



Rep. Robert W. Pritchard

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LRB098 07519 RLC 42159 a

1 AMENDMENT TO HOUSE BILL 1918

2 AMENDMENT NO. _____. Amend House Bill 1918 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

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

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

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

1 (B) compliance with the rules and regulations of
2 the Department; or

3 (C) service to the institution, service to a
4 community, or service to the State.

5 (2) The rules and regulations on sentence credit shall
6 provide, with respect to offenses listed in clause (i),
7 (ii), or (iii) of this paragraph (2) committed on or after
8 June 19, 1998 or with respect to the offense listed in
9 clause (iv) of this paragraph (2) committed on or after
10 June 23, 2005 (the effective date of Public Act 94-71) or
11 with respect to offense listed in clause (vi) committed on
12 or after June 1, 2008 (the effective date of Public Act
13 95-625) or with respect to the offense of being an armed
14 habitual criminal committed on or after August 2, 2005 (the
15 effective date of Public Act 94-398) or with respect to the
16 offenses listed in clause (v) of this paragraph (2)
17 committed on or after August 13, 2007 (the effective date
18 of Public Act 95-134) or with respect to the offense of
19 aggravated domestic battery committed on or after July 23,
20 2010 (the effective date of Public Act 96-1224) or with
21 respect to the offense of attempt to commit terrorism
22 committed on or after January 1, 2013 (the effective date
23 of Public Act 97-990) or with respect to the offense listed
24 in clause (viii) of this paragraph (2) committed on or
25 after the effective date of this amendatory Act of the 98th
26 General Assembly, the following:

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

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

23 (iii) that a prisoner serving a sentence for home
24 invasion, armed robbery, aggravated vehicular
25 hijacking, aggravated discharge of a firearm, or armed
26 violence with a category I weapon or category II

1 weapon, when the court has made and entered a finding,
2 pursuant to subsection (c-1) of Section 5-4-1 of this
3 Code, that the conduct leading to conviction for the
4 enumerated offense resulted in great bodily harm to a
5 victim, shall receive no more than 4.5 days of sentence
6 credit for each month of his or her sentence of
7 imprisonment;

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

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

1 aggravated participation in methamphetamine
2 manufacturing, delivery of methamphetamine, possession
3 with intent to deliver methamphetamine, aggravated
4 delivery of methamphetamine, aggravated possession
5 with intent to deliver methamphetamine,
6 methamphetamine conspiracy when the substance
7 containing the controlled substance or methamphetamine
8 is 100 grams or more shall receive no more than 7.5
9 days sentence credit for each month of his or her
10 sentence of imprisonment;

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

15 (vii) that a prisoner serving a sentence for
16 aggravated domestic battery shall receive no more than
17 4.5 days of sentence credit for each month of his or
18 her sentence of imprisonment; and

19 (viii) that a prisoner serving a sentence for
20 aggravated battery under paragraph (3) of subsection
21 (a) of Section 12-3.05 of the Criminal Code of 2012
22 shall receive no more than 4.5 days of sentence credit
23 for each month of his or her 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

1 after June 23, 2005 (the effective date of Public Act
2 94-71) or subdivision (a)(2)(v) committed on or after
3 August 13, 2007 (the effective date of Public Act 95-134)
4 or subdivision (a)(2)(vi) committed on or after June 1,
5 2008 (the effective date of Public Act 95-625) or
6 subdivision (a)(2)(vii) committed on or after July 23, 2010
7 (the effective date of Public Act 96-1224) or subdivision
8 (a)(2)(viii) committed on or after the effective date of
9 this amendatory Act of the 98th General Assembly, and other
10 than the offense of aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound
12 or compounds, or any combination thereof as defined in
13 subparagraph (F) of paragraph (1) of subsection (d) of
14 Section 11-501 of the Illinois Vehicle Code, and other than
15 the offense of aggravated driving under the influence of
16 alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof as defined in
18 subparagraph (C) of paragraph (1) of subsection (d) of
19 Section 11-501 of the Illinois Vehicle Code committed on or
20 after January 1, 2011 (the effective date of Public Act
21 96-1230), the rules and regulations shall provide that a
22 prisoner who is serving a term of imprisonment shall
23 receive one day of sentence credit for each day of his or
24 her sentence of imprisonment or recommitment under Section
25 3-3-9. Each day of sentence credit shall reduce by one day
26 the prisoner's period of imprisonment or recommitment

1 under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life
3 imprisonment or a prisoner who has been sentenced to death
4 shall receive no sentence credit.

5 (2.3) 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
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, shall receive no more than 4.5 days
12 of sentence credit for each month of his or her sentence of
13 imprisonment.

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

26 (2.5) The rules and regulations on sentence credit

1 shall provide that a prisoner who is serving a sentence for
2 aggravated arson committed on or after July 27, 2001 (the
3 effective date of Public Act 92-176) shall receive no more
4 than 4.5 days of sentence credit for each month of his or
5 her sentence of imprisonment.

6 (2.6) The rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds or any
10 combination thereof as defined in subparagraph (C) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code committed on or after January 1, 2011
13 (the effective date of Public Act 96-1230) shall receive no
14 more than 4.5 days of sentence credit for each month of his
15 or her sentence of imprisonment.

16 (3) The rules and regulations shall also provide that
17 the Director may award up to 180 days additional sentence
18 credit for good conduct in specific instances as the
19 Director deems proper. The good conduct may include, but is
20 not limited to, compliance with the rules and regulations
21 of the Department, service to the Department, service to a
22 community, or service to the State. However, the Director
23 shall not award more than 90 days of sentence credit for
24 good conduct to any prisoner who is serving a sentence for
25 conviction of first degree murder, reckless homicide while
26 under the influence of alcohol or any other drug, or

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof as defined in subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of the
5 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
6 predatory criminal sexual assault of a child, aggravated
7 criminal sexual assault, criminal sexual assault, deviate
8 sexual assault, aggravated criminal sexual abuse,
9 aggravated indecent liberties with a child, indecent
10 liberties with a child, child pornography, heinous battery
11 as described in Section 12-4.1 or subdivision (a)(2) of
12 Section 12-3.05, aggravated battery of a spouse,
13 aggravated battery of a spouse with a firearm, stalking,
14 aggravated stalking, aggravated battery of a child as
15 described in Section 12-4.3 or subdivision (b)(1) of
16 Section 12-3.05, endangering the life or health of a child,
17 or cruelty to a child. Notwithstanding the foregoing,
18 sentence credit for good conduct shall not be awarded on a
19 sentence of imprisonment imposed for conviction of: (i) one
20 of the offenses enumerated in subdivision (a)(2)(i), (ii),
21 or (iii) when the offense is committed on or after June 19,
22 1998 or subdivision (a)(2)(iv) when the offense is
23 committed on or after June 23, 2005 (the effective date of
24 Public Act 94-71) or subdivision (a)(2)(v) when the offense
25 is committed on or after August 13, 2007 (the effective
26 date of Public Act 95-134) or subdivision (a)(2)(vi) when

1 the offense is committed on or after June 1, 2008 (the
2 effective date of Public Act 95-625) or subdivision
3 (a)(2)(vii) when the offense is committed on or after July
4 23, 2010 (the effective date of Public Act 96-1224) or
5 subdivision (a)(2)(viii) committed on or after the
6 effective date of this amendatory Act of the 98th General
7 Assembly, (ii) aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of
11 Section 11-501 of the Illinois Vehicle Code, (iii) one of
12 the offenses enumerated in subdivision (a)(2.4) when the
13 offense is committed on or after July 15, 1999 (the
14 effective date of Public Act 91-121), (iv) aggravated arson
15 when the offense is committed on or after July 27, 2001
16 (the effective date of Public Act 92-176), (v) offenses
17 that may subject the offender to commitment under the
18 Sexually Violent Persons Commitment Act, or (vi)
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds or any
21 combination thereof as defined in subparagraph (C) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code committed on or after January 1, 2011
24 (the effective date of Public Act 96-1230).

25 Eligible inmates for an award of sentence credit under this
26 paragraph (3) may be selected to receive the credit at the

1 Director's or his or her designee's sole discretion.
2 Consideration may be based on, but not limited to, any
3 available risk assessment analysis on the inmate, any history
4 of conviction for violent crimes as defined by the Rights of
5 Crime Victims and Witnesses Act, facts and circumstances of the
6 inmate's holding offense or offenses, and the potential for
7 rehabilitation.

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

15 (A) is eligible for the sentence credit;

16 (B) has served a minimum of 60 days, or as close to
17 60 days as the sentence will allow; and

18 (C) has met the eligibility criteria established
19 by rule.

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

22 (3.5) The Department shall provide annual written
23 reports to the Governor and the General Assembly on the
24 award of sentence credit for good conduct, with the first
25 report due January 1, 2014. The Department must publish
26 both reports on its website within 48 hours of transmitting

1 the reports to the Governor and the General Assembly. The
2 reports must include:

3 (A) the number of inmates awarded sentence credit
4 for good conduct;

5 (B) the average amount of sentence credit for good
6 conduct awarded;

7 (C) the holding offenses of inmates awarded
8 sentence credit for good conduct; and

9 (D) the number of sentence credit for good conduct
10 revocations.

11 (4) The rules and regulations shall also provide that
12 the sentence credit accumulated and retained under
13 paragraph (2.1) of subsection (a) of this Section by any
14 inmate during specific periods of time in which such inmate
15 is engaged full-time in substance abuse programs,
16 correctional industry assignments, educational programs,
17 behavior modification programs, life skills courses, or
18 re-entry planning provided by the Department under this
19 paragraph (4) and satisfactorily completes the assigned
20 program as determined by the standards of the Department,
21 shall be multiplied by a factor of 1.25 for program
22 participation before August 11, 1993 and 1.50 for program
23 participation on or after that date. The rules and
24 regulations shall also provide that sentence credit,
25 subject to the same offense limits and multiplier provided
26 in this paragraph, may be provided to an inmate who was

1 held in pre-trial detention prior to his or her current
2 commitment to the Department of Corrections and
3 successfully completed a full-time, 60-day or longer
4 substance abuse program, educational program, behavior
5 modification program, life skills course, or re-entry
6 planning provided by the county department of corrections
7 or county jail. Calculation of this county program credit
8 shall be done at sentencing as provided in Section
9 5-4.5-100 of this Code and shall be included in the
10 sentencing order. However, no inmate shall be eligible for
11 the additional sentence credit under this paragraph (4) or
12 (4.1) of this subsection (a) while assigned to a boot camp
13 or electronic detention, or if convicted of an offense
14 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
15 Section that is committed on or after June 19, 1998 or
16 subdivision (a)(2)(iv) of this Section that is committed on
17 or after June 23, 2005 (the effective date of Public Act
18 94-71) or subdivision (a)(2)(v) of this Section that is
19 committed on or after August 13, 2007 (the effective date
20 of Public Act 95-134) or subdivision (a)(2)(vi) when the
21 offense is committed on or after June 1, 2008 (the
22 effective date of Public Act 95-625) or subdivision
23 (a)(2)(vii) when the offense is committed on or after July
24 23, 2010 (the effective date of Public Act 96-1224) or
25 subdivision (a)(2)(viii) committed on or after the
26 effective date of this amendatory Act of the 98th General

1 Assembly, or if convicted of aggravated driving under the
2 influence of alcohol, other drug or drugs, or intoxicating
3 compound or compounds or any combination thereof as defined
4 in subparagraph (F) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code, or if
6 convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds or any combination thereof as defined in
9 subparagraph (C) of paragraph (1) of subsection (d) of
10 Section 11-501 of the Illinois Vehicle Code committed on or
11 after January 1, 2011 (the effective date of Public Act
12 96-1230), or if convicted of an offense enumerated in
13 paragraph (a)(2.4) of this Section that is committed on or
14 after July 15, 1999 (the effective date of Public Act
15 91-121), or first degree murder, a Class X felony, criminal
16 sexual assault, felony criminal sexual abuse, aggravated
17 criminal sexual abuse, aggravated battery with a firearm as
18 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
19 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
20 successor offenses with the same or substantially the same
21 elements, or any inchoate offenses relating to the
22 foregoing offenses. No inmate shall be eligible for the
23 additional good conduct credit under this paragraph (4) who
24 (i) has previously received increased good conduct credit
25 under this paragraph (4) and has subsequently been
26 convicted of a felony, or (ii) has previously served more

1 than one prior sentence of imprisonment for a felony in an
2 adult correctional facility.

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

14 Availability of these programs shall be subject to the
15 limits of fiscal resources appropriated by the General
16 Assembly for these purposes. Eligible inmates who are
17 denied immediate admission shall be placed on a waiting
18 list under criteria established by the Department. The
19 inability of any inmate to become engaged in any such
20 programs by reason of insufficient program resources or for
21 any other reason established under the rules and
22 regulations of the Department shall not be deemed a cause
23 of action under which the Department or any employee or
24 agent of the Department shall be liable for damages to the
25 inmate.

26 (4.1) The rules and regulations shall also provide that

1 an additional 60 days of sentence credit shall be awarded
2 to any prisoner who passes the high school level Test of
3 General Educational Development (GED) while the prisoner
4 is committed to the Department of Corrections. The sentence
5 credit awarded under this paragraph (4.1) shall be in
6 addition to, and shall not affect, the award of sentence
7 credit under any other paragraph of this Section, but shall
8 also be pursuant to the guidelines and restrictions set
9 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 GED. If, after an award
13 of the GED sentence credit has been made and the Department
14 determines that the prisoner was not eligible, then the
15 award shall be revoked. The Department may also award 60
16 days of sentence credit to any committed person who passed
17 the high school level Test of General Educational
18 Development (GED) while he or she was held in pre-trial
19 detention prior to the current commitment to the Department
20 of Corrections.

21 (4.5) The rules and regulations on sentence credit
22 shall also provide that when the court's sentencing order
23 recommends a prisoner for substance abuse treatment and the
24 crime was committed on or after September 1, 2003 (the
25 effective date of Public Act 93-354), the prisoner shall
26 receive no sentence credit awarded under clause (3) of this

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

23 (4.6) The rules and regulations on sentence credit
24 shall also provide that a prisoner who has been convicted
25 of a sex offense as defined in Section 2 of the Sex
26 Offender Registration Act shall receive no sentence credit

1 unless he or she either has successfully completed or is
2 participating in sex offender treatment as defined by the
3 Sex Offender Management Board. However, prisoners who are
4 waiting to receive treatment, but who are unable to do so
5 due solely to the lack of resources on the part of the
6 Department, may, at the Director's sole discretion, be
7 awarded sentence credit at a rate as the Director shall
8 determine.

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

1 information shall be placed on the website within 3 days of
2 the inmate's release and the information may not be removed
3 until either: completion of the first year of mandatory
4 supervised release or return of the inmate to custody of
5 the Department.

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

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

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

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

11 The Director of the Department of Corrections, in
12 appropriate cases, may restore up to 30 days of sentence
13 credits which have been revoked, suspended or reduced. Any
14 restoration of sentence credits in excess of 30 days shall be
15 subject to review by the Prisoner Review Board. However, the
16 Board may not restore sentence credit in excess of the amount
17 requested by the Director.

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

23 (d) If a lawsuit is filed by a prisoner in an Illinois or
24 federal court against the State, the Department of Corrections,
25 or the Prisoner Review Board, or against any of their officers
26 or employees, and the court makes a specific finding that a

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

10 For purposes of this subsection (d):

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

15 (A) it lacks an arguable basis either in law or in
16 fact;

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

20 (C) the claims, defenses, and other legal
21 contentions therein are not warranted by existing law
22 or by a nonfrivolous argument for the extension,
23 modification, or reversal of existing law or the
24 establishment of new law;

25 (D) the allegations and other factual contentions
26 do not have evidentiary support or, if specifically so

1 identified, are not likely to have evidentiary support
2 after a reasonable opportunity for further
3 investigation or discovery; or

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

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

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

21 (f) Whenever the Department is to release any inmate who
22 has been convicted of a violation of an order of protection
23 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, earlier than it otherwise would
25 because of a grant of sentence credit, the Department, as a
26 condition of release, shall require that the person, upon

1 release, be placed under electronic surveillance as provided in
2 Section 5-8A-7 of this Code.

3 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
4 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
5 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
6 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
7 97-1150, eff. 1-25-13.)".