prior to the  
2 start of that school bus driver's next workshift. An employing  
3 school board that fails to remove the offending school bus  
4 driver from service is subject to the penalties defined in  
5 Section 3-14.23 of the School Code. A school bus contractor  
6 who violates a provision of this Section is subject to the  
7 penalties defined in Section 6-106.11.

8 All valid school bus driver permits issued under this  
9 Section prior to January 1, 1995, shall remain effective until  
10 their expiration date unless otherwise invalidated.

11 (h) When a school bus driver permit holder who is a service  
12 member is called to active duty, the employer of the permit  
13 holder shall notify the Secretary of State, within 30 days of  
14 notification from the permit holder, that the permit holder  
15 has been called to active duty. Upon notification pursuant to  
16 this subsection, (i) the Secretary of State shall characterize  
17 the permit as inactive until a permit holder renews the permit  
18 as provided in subsection (i) of this Section, and (ii) if a  
19 permit holder fails to comply with the requirements of this  
20 Section while called to active duty, the Secretary of State  
21 shall not characterize the permit as invalid.

22 (i) A school bus driver permit holder who is a service  
23 member returning from active duty must, within 90 days, renew  
24 a permit characterized as inactive pursuant to subsection (h)  
25 of this Section by complying with the renewal requirements of  
26 subsection (b) of this Section.

1 (j) For purposes of subsections (h) and (i) of this  
2 Section:

3 "Active duty" means active duty pursuant to an executive  
4 order of the President of the United States, an act of the  
5 Congress of the United States, or an order of the Governor.

6 "Service member" means a member of the Armed Services or  
7 reserve forces of the United States or a member of the Illinois  
8 National Guard.

9 (k) A private carrier employer of a school bus driver  
10 permit holder, having satisfied the employer requirements of  
11 this Section, shall be held to a standard of ordinary care for  
12 intentional acts committed in the course of employment by the  
13 bus driver permit holder. This subsection (k) shall in no way  
14 limit the liability of the private carrier employer for  
15 violation of any provision of this Section or for the  
16 negligent hiring or retention of a school bus driver permit  
17 holder.

18 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;  
19 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised  
20 10-13-21.)

21 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
22 Sec. 6-508. Commercial Driver's License (CDL);  
23 qualification standards.

24 (a) Testing.

25 (1) General. No person shall be issued an original or

1 renewal CDL unless that person is domiciled in this State  
2 or is applying for a non-domiciled CDL under Sections  
3 6-509 and 6-510 of this Code. The Secretary shall cause to  
4 be administered such tests as the Secretary deems  
5 necessary to meet the requirements of 49 CFR Part 383,  
6 subparts F, G, H, and J.

7 (1.5) Effective July 1, 2014, no person shall be  
8 issued an original CDL or an upgraded CDL that requires a  
9 skills test unless that person has held a CLP, for a  
10 minimum of 14 calendar days, for the classification of  
11 vehicle and endorsement, if any, for which the person is  
12 seeking a CDL.

13 (2) Third party testing. The Secretary of State may  
14 authorize a "third party tester", pursuant to 49 CFR  
15 383.75 and 49 CFR 384.228 and 384.229, to administer the  
16 skills test or tests specified by the Federal Motor  
17 Carrier Safety Administration pursuant to the Commercial  
18 Motor Vehicle Safety Act of 1986 and any appropriate  
19 federal rule.

20 (3) (i) Effective February 7, 2020, unless the person  
21 is exempted by 49 CFR 380.603, no person shall be issued an  
22 original (first time issuance) CDL, an upgraded CDL or a  
23 school bus (S), passenger (P), or hazardous Materials (H)  
24 endorsement unless the person has successfully completed  
25 entry-level driver training (ELDT) taught by a training  
26 provider listed on the federal Training Provider Registry.



1           (ii) Persons who obtain a CLP before February 7, 2020  
2           are not required to complete ELDT if the person obtains a  
3           CDL before the CLP or renewed CLP expires.

4           (iii) Except for persons seeking the H endorsement,  
5           persons must complete the theory and behind-the-wheel  
6           (range and public road) portions of ELDT within one year  
7           of completing the first portion.

8           (iv) The Secretary shall adopt rules to implement this  
9           subsection.

10          (b) Waiver of Skills Test. The Secretary of State may  
11          waive the skills test specified in this Section for a driver  
12          applicant for a commercial driver license who meets the  
13          requirements of 49 CFR 383.77. The Secretary of State shall  
14          waive the skills tests specified in this Section for a driver  
15          applicant who has military commercial motor vehicle  
16          experience, subject to the requirements of 49 CFR 383.77.

17          (b-1) No person shall be issued a CDL unless the person  
18          certifies to the Secretary one of the following types of  
19          driving operations in which he or she will be engaged:

- 20               (1) non-excepted interstate;  
21               (2) non-excepted intrastate;  
22               (3) excepted interstate; or  
23               (4) excepted intrastate.

24          (b-2) (Blank).

25          (c) Limitations on issuance of a CDL. A CDL shall not be  
26          issued to a person while the person is subject to a

1 disqualification from driving a commercial motor vehicle, or  
2 unless otherwise permitted by this Code, while the person's  
3 driver's license is suspended, revoked, or cancelled in any  
4 state, or any territory or province of Canada; nor may a CLP or  
5 CDL be issued to a person who has a CLP or CDL issued by any  
6 other state, or foreign jurisdiction, nor may a CDL be issued  
7 to a person who has an Illinois CLP unless the person first  
8 surrenders all of these licenses or permits. However, a person  
9 may hold an Illinois CLP and an Illinois CDL providing the CLP  
10 is necessary to train or practice for an endorsement or  
11 vehicle classification not present on the current CDL. No CDL  
12 shall be issued to or renewed for a person who does not meet  
13 the requirement of 49 CFR 391.41(b)(11). The requirement may  
14 be met with the aid of a hearing aid.

15 (c-1) The Secretary may issue a CDL with a school bus  
16 driver endorsement to allow a person to drive the type of bus  
17 described in subsection (d-5) of Section 6-104 of this Code.  
18 The CDL with a school bus driver endorsement may be issued only  
19 to a person meeting the following requirements:

20 (1) the person has submitted his or her fingerprints  
21 to the Illinois State Police in the form and manner  
22 prescribed by the Illinois State Police. These  
23 fingerprints shall be checked against the fingerprint  
24 records now and hereafter filed in the Illinois State  
25 Police and Federal Bureau of Investigation criminal  
26 history records databases;

1           (2) the person has passed a written test, administered  
2 by the Secretary of State, on charter bus operation,  
3 charter bus safety, and certain special traffic laws  
4 relating to school buses determined by the Secretary of  
5 State to be relevant to charter buses, and submitted to a  
6 review of the driver applicant's driving habits by the  
7 Secretary of State at the time the written test is given;

8           (3) the person has demonstrated physical fitness to  
9 operate school buses by submitting the results of a  
10 medical examination, including tests for drug use; and

11           (4) the person has not been convicted of committing or  
12 attempting to commit any one or more of the following  
13 offenses: (i) those offenses defined in Sections 8-1.2,  
14 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
15 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
16 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
17 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
18 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
19 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
20 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
21 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,  
22 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,  
23 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
24 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5,  
25 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45,  
26 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1,

1 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,  
2 24-1.2-5, 24-1.6, 24-1.7 before the effective date of this  
3 amendatory Act of the 103rd General Assembly, 24-2.1,  
4 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and  
5 33D-1, and in subsection (b) of Section 8-1, and in  
6 subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2),  
7 (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and in  
8 subsection (a) and subsection (b), clause (1), of Section  
9 12-4, and in subsection (A), clauses (a) and (b), of  
10 Section 24-3, and those offenses contained in Article 29D  
11 of the Criminal Code of 1961 or the Criminal Code of 2012;  
12 (ii) those offenses defined in the Cannabis Control Act  
13 except those offenses defined in subsections (a) and (b)  
14 of Section 4, and subsection (a) of Section 5 of the  
15 Cannabis Control Act; (iii) those offenses defined in the  
16 Illinois Controlled Substances Act; (iv) those offenses  
17 defined in the Methamphetamine Control and Community  
18 Protection Act; (v) any offense committed or attempted in  
19 any other state or against the laws of the United States,  
20 which if committed or attempted in this State would be  
21 punishable as one or more of the foregoing offenses; (vi)  
22 the offenses defined in Sections 4.1 and 5.1 of the Wrongs  
23 to Children Act or Section 11-9.1A of the Criminal Code of  
24 1961 or the Criminal Code of 2012; (vii) those offenses  
25 defined in Section 6-16 of the Liquor Control Act of 1934;  
26 and (viii) those offenses defined in the Methamphetamine

1 Precursor Control Act.

2 The Illinois State Police shall charge a fee for  
3 conducting the criminal history records check, which shall be  
4 deposited into the State Police Services Fund and may not  
5 exceed the actual cost of the records check.

6 (c-2) The Secretary shall issue a CDL with a school bus  
7 endorsement to allow a person to drive a school bus as defined  
8 in this Section. The CDL shall be issued according to the  
9 requirements outlined in 49 CFR 383. A person may not operate a  
10 school bus as defined in this Section without a school bus  
11 endorsement. The Secretary of State may adopt rules consistent  
12 with Federal guidelines to implement this subsection (c-2).

13 (d) (Blank).

14 (Source: P.A. 101-185, eff. 1-1-20; 102-168, eff. 7-27-21;  
15 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-813, eff.  
16 5-13-22.)

17 Section 15. The Criminal Code of 2012 is amended by  
18 changing Section 33A-3 as follows:

19 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

20 Sec. 33A-3. Sentence.

21 (a) Violation of Section 33A-2(a) with a Category I weapon  
22 is a Class X felony for which the defendant shall be sentenced  
23 to a minimum term of imprisonment of 15 years.

24 (a-5) Violation of Section 33A-2(a) with a Category II

1 weapon is a Class X felony for which the defendant shall be  
2 sentenced to a minimum term of imprisonment of 10 years.

3 (b) Violation of Section 33A-2(a) with a Category III  
4 weapon is a Class 2 felony or the felony classification  
5 provided for the same act while unarmed, whichever permits the  
6 greater penalty. A second or subsequent violation of Section  
7 33A-2(a) with a Category III weapon is a Class 1 felony or the  
8 felony classification provided for the same act while unarmed,  
9 whichever permits the greater penalty.

10 (b-5) Violation of Section 33A-2(b) with a firearm that is  
11 a Category I or Category II weapon is a Class X felony for  
12 which the defendant shall be sentenced to a minimum term of  
13 imprisonment of 20 years.

14 (b-10) Violation of Section 33A-2(c) with a firearm that  
15 is a Category I or Category II weapon is a Class X felony for  
16 which the defendant shall be sentenced to a term of  
17 imprisonment of not less than 25 years nor more than 40 years.

18 (c) Unless sentencing under subsection (a) of Section  
19 5-4.5-95 of the Unified Code of Corrections before the  
20 effective date of this amendatory Act of the 103rd General  
21 Assembly ~~(730 ILCS 5/5-4.5-95)~~ is applicable, any person who  
22 violates subsection (a) or (b) of Section 33A-2 with a  
23 firearm, when that person has been convicted in any state or  
24 federal court of 3 or more of the following offenses: treason,  
25 first degree murder, second degree murder, predatory criminal  
26 sexual assault of a child, aggravated criminal sexual assault,

1 criminal sexual assault, robbery, burglary, arson, kidnaping,  
2 aggravated battery resulting in great bodily harm or permanent  
3 disability or disfigurement, a violation of the  
4 Methamphetamine Control and Community Protection Act, or a  
5 violation of Section 401(a) of the Illinois Controlled  
6 Substances Act, when the third offense was committed after  
7 conviction on the second, the second offense was committed  
8 after conviction on the first, and the violation of Section  
9 33A-2 was committed after conviction on the third, shall be  
10 sentenced to a term of imprisonment of not less than 25 years  
11 nor more than 50 years.

12 (c-5) Except as otherwise provided in paragraph (b-10) or  
13 (c) of this Section, a person who violates Section 33A-2(a)  
14 with a firearm that is a Category I weapon or Section 33A-2(b)  
15 in any school, in any conveyance owned, leased, or contracted  
16 by a school to transport students to or from school or a school  
17 related activity, or on the real property comprising any  
18 school or public park, and where the offense was related to the  
19 activities of an organized gang, shall be sentenced to a term  
20 of imprisonment of not less than the term set forth in  
21 subsection (a) or (b-5) of this Section, whichever is  
22 applicable, and not more than 30 years. For the purposes of  
23 this subsection (c-5), "organized gang" has the meaning  
24 ascribed to it in Section 10 of the Illinois Streetgang  
25 Terrorism Omnibus Prevention Act.

26 (d) For armed violence based upon a predicate offense

1 listed in this subsection (d) the court shall enter the  
2 sentence for armed violence to run consecutively to the  
3 sentence imposed for the predicate offense. The offenses  
4 covered by this provision are:

5 (i) solicitation of murder,

6 (ii) solicitation of murder for hire,

7 (iii) heinous battery as described in Section 12-4.1  
8 or subdivision (a) (2) of Section 12-3.05,

9 (iv) aggravated battery of a senior citizen as  
10 described in Section 12-4.6 or subdivision (a) (4) of  
11 Section 12-3.05,

12 (v) (blank),

13 (vi) a violation of subsection (g) of Section 5 of the  
14 Cannabis Control Act,

15 (vii) cannabis trafficking,

16 (viii) a violation of subsection (a) of Section 401 of  
17 the Illinois Controlled Substances Act,

18 (ix) controlled substance trafficking involving a  
19 Class X felony amount of controlled substance under  
20 Section 401 of the Illinois Controlled Substances Act,

21 (x) calculated criminal drug conspiracy,

22 (xi) streetgang criminal drug conspiracy, or

23 (xii) a violation of the Methamphetamine Control and  
24 Community Protection Act.

25 (Source: P.A. 95-688, eff. 10-23-07; 95-1052, eff. 7-1-09;  
26 96-1551, eff. 7-1-11.)



1 (720 ILCS 5/24-1.7 rep.)

2 Section 20. The Criminal Code of 2012 is amended by  
3 repealing Section 24-1.7.

4 Section 25. The Code of Criminal Procedure of 1963 is  
5 amended by changing Sections 110-6.1 and 111-3 as follows:

6 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

8 Sec. 110-6.1. Denial of bail in non-probationable felony  
9 offenses.

10 (a) Upon verified petition by the State, the court shall  
11 hold a hearing to determine whether bail should be denied to a  
12 defendant who is charged with a felony offense for which a  
13 sentence of imprisonment, without probation, periodic  
14 imprisonment or conditional discharge, is required by law upon  
15 conviction, when it is alleged that the defendant's admission  
16 to bail poses a real and present threat to the physical safety  
17 of any person or persons.

18 (1) A petition may be filed without prior notice to  
19 the defendant at the first appearance before a judge, or  
20 within the 21 calendar days, except as provided in Section  
21 110-6, after arrest and release of the defendant upon  
22 reasonable notice to defendant; provided that while such  
23 petition is pending before the court, the defendant if

1 previously released shall not be detained.

2 (2) The hearing shall be held immediately upon the  
3 defendant's appearance before the court, unless for good  
4 cause shown the defendant or the State seeks a  
5 continuance. A continuance on motion of the defendant may  
6 not exceed 5 calendar days, and a continuance on the  
7 motion of the State may not exceed 3 calendar days. The  
8 defendant may be held in custody during such continuance.

9 (b) The court may deny bail to the defendant where, after  
10 the hearing, it is determined that:

11 (1) the proof is evident or the presumption great that  
12 the defendant has committed an offense for which a  
13 sentence of imprisonment, without probation, periodic  
14 imprisonment or conditional discharge, must be imposed by  
15 law as a consequence of conviction, and

16 (2) the defendant poses a real and present threat to  
17 the physical safety of any person or persons, by conduct  
18 which may include, but is not limited to, a forcible  
19 felony, the obstruction of justice, intimidation, injury,  
20 physical harm, an offense under the Illinois Controlled  
21 Substances Act which is a Class X felony, or an offense  
22 under the Methamphetamine Control and Community Protection  
23 Act which is a Class X felony, and

24 (3) the court finds that no condition or combination  
25 of conditions set forth in subsection (b) of Section  
26 110-10 of this Article, can reasonably assure the physical

1 safety of any other person or persons.

2 (c) Conduct of the hearings.

3 (1) The hearing on the defendant's culpability and  
4 dangerousness shall be conducted in accordance with the  
5 following provisions:

6 (A) Information used by the court in its findings  
7 or stated in or offered at such hearing may be by way  
8 of proffer based upon reliable information offered by  
9 the State or by defendant. Defendant has the right to  
10 be represented by counsel, and if he is indigent, to  
11 have counsel appointed for him. Defendant shall have  
12 the opportunity to testify, to present witnesses in  
13 his own behalf, and to cross-examine witnesses if any  
14 are called by the State. The defendant has the right to  
15 present witnesses in his favor. When the ends of  
16 justice so require, the court may exercise its  
17 discretion and compel the appearance of a complaining  
18 witness. The court shall state on the record reasons  
19 for granting a defense request to compel the presence  
20 of a complaining witness. Cross-examination of a  
21 complaining witness at the pretrial detention hearing  
22 for the purpose of impeaching the witness' credibility  
23 is insufficient reason to compel the presence of the  
24 witness. In deciding whether to compel the appearance  
25 of a complaining witness, the court shall be  
26 considerate of the emotional and physical well-being

1 of the witness. The pre-trial detention hearing is not  
2 to be used for purposes of discovery, and the post  
3 arraignment rules of discovery do not apply. The State  
4 shall tender to the defendant, prior to the hearing,  
5 copies of defendant's criminal history, if any, if  
6 available, and any written or recorded statements and  
7 the substance of any oral statements made by any  
8 person, if relied upon by the State in its petition.  
9 The rules concerning the admissibility of evidence in  
10 criminal trials do not apply to the presentation and  
11 consideration of information at the hearing. At the  
12 trial concerning the offense for which the hearing was  
13 conducted neither the finding of the court nor any  
14 transcript or other record of the hearing shall be  
15 admissible in the State's case in chief, but shall be  
16 admissible for impeachment, or as provided in Section  
17 115-10.1 of this Code, or in a perjury proceeding.

18 (B) A motion by the defendant to suppress evidence  
19 or to suppress a confession shall not be entertained.  
20 Evidence that proof may have been obtained as the  
21 result of an unlawful search and seizure or through  
22 improper interrogation is not relevant to this state  
23 of the prosecution.

24 (2) The facts relied upon by the court to support a  
25 finding that the defendant poses a real and present threat  
26 to the physical safety of any person or persons shall be

1 supported by clear and convincing evidence presented by  
2 the State.

3 (d) Factors to be considered in making a determination of  
4 dangerousness. The court may, in determining whether the  
5 defendant poses a real and present threat to the physical  
6 safety of any person or persons, consider but shall not be  
7 limited to evidence or testimony concerning:

8 (1) The nature and circumstances of any offense  
9 charged, including whether the offense is a crime of  
10 violence, involving a weapon.

11 (2) The history and characteristics of the defendant  
12 including:

13 (A) Any evidence of the defendant's prior criminal  
14 history indicative of violent, abusive or assaultive  
15 behavior, or lack of such behavior. Such evidence may  
16 include testimony or documents received in juvenile  
17 proceedings, criminal, quasi-criminal, civil  
18 commitment, domestic relations or other proceedings.

19 (B) Any evidence of the defendant's psychological,  
20 psychiatric or other similar social history which  
21 tends to indicate a violent, abusive, or assaultive  
22 nature, or lack of any such history.

23 (3) The identity of any person or persons to whose  
24 safety the defendant is believed to pose a threat, and the  
25 nature of the threat;

26 (4) Any statements made by, or attributed to the

1 defendant, together with the circumstances surrounding  
2 them;

3 (5) The age and physical condition of any person  
4 assaulted by the defendant;

5 (6) Whether the defendant is known to possess or have  
6 access to any weapon or weapons;

7 (7) Whether, at the time of the current offense or any  
8 other offense or arrest, the defendant was on probation,  
9 parole, aftercare release, mandatory supervised release or  
10 other release from custody pending trial, sentencing,  
11 appeal or completion of sentence for an offense under  
12 federal or state law;

13 (8) Any other factors, including those listed in  
14 Section 110-5 of this Article deemed by the court to have a  
15 reasonable bearing upon the defendant's propensity or  
16 reputation for violent, abusive or assaultive behavior, or  
17 lack of such behavior.

18 (e) Detention order. The court shall, in any order for  
19 detention:

20 (1) briefly summarize the evidence of the defendant's  
21 culpability and its reasons for concluding that the  
22 defendant should be held without bail;

23 (2) direct that the defendant be committed to the  
24 custody of the sheriff for confinement in the county jail  
25 pending trial;

26 (3) direct that the defendant be given a reasonable

1 opportunity for private consultation with counsel, and for  
2 communication with others of his choice by visitation,  
3 mail and telephone; and

4 (4) direct that the sheriff deliver the defendant as  
5 required for appearances in connection with court  
6 proceedings.

7 (f) If the court enters an order for the detention of the  
8 defendant pursuant to subsection (e) of this Section, the  
9 defendant shall be brought to trial on the offense for which he  
10 is detained within 90 days after the date on which the order  
11 for detention was entered. If the defendant is not brought to  
12 trial within the 90 day period required by the preceding  
13 sentence, he shall not be held longer without bail. In  
14 computing the 90 day period, the court shall omit any period of  
15 delay resulting from a continuance granted at the request of  
16 the defendant.

17 (g) Rights of the defendant. Any person shall be entitled  
18 to appeal any order entered under this Section denying bail to  
19 the defendant.

20 (h) The State may appeal any order entered under this  
21 Section denying any motion for denial of bail.

22 (i) Nothing in this Section shall be construed as  
23 modifying or limiting in any way the defendant's presumption  
24 of innocence in further criminal proceedings.

25 (Source: P.A. 98-558, eff. 1-1-14.)

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

2 Sec. 110-6.1. Denial of pretrial release.

3 (a) Upon verified petition by the State, the court shall  
4 hold a hearing and may deny a defendant pretrial release only  
5 if:

6 (1) the defendant is charged with a forcible felony  
7 offense for which a sentence of imprisonment, without  
8 probation, periodic imprisonment or conditional discharge,  
9 is required by law upon conviction, and it is alleged that  
10 the defendant's pretrial release poses a specific, real  
11 and present threat to any person or the community;

12 (2) the defendant is charged with stalking or  
13 aggravated stalking and it is alleged that the defendant's  
14 pretrial ~~pre-trial~~ release poses a real and present threat  
15 to the physical safety of a victim of the alleged offense,  
16 and denial of release is necessary to prevent fulfillment  
17 of the threat upon which the charge is based;

18 (3) the victim of abuse was a family or household  
19 member as defined by paragraph (6) of Section 103 of the  
20 Illinois Domestic Violence Act of 1986, and the person  
21 charged, at the time of the alleged offense, was subject  
22 to the terms of an order of protection issued under  
23 Section 112A-14 of this Code, or Section 214 of the  
24 Illinois Domestic Violence Act of 1986 or previously was  
25 convicted of a violation of an order of protection under  
26 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the



1 Criminal Code of 2012 or a violent crime if the victim was  
2 a family or household member as defined by paragraph (6)  
3 of the Illinois Domestic Violence Act of 1986 at the time  
4 of the offense or a violation of a substantially similar  
5 municipal ordinance or law of this or any other state or  
6 the United States if the victim was a family or household  
7 member as defined by paragraph (6) of Section 103 of the  
8 Illinois Domestic Violence Act of 1986 at the time of the  
9 offense, and it is alleged that the defendant's pretrial  
10 ~~pre-trial~~ release poses a real and present threat to the  
11 physical safety of any person or persons;

12 (4) the defendant is charged with domestic battery or  
13 aggravated domestic battery under Section 12-3.2 or 12-3.3  
14 of the Criminal Code of 2012 and it is alleged that the  
15 defendant's pretrial release poses a real and present  
16 threat to the physical safety of any person or persons;

17 (5) the defendant is charged with any offense under  
18 Article 11 of the Criminal Code of 2012, except for  
19 Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal  
20 Code of 2012, or similar provisions of the Criminal Code  
21 of 1961 and it is alleged that the defendant's pretrial  
22 release poses a real and present threat to the physical  
23 safety of any person or persons;

24 (6) the defendant is charged with any of these  
25 violations under the Criminal Code of 2012 and it is  
26 alleged that the defendant's pretrial releases poses a

1 real and present threat to the physical safety of any  
2 specifically identifiable person or persons;~~:-~~

3 (A) Section 24-1.2 (aggravated discharge of a  
4 firearm);

5 (B) Section 24-2.5 (aggravated discharge of a  
6 machine gun or a firearm equipped with a device  
7 designed or use for silencing the report of a  
8 firearm);

9 (C) Section 24-1.5 (reckless discharge of a  
10 firearm);

11 (D) Section 24-1.7 (armed habitual criminal)  
12 before the effective date of this amendatory Act of  
13 the 103rd General Assembly;

14 (E) Section 24-2.2 ~~2~~ (manufacture, sale or  
15 transfer of bullets or shells represented to be armor  
16 piercing bullets, dragon's breath shotgun shells, bolo  
17 shells, or flechette shells);

18 (F) Section 24-3 (unlawful sale or delivery of  
19 firearms);

20 (G) Section 24-3.3 (unlawful sale or delivery of  
21 firearms on the premises of any school);

22 (H) Section 24-34 (unlawful sale of firearms by  
23 liquor license);

24 (I) Section 24-3.5 ~~(~~unlawful purchase of a  
25 firearm);

26 (J) Section 24-3A (gunrunning); ~~or~~

1 (K) Section ~~en~~ 24-3B (firearms trafficking);  
2 (L) Section 10-9 (b) (involuntary servitude);  
3 (M) Section 10-9 (c) (involuntary sexual servitude  
4 of a minor);

5 (N) Section 10-9(d) (trafficking in persons);

6 (O) Non-probationable violations: (i) (unlawful  
7 use or possession of weapons by felons or persons in  
8 the Custody of the Department of Corrections  
9 facilities (Section 24-1.1), (ii) aggravated unlawful  
10 use of a weapon (Section 24-1.6), or (iii) aggravated  
11 possession of a stolen firearm (Section 24-3.9);

12 (7) the person has a high likelihood of willful flight  
13 to avoid prosecution and is charged with:

14 (A) Any felony described in Sections (a)(1)  
15 through (a)(5) of this Section; or

16 (B) A felony offense other than a Class 4 offense.

17 (b) If the charged offense is a felony, the Court shall  
18 hold a hearing pursuant to Section 109-3 of this Code to  
19 determine whether there is probable cause the defendant has  
20 committed an offense, unless a grand jury has returned a true  
21 bill of indictment against the defendant. If there is a  
22 finding of no probable cause, the defendant shall be released.  
23 No such finding is necessary if the defendant is charged with a  
24 misdemeanor.

25 (c) Timing of petition.

26 (1) A petition may be filed without prior notice to

1 the defendant at the first appearance before a judge, or  
2 within the 21 calendar days, except as provided in Section  
3 110-6, after arrest and release of the defendant upon  
4 reasonable notice to defendant; provided that while such  
5 petition is pending before the court, the defendant if  
6 previously released shall not be detained.

7 (2) ~~(2)~~ Upon filing, the court shall immediately hold  
8 a hearing on the petition unless a continuance is  
9 requested. If a continuance is requested, the hearing  
10 shall be held within 48 hours of the defendant's first  
11 appearance if the defendant is charged with a Class X,  
12 Class 1, Class 2, or Class 3 felony, and within 24 hours if  
13 the defendant is charged with a Class 4 or misdemeanor  
14 offense. The Court may deny and or grant the request for  
15 continuance. If the court decides to grant the  
16 continuance, the Court retains the discretion to detain or  
17 release the defendant in the time between the filing of  
18 the petition and the hearing.

19 (d) Contents of petition.

20 (1) The petition shall be verified by the State and  
21 shall state the grounds upon which it contends the  
22 defendant should be denied pretrial release, including the  
23 identity of the specific person or persons the State  
24 believes the defendant poses a danger to.

25 (2) Only one petition may be filed under this Section.

26 (e) Eligibility: All defendants shall be presumed eligible

1 for pretrial release, and the State shall bear the burden of  
2 proving by clear and convincing evidence that:

3 (1) the proof is evident or the presumption great that  
4 the defendant has committed an offense listed in  
5 paragraphs (1) through (6) of subsection (a), and

6 (2) the defendant poses a real and present threat to  
7 the safety of a specific, identifiable person or persons,  
8 by conduct which may include, but is not limited to, a  
9 forcible felony, the obstruction of justice, intimidation,  
10 injury, or abuse as defined by paragraph (1) of Section  
11 103 of the Illinois Domestic Violence Act of 1986, and

12 (3) no condition or combination of conditions set  
13 forth in subsection (b) of Section 110-10 of this Article  
14 can mitigate the real and present threat to the safety of  
15 any person or persons or the defendant's willful flight.

16 (f) Conduct of the hearings.

17 (1) Prior to the hearing the State shall tender to the  
18 defendant copies of defendant's criminal history  
19 available, any written or recorded statements, and the  
20 substance of any oral statements made by any person, if  
21 relied upon by the State in its petition, and any police  
22 reports in the State's Attorney's possession at the time  
23 of the hearing that are required to be disclosed to the  
24 defense under Illinois Supreme Court rules.

25 (2) The State or defendant may present evidence at the  
26 hearing by way of proffer based upon reliable information.

1           (3) The defendant has the right to be represented by  
2 counsel, and if he or she is indigent, to have counsel  
3 appointed for him or her. The defendant shall have the  
4 opportunity to testify, to present witnesses on his or her  
5 own behalf, and to cross-examine any witnesses that are  
6 called by the State.

7           (4) If the defense seeks to call the complaining  
8 witness as a witness in its favor, it shall petition the  
9 court for permission. When the ends of justice so require,  
10 the court may exercise its discretion and compel the  
11 appearance of a complaining witness. The court shall state  
12 on the record reasons for granting a defense request to  
13 compel the presence of a complaining witness. In making a  
14 determination under this Section ~~section~~, the court shall  
15 state on the record the reason for granting a defense  
16 request to compel the presence of a complaining witness,  
17 and only grant the request if the court finds by clear and  
18 convincing evidence that the defendant will be materially  
19 prejudiced if the complaining witness does not appear.  
20 Cross-examination of a complaining witness at the pretrial  
21 detention hearing for the purpose of impeaching the  
22 witness' credibility is insufficient reason to compel the  
23 presence of the witness. In deciding whether to compel the  
24 appearance of a complaining witness, the court shall be  
25 considerate of the emotional and physical well-being of  
26 the witness. The pretrial ~~pre-trial~~ detention hearing is

1 not to be used for purposes of discovery, and the post  
2 arraignment rules of discovery do not apply.

3 (5) The rules concerning the admissibility of evidence  
4 in criminal trials do not apply to the presentation and  
5 consideration of information at the hearing. At the trial  
6 concerning the offense for which the hearing was conducted  
7 neither the finding of the court nor any transcript or  
8 other record of the hearing shall be admissible in the  
9 State's case in chief, but shall be admissible for  
10 impeachment, or as provided in Section 115-10.1 of this  
11 Code, or in a perjury proceeding.

12 (6) The defendant may not move to suppress evidence or  
13 a confession, however, evidence that proof of the charged  
14 crime may have been the result of an unlawful search or  
15 seizure, or both, or through improper interrogation, is  
16 relevant in assessing the weight of the evidence against  
17 the defendant.

18 (7) Decisions regarding release, conditions of release  
19 and detention prior trial should be individualized, and no  
20 single factor or standard should be used exclusively to  
21 make a condition or detention decision.

22 (g) Factors to be considered in making a determination of  
23 dangerousness. The court may, in determining whether the  
24 defendant poses a specific, imminent threat of serious  
25 physical harm to an identifiable person or persons, consider,l  
26 but shall not be limited to,l evidence or testimony concerning:

1           (1) The nature and circumstances of any offense  
2 charged, including whether the offense is a crime of  
3 violence, involving a weapon, or a sex offense.

4           (2) The history and characteristics of the defendant  
5 including:

6                 (A) Any evidence of the defendant's prior criminal  
7 history indicative of violent, abusive or assaultive  
8 behavior, or lack of such behavior. Such evidence may  
9 include testimony or documents received in juvenile  
10 proceedings, criminal, quasi-criminal, civil  
11 commitment, domestic relations, or other proceedings.

12                 (B) Any evidence of the defendant's psychological,  
13 psychiatric or other similar social history which  
14 tends to indicate a violent, abusive, or assaultive  
15 nature, or lack of any such history.

16           (3) The identity of any person or persons to whose  
17 safety the defendant is believed to pose a threat, and the  
18 nature of the threat.†

19           (4) Any statements made by, or attributed to the  
20 defendant, together with the circumstances surrounding  
21 them.†

22           (5) The age and physical condition of the defendant.†

23           (6) The age and physical condition of any victim or  
24 complaining witness.†

25           (7) Whether the defendant is known to possess or have  
26 access to any weapon or weapons.†



1           (8) Whether, at the time of the current offense or any  
2 other offense or arrest, the defendant was on probation,  
3 parole, aftercare release, mandatory supervised release or  
4 other release from custody pending trial, sentencing,  
5 appeal or completion of sentence for an offense under  
6 federal or state law.†

7           (9) Any other factors, including those listed in  
8 Section 110-5 of this Article deemed by the court to have a  
9 reasonable bearing upon the defendant's propensity or  
10 reputation for violent, abusive or assaultive behavior,  
11 or lack of such behavior.

12           (h) Detention order. The court shall, in any order for  
13 detention:

14           (1) briefly summarize the evidence of the defendant's  
15 guilt or innocence, and the court's reasons for concluding  
16 that the defendant should be denied pretrial release;

17           (2) direct that the defendant be committed to the  
18 custody of the sheriff for confinement in the county jail  
19 pending trial;

20           (3) direct that the defendant be given a reasonable  
21 opportunity for private consultation with counsel, and for  
22 communication with others of his or her choice by  
23 visitation, mail and telephone; and

24           (4) direct that the sheriff deliver the defendant as  
25 required for appearances in connection with court  
26 proceedings.

1           (i) Detention. If the court enters an order for the  
2 detention of the defendant pursuant to subsection (e) of this  
3 Section, the defendant shall be brought to trial on the  
4 offense for which he is detained within 90 days after the date  
5 on which the order for detention was entered. If the defendant  
6 is not brought to trial within the 90-day ~~90-day~~ period  
7 required by the preceding sentence, he shall not be denied  
8 pretrial release. In computing the 90-day ~~90-day~~ period, the  
9 court shall omit any period of delay resulting from a  
10 continuance granted at the request of the defendant.

11           (j) Rights of the defendant. Any person shall be entitled  
12 to appeal any order entered under this Section denying  
13 pretrial release to the defendant.

14           (k) Appeal. The State may appeal any order entered under  
15 this Section denying any motion for denial of pretrial  
16 release.

17           (l) Presumption of innocence. Nothing in this Section  
18 shall be construed as modifying or limiting in any way the  
19 defendant's presumption of innocence in further criminal  
20 proceedings.

21           (m) Victim notice. ~~(1)~~ Crime victims shall be given notice  
22 by the State's Attorney's office of this hearing as required  
23 in paragraph (1) of subsection (b) of Section 4.5 of the Rights  
24 of Crime Victims and Witnesses Act and shall be informed of  
25 their opportunity at this hearing to obtain an order of  
26 protection under Article 112A of this Code.

1 (Source: P.A. 101-652, eff. 1-1-23; revised 2-28-22.)

2 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

3 Sec. 111-3. Form of charge.

4 (a) A charge shall be in writing and allege the commission  
5 of an offense by:

6 (1) Stating the name of the offense;

7 (2) Citing the statutory provision alleged to have  
8 been violated;

9 (3) Setting forth the nature and elements of the  
10 offense charged;

11 (4) Stating the date and county of the offense as  
12 definitely as can be done; and

13 (5) Stating the name of the accused, if known, and if  
14 not known, designate the accused by any name or  
15 description by which he can be identified with reasonable  
16 certainty.

17 (a-5) If the victim is alleged to have been subjected to an  
18 offense involving an illegal sexual act including, but not  
19 limited to, a sexual offense defined in Article 11 or Section  
20 10-9 of the Criminal Code of 2012, the charge shall state the  
21 identity of the victim by name, initials, or description.

22 (b) An indictment shall be signed by the foreman of the  
23 Grand Jury and an information shall be signed by the State's  
24 Attorney and sworn to by him or another. A complaint shall be  
25 sworn to and signed by the complainant; provided, that when a

1 peace officer observes the commission of a misdemeanor and is  
2 the complaining witness, the signing of the complaint by the  
3 peace officer is sufficient to charge the defendant with the  
4 commission of the offense, and the complaint need not be sworn  
5 to if the officer signing the complaint certifies that the  
6 statements set forth in the complaint are true and correct and  
7 are subject to the penalties provided by law for false  
8 certification under Section 1-109 of the Code of Civil  
9 Procedure and perjury under Section 32-2 of the Criminal Code  
10 of 2012; and further provided, however, that when a citation  
11 is issued on a Uniform Traffic Ticket or Uniform Conservation  
12 Ticket (in a form prescribed by the Conference of Chief  
13 Circuit Judges and filed with the Supreme Court), the copy of  
14 such Uniform Ticket which is filed with the circuit court  
15 constitutes a complaint to which the defendant may plead,  
16 unless he specifically requests that a verified complaint be  
17 filed.

18 (c) When the State seeks an enhanced sentence because of a  
19 prior conviction, the charge shall also state the intention to  
20 seek an enhanced sentence and shall state such prior  
21 conviction so as to give notice to the defendant. However, the  
22 fact of such prior conviction and the State's intention to  
23 seek an enhanced sentence are not elements of the offense and  
24 may not be disclosed to the jury during trial unless otherwise  
25 permitted by issues properly raised during such trial. For the  
26 purposes of this Section, "enhanced sentence" means a sentence

1 which is increased by a prior conviction from one  
2 classification of offense to another higher level  
3 classification of offense set forth in Section 5-4.5-10 of the  
4 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not  
5 include an increase in the sentence applied within the same  
6 level of classification of offense.

7 (c-5) Notwithstanding any other provision of law, in all  
8 cases in which the imposition of the death penalty is not a  
9 possibility, if an alleged fact (other than the fact of a prior  
10 conviction) is not an element of an offense but is sought to be  
11 used to increase the range of penalties for the offense beyond  
12 the statutory maximum that could otherwise be imposed for the  
13 offense, the alleged fact must be included in the charging  
14 instrument or otherwise provided to the defendant through a  
15 written notification before trial, submitted to a trier of  
16 fact as an aggravating factor, and proved beyond a reasonable  
17 doubt. Failure to prove the fact beyond a reasonable doubt is  
18 not a bar to a conviction for commission of the offense, but is  
19 a bar to increasing, based on that fact, the range of penalties  
20 for the offense beyond the statutory maximum that could  
21 otherwise be imposed for that offense. Nothing in this  
22 subsection (c-5) requires the imposition of a sentence that  
23 increases the range of penalties for the offense beyond the  
24 statutory maximum that could otherwise be imposed for the  
25 offense if the imposition of that sentence is not required by  
26 law.

1 (d) At any time prior to trial, the State on motion shall  
2 be permitted to amend the charge, whether brought by  
3 indictment, information or complaint, to make the charge  
4 comply with subsection (c) or (c-5) of this Section. Nothing  
5 in Section 103-5 of this Code precludes such an amendment or a  
6 written notification made in accordance with subsection (c-5)  
7 of this Section.

8 (e) The provisions of subsection (a) of Section 5-4.5-95  
9 of the Unified Code of Corrections before its repeal on the  
10 effective date of this amendatory Act of the 103rd General  
11 Assembly (~~730 ILCS 5/5-4.5-95~~) shall not be affected by this  
12 Section.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)

14 Section 30. The Unified Code of Corrections is amended by  
15 changing Sections 3-2-2, 3-3-3, and 3-6-3 as follows:

16 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

17 Sec. 3-2-2. Powers and duties of the Department.

18 (1) In addition to the powers, duties, and  
19 responsibilities which are otherwise provided by law, the  
20 Department shall have the following powers:

21 (a) To accept persons committed to it by the courts of  
22 this State for care, custody, treatment, and  
23 rehabilitation, and to accept federal prisoners and  
24 noncitizens over whom the Office of the Federal Detention

1 Trustee is authorized to exercise the federal detention  
2 function for limited purposes and periods of time.

3 (b) To develop and maintain reception and evaluation  
4 units for purposes of analyzing the custody and  
5 rehabilitation needs of persons committed to it and to  
6 assign such persons to institutions and programs under its  
7 control or transfer them to other appropriate agencies. In  
8 consultation with the Department of Alcoholism and  
9 Substance Abuse (now the Department of Human Services),  
10 the Department of Corrections shall develop a master plan  
11 for the screening and evaluation of persons committed to  
12 its custody who have alcohol or drug abuse problems, and  
13 for making appropriate treatment available to such  
14 persons; the Department shall report to the General  
15 Assembly on such plan not later than April 1, 1987. The  
16 maintenance and implementation of such plan shall be  
17 contingent upon the availability of funds.

18 (b-1) To create and implement, on January 1, 2002, a  
19 pilot program to establish the effectiveness of  
20 pupillometer technology (the measurement of the pupil's  
21 reaction to light) as an alternative to a urine test for  
22 purposes of screening and evaluating persons committed to  
23 its custody who have alcohol or drug problems. The pilot  
24 program shall require the pupillometer technology to be  
25 used in at least one Department of Corrections facility.  
26 The Director may expand the pilot program to include an

1 additional facility or facilities as he or she deems  
2 appropriate. A minimum of 4,000 tests shall be included in  
3 the pilot program. The Department must report to the  
4 General Assembly on the effectiveness of the program by  
5 January 1, 2003.

6 (b-5) To develop, in consultation with the Illinois  
7 State Police, a program for tracking and evaluating each  
8 inmate from commitment through release for recording his  
9 or her gang affiliations, activities, or ranks.

10 (c) To maintain and administer all State correctional  
11 institutions and facilities under its control and to  
12 establish new ones as needed. Pursuant to its power to  
13 establish new institutions and facilities, the Department  
14 may, with the written approval of the Governor, authorize  
15 the Department of Central Management Services to enter  
16 into an agreement of the type described in subsection (d)  
17 of Section 405-300 of the Department of Central Management  
18 Services Law. The Department shall designate those  
19 institutions which shall constitute the State Penitentiary  
20 System. The Department of Juvenile Justice shall maintain  
21 and administer all State youth centers pursuant to  
22 subsection (d) of Section 3-2.5-20.

23 Pursuant to its power to establish new institutions  
24 and facilities, the Department may authorize the  
25 Department of Central Management Services to accept bids  
26 from counties and municipalities for the construction,



1 remodeling, or conversion of a structure to be leased to  
2 the Department of Corrections for the purposes of its  
3 serving as a correctional institution or facility. Such  
4 construction, remodeling, or conversion may be financed  
5 with revenue bonds issued pursuant to the Industrial  
6 Building Revenue Bond Act by the municipality or county.  
7 The lease specified in a bid shall be for a term of not  
8 less than the time needed to retire any revenue bonds used  
9 to finance the project, but not to exceed 40 years. The  
10 lease may grant to the State the option to purchase the  
11 structure outright.

12 Upon receipt of the bids, the Department may certify  
13 one or more of the bids and shall submit any such bids to  
14 the General Assembly for approval. Upon approval of a bid  
15 by a constitutional majority of both houses of the General  
16 Assembly, pursuant to joint resolution, the Department of  
17 Central Management Services may enter into an agreement  
18 with the county or municipality pursuant to such bid.

19 (c-5) To build and maintain regional juvenile  
20 detention centers and to charge a per diem to the counties  
21 as established by the Department to defray the costs of  
22 housing each minor in a center. In this subsection (c-5),  
23 "juvenile detention center" means a facility to house  
24 minors during pendency of trial who have been transferred  
25 from proceedings under the Juvenile Court Act of 1987 to  
26 prosecutions under the criminal laws of this State in

1           accordance with Section 5-805 of the Juvenile Court Act of  
2           1987, whether the transfer was by operation of law or  
3           permissive under that Section. The Department shall  
4           designate the counties to be served by each regional  
5           juvenile detention center.

6           (d) To develop and maintain programs of control,  
7           rehabilitation, and employment of committed persons within  
8           its institutions.

9           (d-5) To provide a pre-release job preparation program  
10          for inmates at Illinois adult correctional centers.

11          (d-10) To provide educational and visitation  
12          opportunities to committed persons within its institutions  
13          through temporary access to content-controlled tablets  
14          that may be provided as a privilege to committed persons  
15          to induce or reward compliance.

16          (e) To establish a system of supervision and guidance  
17          of committed persons in the community.

18          (f) To establish in cooperation with the Department of  
19          Transportation to supply a sufficient number of prisoners  
20          for use by the Department of Transportation to clean up  
21          the trash and garbage along State, county, township, or  
22          municipal highways as designated by the Department of  
23          Transportation. The Department of Corrections, at the  
24          request of the Department of Transportation, shall furnish  
25          such prisoners at least annually for a period to be agreed  
26          upon between the Director of Corrections and the Secretary

1 of Transportation. The prisoners used on this program  
2 shall be selected by the Director of Corrections on  
3 whatever basis he deems proper in consideration of their  
4 term, behavior and earned eligibility to participate in  
5 such program - where they will be outside of the prison  
6 facility but still in the custody of the Department of  
7 Corrections. Prisoners convicted of first degree murder,  
8 or a Class X felony, or armed violence, or aggravated  
9 kidnapping, or criminal sexual assault, aggravated  
10 criminal sexual abuse or a subsequent conviction for  
11 criminal sexual abuse, or forcible detention, or arson, or  
12 a prisoner adjudged a Habitual Criminal before the  
13 effective date of this amendatory Act of the 103rd General  
14 Assembly shall not be eligible for selection to  
15 participate in such program. The prisoners shall remain as  
16 prisoners in the custody of the Department of Corrections  
17 and such Department shall furnish whatever security is  
18 necessary. The Department of Transportation shall furnish  
19 trucks and equipment for the highway cleanup program and  
20 personnel to supervise and direct the program. Neither the  
21 Department of Corrections nor the Department of  
22 Transportation shall replace any regular employee with a  
23 prisoner.

24 (g) To maintain records of persons committed to it and  
25 to establish programs of research, statistics, and  
26 planning.

1           (h) To investigate the grievances of any person  
2 committed to the Department and to inquire into any  
3 alleged misconduct by employees or committed persons; and  
4 for these purposes it may issue subpoenas and compel the  
5 attendance of witnesses and the production of writings and  
6 papers, and may examine under oath any witnesses who may  
7 appear before it; to also investigate alleged violations  
8 of a parolee's or releasee's conditions of parole or  
9 release; and for this purpose it may issue subpoenas and  
10 compel the attendance of witnesses and the production of  
11 documents only if there is reason to believe that such  
12 procedures would provide evidence that such violations  
13 have occurred.

14           If any person fails to obey a subpoena issued under  
15 this subsection, the Director may apply to any circuit  
16 court to secure compliance with the subpoena. The failure  
17 to comply with the order of the court issued in response  
18 thereto shall be punishable as contempt of court.

19           (i) To appoint and remove the chief administrative  
20 officers, and administer programs of training and  
21 development of personnel of the Department. Personnel  
22 assigned by the Department to be responsible for the  
23 custody and control of committed persons or to investigate  
24 the alleged misconduct of committed persons or employees  
25 or alleged violations of a parolee's or releasee's  
26 conditions of parole shall be conservators of the peace

1 for those purposes, and shall have the full power of peace  
2 officers outside of the facilities of the Department in  
3 the protection, arrest, retaking, and reconfining of  
4 committed persons or where the exercise of such power is  
5 necessary to the investigation of such misconduct or  
6 violations. This subsection shall not apply to persons  
7 committed to the Department of Juvenile Justice under the  
8 Juvenile Court Act of 1987 on aftercare release.

9 (j) To cooperate with other departments and agencies  
10 and with local communities for the development of  
11 standards and programs for better correctional services in  
12 this State.

13 (k) To administer all moneys and properties of the  
14 Department.

15 (l) To report annually to the Governor on the  
16 committed persons, institutions, and programs of the  
17 Department.

18 (l-5) (Blank).

19 (m) To make all rules and regulations and exercise all  
20 powers and duties vested by law in the Department.

21 (n) To establish rules and regulations for  
22 administering a system of sentence credits, established in  
23 accordance with Section 3-6-3, subject to review by the  
24 Prisoner Review Board.

25 (o) To administer the distribution of funds from the  
26 State Treasury to reimburse counties where State penal

1 institutions are located for the payment of assistant  
2 state's attorneys' salaries under Section 4-2001 of the  
3 Counties Code.

4 (p) To exchange information with the Department of  
5 Human Services and the Department of Healthcare and Family  
6 Services for the purpose of verifying living arrangements  
7 and for other purposes directly connected with the  
8 administration of this Code and the Illinois Public Aid  
9 Code.

10 (q) To establish a diversion program.

11 The program shall provide a structured environment for  
12 selected technical parole or mandatory supervised release  
13 violators and committed persons who have violated the  
14 rules governing their conduct while in work release. This  
15 program shall not apply to those persons who have  
16 committed a new offense while serving on parole or  
17 mandatory supervised release or while committed to work  
18 release.

19 Elements of the program shall include, but shall not  
20 be limited to, the following:

21 (1) The staff of a diversion facility shall  
22 provide supervision in accordance with required  
23 objectives set by the facility.

24 (2) Participants shall be required to maintain  
25 employment.

26 (3) Each participant shall pay for room and board

1 at the facility on a sliding-scale basis according to  
2 the participant's income.

3 (4) Each participant shall:

4 (A) provide restitution to victims in  
5 accordance with any court order;

6 (B) provide financial support to his  
7 dependents; and

8 (C) make appropriate payments toward any other  
9 court-ordered obligations.

10 (5) Each participant shall complete community  
11 service in addition to employment.

12 (6) Participants shall take part in such  
13 counseling, educational, and other programs as the  
14 Department may deem appropriate.

15 (7) Participants shall submit to drug and alcohol  
16 screening.

17 (8) The Department shall promulgate rules  
18 governing the administration of the program.

19 (r) To enter into intergovernmental cooperation  
20 agreements under which persons in the custody of the  
21 Department may participate in a county impact  
22 incarceration program established under Section 3-6038 or  
23 3-15003.5 of the Counties Code.

24 (r-5) (Blank).

25 (r-10) To systematically and routinely identify with  
26 respect to each streetgang active within the correctional

1 system: (1) each active gang; (2) every existing  
2 inter-gang affiliation or alliance; and (3) the current  
3 leaders in each gang. The Department shall promptly  
4 segregate leaders from inmates who belong to their gangs  
5 and allied gangs. "Segregate" means no physical contact  
6 and, to the extent possible under the conditions and space  
7 available at the correctional facility, prohibition of  
8 visual and sound communication. For the purposes of this  
9 paragraph (r-10), "leaders" means persons who:

10 (i) are members of a criminal streetgang;

11 (ii) with respect to other individuals within the  
12 streetgang, occupy a position of organizer,  
13 supervisor, or other position of management or  
14 leadership; and

15 (iii) are actively and personally engaged in  
16 directing, ordering, authorizing, or requesting  
17 commission of criminal acts by others, which are  
18 punishable as a felony, in furtherance of streetgang  
19 related activity both within and outside of the  
20 Department of Corrections.

21 "Streetgang", "gang", and "streetgang related" have the  
22 meanings ascribed to them in Section 10 of the Illinois  
23 Streetgang Terrorism Omnibus Prevention Act.

24 (s) To operate a super-maximum security institution,  
25 in order to manage and supervise inmates who are  
26 disruptive or dangerous and provide for the safety and



1 security of the staff and the other inmates.

2 (t) To monitor any unprivileged conversation or any  
3 unprivileged communication, whether in person or by mail,  
4 telephone, or other means, between an inmate who, before  
5 commitment to the Department, was a member of an organized  
6 gang and any other person without the need to show cause or  
7 satisfy any other requirement of law before beginning the  
8 monitoring, except as constitutionally required. The  
9 monitoring may be by video, voice, or other method of  
10 recording or by any other means. As used in this  
11 subdivision (1)(t), "organized gang" has the meaning  
12 ascribed to it in Section 10 of the Illinois Streetgang  
13 Terrorism Omnibus Prevention Act.

14 As used in this subdivision (1)(t), "unprivileged  
15 conversation" or "unprivileged communication" means a  
16 conversation or communication that is not protected by any  
17 privilege recognized by law or by decision, rule, or order  
18 of the Illinois Supreme Court.

19 (u) To establish a Women's and Children's Pre-release  
20 Community Supervision Program for the purpose of providing  
21 housing and services to eligible female inmates, as  
22 determined by the Department, and their newborn and young  
23 children.

24 (u-5) To issue an order, whenever a person committed  
25 to the Department absconds or absents himself or herself,  
26 without authority to do so, from any facility or program

1 to which he or she is assigned. The order shall be  
2 certified by the Director, the Supervisor of the  
3 Apprehension Unit, or any person duly designated by the  
4 Director, with the seal of the Department affixed. The  
5 order shall be directed to all sheriffs, coroners, and  
6 police officers, or to any particular person named in the  
7 order. Any order issued pursuant to this subdivision  
8 (1)(u-5) shall be sufficient warrant for the officer or  
9 person named in the order to arrest and deliver the  
10 committed person to the proper correctional officials and  
11 shall be executed the same as criminal process.

12 (u-6) To appoint a point of contact person who shall  
13 receive suggestions, complaints, or other requests to the  
14 Department from visitors to Department institutions or  
15 facilities and from other members of the public.

16 (v) To do all other acts necessary to carry out the  
17 provisions of this Chapter.

18 (2) The Department of Corrections shall by January 1,  
19 1998, consider building and operating a correctional facility  
20 within 100 miles of a county of over 2,000,000 inhabitants,  
21 especially a facility designed to house juvenile participants  
22 in the impact incarceration program.

23 (3) When the Department lets bids for contracts for  
24 medical services to be provided to persons committed to  
25 Department facilities by a health maintenance organization,  
26 medical service corporation, or other health care provider,

1 the bid may only be let to a health care provider that has  
2 obtained an irrevocable letter of credit or performance bond  
3 issued by a company whose bonds have an investment grade or  
4 higher rating by a bond rating organization.

5 (4) When the Department lets bids for contracts for food  
6 or commissary services to be provided to Department  
7 facilities, the bid may only be let to a food or commissary  
8 services provider that has obtained an irrevocable letter of  
9 credit or performance bond issued by a company whose bonds  
10 have an investment grade or higher rating by a bond rating  
11 organization.

12 (5) On and after the date 6 months after August 16, 2013  
13 (the effective date of Public Act 98-488), as provided in the  
14 Executive Order 1 (2012) Implementation Act, all of the  
15 powers, duties, rights, and responsibilities related to State  
16 healthcare purchasing under this Code that were transferred  
17 from the Department of Corrections to the Department of  
18 Healthcare and Family Services by Executive Order 3 (2005) are  
19 transferred back to the Department of Corrections; however,  
20 powers, duties, rights, and responsibilities related to State  
21 healthcare purchasing under this Code that were exercised by  
22 the Department of Corrections before the effective date of  
23 Executive Order 3 (2005) but that pertain to individuals  
24 resident in facilities operated by the Department of Juvenile  
25 Justice are transferred to the Department of Juvenile Justice.  
26 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;

1 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff.  
2 5-13-22; 102-1030, eff. 5-27-22.)

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

4 Sec. 3-3-3. Eligibility for parole or release.

5 (a) Except for those offenders who accept the fixed  
6 release date established by the Prisoner Review Board under  
7 Section 3-3-2.1, every person serving a term of imprisonment  
8 under the law in effect prior to the effective date of this  
9 amendatory Act of 1977 shall be eligible for parole when he or  
10 she has served:

11 (1) the minimum term of an indeterminate sentence less  
12 time credit for good behavior, or 20 years less time  
13 credit for good behavior, whichever is less; or

14 (2) 20 years of a life sentence less time credit for  
15 good behavior; or

16 (3) 20 years or one-third of a determinate sentence,  
17 whichever is less, less time credit for good behavior.

18 (b) No person sentenced under this amendatory Act of 1977  
19 or who accepts a release date under Section 3-3-2.1 shall be  
20 eligible for parole.

21 (c) Except for those sentenced to a term of natural life  
22 imprisonment, every person sentenced to imprisonment under  
23 this amendatory Act of 1977 or given a release date under  
24 Section 3-3-2.1 of this Act shall serve the full term of a  
25 determinate sentence less time credit for good behavior and

1 shall then be released under the mandatory supervised release  
2 provisions of paragraph (d) of Section 5-8-1 of this Code.

3 (d) No person serving a term of natural life imprisonment  
4 may be paroled or released except through executive clemency.

5 (d-5) Notwithstanding any provision of law to the  
6 contrary, a person convicted under Section 24-1.7 of the  
7 Criminal Code of 2012 or Section 5-4.5-95 of this Code before  
8 the repeal of those Sections on the effective date of this  
9 amendatory Act of the 103rd General Assembly shall not be  
10 eligible for consideration of conditions of parole or  
11 mandatory supervised release if any of his or her convictions  
12 under those statutes was first degree murder, second degree  
13 murder, or any offense under Article 11 of the Criminal Code of  
14 2012 or the Criminal Code of 1961.

15 (e) Every person committed to the Department of Juvenile  
16 Justice under the Juvenile Court Act of 1987 and confined in  
17 the State correctional institutions or facilities if such  
18 juvenile has not been tried as an adult shall be eligible for  
19 aftercare release under Section 3-2.5-85 of this Code.  
20 However, if a juvenile has been tried as an adult he or she  
21 shall only be eligible for parole or mandatory supervised  
22 release as an adult under this Section.

23 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

24 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

5 (1.5) As otherwise provided by law, sentence credit may be  
6 awarded for the following:

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

10 (B) compliance with the rules and regulations of the  
11 Department; or

12 (C) service to the institution, service to a  
13 community, or service to the State.

14 (2) Except as provided in paragraph (4.7) of this  
15 subsection (a), the rules and regulations on sentence credit  
16 shall provide, with respect to offenses listed in clause (i),  
17 (ii), or (iii) of this paragraph (2) committed on or after June  
18 19, 1998 or with respect to the offense listed in clause (iv)  
19 of this paragraph (2) committed on or after June 23, 2005 (the  
20 effective date of Public Act 94-71) or with respect to offense  
21 listed in clause (vi) committed on or after June 1, 2008 (the  
22 effective date of Public Act 95-625) or with respect to the  
23 offense of being an armed habitual criminal committed on or  
24 after August 2, 2005 (the effective date of Public Act 94-398)  
25 but before the effective date of this amendatory Act of the  
26 103rd General Assembly or with respect to the offenses listed

1 in clause (v) of this paragraph (2) committed on or after  
2 August 13, 2007 (the effective date of Public Act 95-134) or  
3 with respect to the offense of aggravated domestic battery  
4 committed on or after July 23, 2010 (the effective date of  
5 Public Act 96-1224) or with respect to the offense of attempt  
6 to commit terrorism committed on or after January 1, 2013 (the  
7 effective date of Public Act 97-990), the following:

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

12 (ii) that a prisoner serving a sentence for attempt to  
13 commit terrorism, attempt to commit first degree murder,  
14 solicitation of murder, solicitation of murder for hire,  
15 intentional homicide of an unborn child, predatory  
16 criminal sexual assault of a child, aggravated criminal  
17 sexual assault, criminal sexual assault, aggravated  
18 kidnapping, aggravated battery with a firearm as described  
19 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),  
20 or (e)(4) of Section 12-3.05, heinous battery as described  
21 in Section 12-4.1 or subdivision (a)(2) of Section  
22 12-3.05, being an armed habitual criminal before the  
23 effective date of this amendatory Act of the 103rd General  
24 Assembly, aggravated battery of a senior citizen as  
25 described in Section 12-4.6 or subdivision (a)(4) of  
26 Section 12-3.05, or aggravated battery of a child as

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

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

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

21 (v) that a person serving a sentence for gunrunning,  
22 narcotics racketeering, controlled substance trafficking,  
23 methamphetamine trafficking, drug-induced homicide,  
24 aggravated methamphetamine-related child endangerment,  
25 money laundering pursuant to clause (c) (4) or (5) of  
26 Section 29B-1 of the Criminal Code of 1961 or the Criminal



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

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

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

24 (2.1) For all offenses, other than those enumerated in  
25 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
26 June 19, 1998 or subdivision (a)(2)(iv) committed on or after

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

24 (2.2) A prisoner serving a term of natural life  
25 imprisonment or a prisoner who has been sentenced to death  
26 shall receive no sentence credit.

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

11           (2.4) Except as provided in paragraph (4.7) of this  
12 subsection (a), the rules and regulations on sentence credit  
13 shall provide with respect to the offenses of aggravated  
14 battery with a machine gun or a firearm equipped with any  
15 device or attachment designed or used for silencing the report  
16 of a firearm or aggravated discharge of a machine gun or a  
17 firearm equipped with any device or attachment designed or  
18 used for silencing the report of a firearm, committed on or  
19 after July 15, 1999 (the effective date of Public Act 91-121),  
20 that a prisoner serving a sentence for any of these offenses  
21 shall receive no more than 4.5 days of sentence credit for each  
22 month of his or her sentence of imprisonment.

23           (2.5) Except as provided in paragraph (4.7) of this  
24 subsection (a), the rules and regulations on sentence credit  
25 shall provide that a prisoner who is serving a sentence for  
26 aggravated arson committed on or after July 27, 2001 (the

1 effective date of Public Act 92-176) shall receive no more  
2 than 4.5 days of sentence credit for each month of his or her  
3 sentence of imprisonment.

4 (2.6) 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 driving under the influence of alcohol, other drug  
8 or drugs, or intoxicating compound or compounds or any  
9 combination thereof as defined in subparagraph (C) of  
10 paragraph (1) of subsection (d) of Section 11-501 of the  
11 Illinois Vehicle Code committed on or after January 1, 2011  
12 (the effective date of Public Act 96-1230) shall receive no  
13 more than 4.5 days of sentence credit for each month of his or  
14 her sentence of imprisonment.

15 (3) In addition to the sentence credits earned under  
16 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this  
17 subsection (a), the rules and regulations shall also provide  
18 that the Director may award up to 180 days of earned sentence  
19 credit for prisoners serving a sentence of incarceration of  
20 less than 5 years, and up to 365 days of earned sentence credit  
21 for prisoners serving a sentence of 5 years or longer. The  
22 Director may grant this credit for good conduct in specific  
23 instances as the Director deems proper. The good conduct may  
24 include, but is not limited to, compliance with the rules and  
25 regulations of the Department, service to the Department,  
26 service to a community, or service to the State.

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

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

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

26 (B) has served a minimum of 60 days, or as close to 60

1 days as the sentence will allow;

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

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

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

9 (3.5) The Department shall provide annual written reports  
10 to the Governor and the General Assembly on the award of earned  
11 sentence credit no later than February 1 of each year. The  
12 Department must publish both reports on its website within 48  
13 hours of transmitting the reports to the Governor and the  
14 General Assembly. The reports must include:

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

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

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

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

22 (4) (A) Except as provided in paragraph (4.7) of this  
23 subsection (a), the rules and regulations shall also provide  
24 that any prisoner who is engaged full-time in substance abuse  
25 programs, correctional industry assignments, educational  
26 programs, work-release programs or activities in accordance

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

22 (B) The Department shall award sentence credit under this  
23 paragraph (4) accumulated prior to January 1, 2020 (the  
24 effective date of Public Act 101-440) in an amount specified  
25 in subparagraph (C) of this paragraph (4) to an inmate serving  
26 a sentence for an offense committed prior to June 19, 1998, if

1 the Department determines that the inmate is entitled to this  
2 sentence credit, based upon:

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

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

22 (C) If the inmate can provide documentation that he or she  
23 is entitled to sentence credit under subparagraph (B) in  
24 excess of 45 days of participation in those programs, the  
25 inmate shall receive 90 days of sentence credit. If the inmate  
26 cannot provide documentation of more than 45 days of



1 participation in those programs, the inmate shall receive 45  
2 days of sentence credit. In the event of a disagreement  
3 between the Department and the inmate as to the amount of  
4 credit accumulated under subparagraph (B), if the Department  
5 provides documented proof of a lesser amount of days of  
6 participation in those programs, that proof shall control. If  
7 the Department provides no documentary proof, the inmate's  
8 proof as set forth in clause (ii) of subparagraph (B) shall  
9 control as to the amount of sentence credit provided.

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

18 Educational, vocational, substance abuse, behavior  
19 modification programs, life skills courses, re-entry planning,  
20 and correctional industry programs under which sentence credit  
21 may be earned under this paragraph (4) and paragraph (4.1) of  
22 this subsection (a) shall be evaluated by the Department on  
23 the basis of documented standards. The Department shall report  
24 the results of these evaluations to the Governor and the  
25 General Assembly by September 30th of each year. The reports  
26 shall include data relating to the recidivism rate among

1 program participants.

2 Availability of these programs shall be subject to the  
3 limits of fiscal resources appropriated by the General  
4 Assembly for these purposes. Eligible inmates who are denied  
5 immediate admission shall be placed on a waiting list under  
6 criteria established by the Department. The rules and  
7 regulations shall provide that a prisoner who has been placed  
8 on a waiting list but is transferred for non-disciplinary  
9 reasons before beginning a program shall receive priority  
10 placement on the waitlist for appropriate programs at the new  
11 facility. The inability of any inmate to become engaged in any  
12 such programs by reason of insufficient program resources or  
13 for any other reason established under the rules and  
14 regulations of the Department shall not be deemed a cause of  
15 action under which the Department or any employee or agent of  
16 the Department shall be liable for damages to the inmate. The  
17 rules and regulations shall provide that a prisoner who begins  
18 an educational, vocational, substance abuse, work-release  
19 programs or activities in accordance with Article 13 of  
20 Chapter III of this Code, behavior modification program, life  
21 skills course, re-entry planning, or correctional industry  
22 programs but is unable to complete the program due to illness,  
23 disability, transfer, lockdown, or another reason outside of  
24 the prisoner's control shall receive prorated sentence credits  
25 for the days in which the prisoner did participate.

26 (4.1) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations shall also provide  
2 that an additional 90 days of sentence credit shall be awarded  
3 to any prisoner who passes high school equivalency testing  
4 while the prisoner is committed to the Department of  
5 Corrections. The sentence credit awarded under this paragraph  
6 (4.1) shall be in addition to, and shall not affect, the award  
7 of sentence credit under any other paragraph of this Section,  
8 but shall also be pursuant to the guidelines and restrictions  
9 set forth in paragraph (4) of subsection (a) of this Section.  
10 The sentence credit provided for in this paragraph shall be  
11 available only to those prisoners who have not previously  
12 earned a high school diploma or a high school equivalency  
13 certificate. If, after an award of the high school equivalency  
14 testing sentence credit has been made, the Department  
15 determines that the prisoner was not eligible, then the award  
16 shall be revoked. The Department may also award 90 days of  
17 sentence credit to any committed person who passed high school  
18 equivalency testing while he or she was held in pre-trial  
19 detention prior to the current commitment to the Department of  
20 Corrections. Except as provided in paragraph (4.7) of this  
21 subsection (a), the rules and regulations shall provide that  
22 an additional 120 days of sentence credit shall be awarded to  
23 any prisoner who obtains an associate degree while the  
24 prisoner is committed to the Department of Corrections,  
25 regardless of the date that the associate degree was obtained,  
26 including if prior to July 1, 2021 (the effective date of

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

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

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

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

6 (4.2) The rules and regulations shall also provide that  
7 any prisoner engaged in self-improvement programs, volunteer  
8 work, or work assignments that are not otherwise eligible  
9 activities under paragraph (4), shall receive up to 0.5 days  
10 of sentence credit for each day in which the prisoner is  
11 engaged in activities described in this paragraph.

12 (4.5) The rules and regulations on sentence credit shall  
13 also provide that when the court's sentencing order recommends  
14 a prisoner for substance abuse treatment and the crime was  
15 committed on or after September 1, 2003 (the effective date of  
16 Public Act 93-354), the prisoner shall receive no sentence  
17 credit awarded under clause (3) of this subsection (a) unless  
18 he or she participates in and completes a substance abuse  
19 treatment program. The Director may waive the requirement to  
20 participate in or complete a substance abuse treatment program  
21 in specific instances if the prisoner is not a good candidate  
22 for a substance abuse treatment program for medical,  
23 programming, or operational reasons. Availability of substance  
24 abuse treatment shall be subject to the limits of fiscal  
25 resources appropriated by the General Assembly for these  
26 purposes. If treatment is not available and the requirement to

1 participate and complete the treatment has not been waived by  
2 the Director, the prisoner shall be placed on a waiting list  
3 under criteria established by the Department. The Director may  
4 allow a prisoner placed on a waiting list to participate in and  
5 complete a substance abuse education class or attend substance  
6 abuse self-help meetings in lieu of a substance abuse  
7 treatment program. A prisoner on a waiting list who is not  
8 placed in a substance abuse program prior to release may be  
9 eligible for a waiver and receive sentence credit under clause  
10 (3) of this subsection (a) at the discretion of the Director.

11 (4.6) The rules and regulations on sentence credit shall  
12 also provide that a prisoner who has been convicted of a sex  
13 offense as defined in Section 2 of the Sex Offender  
14 Registration Act shall receive no sentence credit unless he or  
15 she either has successfully completed or is participating in  
16 sex offender treatment as defined by the Sex Offender  
17 Management Board. However, prisoners who are waiting to  
18 receive treatment, but who are unable to do so due solely to  
19 the lack of resources on the part of the Department, may, at  
20 the Director's sole discretion, be awarded sentence credit at  
21 a rate as the Director shall determine.

22 (4.7) On or after January 1, 2018 (the effective date of  
23 Public Act 100-3), sentence credit under paragraph (3), (4),  
24 or (4.1) of this subsection (a) may be awarded to a prisoner  
25 who is serving a sentence for an offense described in  
26 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned

1 on or after January 1, 2018 (the effective date of Public Act  
2 100-3); provided, the award of the credits under this  
3 paragraph (4.7) shall not reduce the sentence of the prisoner  
4 to less than the following amounts:

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

7 (ii) 60% of his or her sentence if the prisoner is  
8 required to serve 75% of his or her sentence, except if the  
9 prisoner is serving a sentence for gunrunning his or her  
10 sentence shall not be reduced to less than 75%.

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

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



1 name, any known alias, date of birth, physical  
2 characteristics, commitment offense, and county where  
3 conviction was imposed. The identification information shall  
4 be placed on the website within 3 days of the inmate's release  
5 and the information may not be removed until either:  
6 completion of the first year of mandatory supervised release  
7 or return of the inmate to custody of the Department.

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

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

23 (2) When the Department seeks to revoke, suspend, or  
24 reduce the rate of accumulation of any sentence credits for an  
25 alleged infraction of its rules, it shall bring charges  
26 therefor against the prisoner sought to be so deprived of

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

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

25 Nothing contained in this Section shall prohibit the  
26 Prisoner Review Board from ordering, pursuant to Section

1 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the  
2 sentence imposed by the court that was not served due to the  
3 accumulation of sentence credit.

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

18 For purposes of this subsection (d):

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

23 (A) it lacks an arguable basis either in law or in  
24 fact;

25 (B) it is being presented for any improper  
26 purpose, such as to harass or to cause unnecessary

1 delay or needless increase in the cost of litigation;

2 (C) the claims, defenses, and other legal  
3 contentions therein are not warranted by existing law  
4 or by a nonfrivolous argument for the extension,  
5 modification, or reversal of existing law or the  
6 establishment of new law;

7 (D) the allegations and other factual contentions  
8 do not have evidentiary support or, if specifically so  
9 identified, are not likely to have evidentiary support  
10 after a reasonable opportunity for further  
11 investigation or discovery; or

12 (E) the denials of factual contentions are not  
13 warranted on the evidence, or if specifically so  
14 identified, are not reasonably based on a lack of  
15 information or belief.

16 (2) "Lawsuit" means a motion pursuant to Section 116-3  
17 of the Code of Criminal Procedure of 1963, a habeas corpus  
18 action under Article X of the Code of Civil Procedure or  
19 under federal law (28 U.S.C. 2254), a petition for claim  
20 under the Court of Claims Act, an action under the federal  
21 Civil Rights Act (42 U.S.C. 1983), or a second or  
22 subsequent petition for post-conviction relief under  
23 Article 122 of the Code of Criminal Procedure of 1963  
24 whether filed with or without leave of court or a second or  
25 subsequent petition for relief from judgment under Section  
26 2-1401 of the Code of Civil Procedure.

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

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

11 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;  
12 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)

13 (730 ILCS 5/5-4.5-95 rep.)

14 Section 35. The Unified Code of Corrections is amended by  
15 repealing Section 5-4.5-95.

16 Section 95. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.