



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

**HB4464**

by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for aggravated battery by causing great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a peace officer, community policing volunteer, fireman, private security officer, correctional institution employee, or Department of Human Services employee supervising or controlling sexually dangerous persons or sexually violent persons: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

LRB098 15184 RLC 50165 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

7 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;

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

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

21 (2) The rules and regulations on sentence credit shall  
22 provide, with respect to offenses listed in clause (i),  
23 (ii), or (iii) of this paragraph (2) committed on or after

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

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

24 (ii) that a prisoner serving a sentence for attempt  
25 to commit terrorism, attempt to commit first degree  
26 murder, solicitation of murder, solicitation of murder

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

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

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

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

1 is 100 grams or more shall receive no more than 7.5  
2 days sentence credit for each month of his or her  
3 sentence of imprisonment;

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

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

12 (viii) that a prisoner serving a sentence for  
13 aggravated battery under paragraph (3) of subsection  
14 (a) of Section 12-3.05 of the Criminal Code of 2012  
15 shall receive no more than 4.5 days of sentence credit  
16 for each month of his or her sentence of imprisonment.

17 (2.1) For all offenses, other than those enumerated in  
18 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
19 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
20 after June 23, 2005 (the effective date of Public Act  
21 94-71) or subdivision (a)(2)(v) committed on or after  
22 August 13, 2007 (the effective date of Public Act 95-134)  
23 or subdivision (a)(2)(vi) committed on or after June 1,  
24 2008 (the effective date of Public Act 95-625) or  
25 subdivision (a)(2)(vii) committed on or after July 23, 2010  
26 (the effective date of Public Act 96-1224) or subdivision

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

21           (2.2) A prisoner serving a term of natural life  
22      imprisonment or a prisoner who has been sentenced to death  
23      shall receive no sentence credit.

24           (2.3) The rules and regulations on sentence credit  
25      shall provide that a prisoner who is serving a sentence for  
26      aggravated driving under the influence of alcohol, other

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

7 (2.4) The rules and regulations on sentence credit  
8 shall provide with respect to the offenses of aggravated  
9 battery with a machine gun or a firearm equipped with any  
10 device or attachment designed or used for silencing the  
11 report of a firearm or aggravated discharge of a machine  
12 gun or a firearm equipped with any device or attachment  
13 designed or used for silencing the report of a firearm,  
14 committed on or after July 15, 1999 (the effective date of  
15 Public Act 91-121), that a prisoner serving a sentence for  
16 any of these offenses shall receive no more than 4.5 days  
17 of sentence credit for each month of his or her sentence of  
18 imprisonment.

19 (2.5) The rules and regulations on sentence credit  
20 shall provide that a prisoner who is serving a sentence for  
21 aggravated arson committed on or after July 27, 2001 (the  
22 effective date of Public Act 92-176) shall receive no more  
23 than 4.5 days of sentence credit for each month of his or  
24 her sentence of imprisonment.

25 (2.6) The rules and regulations on sentence credit  
26 shall provide that a prisoner who is serving a sentence for



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

9           (3) The rules and regulations shall also provide that  
10          the Director may award up to 180 days additional sentence  
11          credit for good conduct in specific instances as the  
12          Director deems proper. The good conduct may include, but is  
13          not limited to, compliance with the rules and regulations  
14          of the Department, service to the Department, service to a  
15          community, or service to the State. However, the Director  
16          shall not award more than 90 days of sentence credit for  
17          good conduct to any prisoner who is serving a sentence for  
18          conviction of first degree murder, reckless homicide while  
19          under the influence of alcohol or any other drug, or  
20          aggravated driving under the influence of alcohol, other  
21          drug or drugs, or intoxicating compound or compounds, or  
22          any combination thereof as defined in subparagraph (F) of  
23          paragraph (1) of subsection (d) of Section 11-501 of the  
24          Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
25          predatory criminal sexual assault of a child, aggravated  
26          criminal sexual assault, criminal sexual assault, deviate

1 sexual assault, aggravated criminal sexual abuse,  
2 aggravated indecent liberties with a child, indecent  
3 liberties with a child, child pornography, heinous battery  
4 as described in Section 12-4.1 or subdivision (a)(2) of  
5 Section 12-3.05, aggravated battery of a spouse,  
6 aggravated battery of a spouse with a firearm, stalking,  
7 aggravated stalking, aggravated battery of a child as  
8 described in Section 12-4.3 or subdivision (b)(1) of  
9 Section 12-3.05, endangering the life or health of a child,  
10 or cruelty to a child. Notwithstanding the foregoing,  
11 sentence credit for good conduct shall not be awarded on a  
12 sentence of imprisonment imposed for conviction of: (i) one  
13 of the offenses enumerated in subdivision (a)(2)(i), (ii),  
14 or (iii) when the offense is committed on or after June 19,  
15 1998 or subdivision (a)(2)(iv) when the offense is  
16 committed on or after June 23, 2005 (the effective date of  
17 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
18 is committed on or after August 13, 2007 (the effective  
19 date of Public Act 95-134) or subdivision (a)(2)(vi) when  
20 the offense is committed on or after June 1, 2008 (the  
21 effective date of Public Act 95-625) or subdivision  
22 (a)(2)(vii) when the offense is committed on or after July  
23 23, 2010 (the effective date of Public Act 96-1224) or  
24 subdivision (a)(2)(viii) committed on or after the  
25 effective date of this amendatory Act of the 98th General  
26 Assembly, (ii) aggravated driving under the influence of

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

18 Eligible inmates for an award of sentence credit under this  
19 paragraph (3) may be selected to receive the credit at the  
20 Director's or his or her designee's sole discretion.  
21 Consideration may be based on, but not limited to, any  
22 available risk assessment analysis on the inmate, any history  
23 of conviction for violent crimes as defined by the Rights of  
24 Crime Victims and Witnesses Act, facts and circumstances of the  
25 inmate's holding offense or offenses, and the potential for  
26 rehabilitation.

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

8                   (A) is eligible for the sentence credit;

9                   (B) has served a minimum of 60 days, or as close to  
10                   60 days as the sentence will allow; and

11                   (C) has met the eligibility criteria established  
12                   by rule.

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

15           (3.5) The Department shall provide annual written  
16 reports to the Governor and the General Assembly on the  
17 award of sentence credit for good conduct, with the first  
18 report due January 1, 2014. The Department must publish  
19 both reports on its website within 48 hours of transmitting  
20 the reports to the Governor and the General Assembly. The  
21 reports must include:

22                   (A) the number of inmates awarded sentence credit  
23                   for good conduct;

24                   (B) the average amount of sentence credit for good  
25                   conduct awarded;

26                   (C) the holding offenses of inmates awarded

1 sentence credit for good conduct; and

2 (D) the number of sentence credit for good conduct  
3 revocations.

4 (4) The rules and regulations shall also provide that  
5 the sentence credit accumulated and retained under  
6 paragraph (2.1) of subsection (a) of this Section by any  
7 inmate during specific periods of time in which such inmate  
8 is engaged full-time in substance abuse programs,  
9 correctional industry assignments, educational programs,  
10 behavior modification programs, life skills courses, or  
11 re-entry planning provided by the Department under this  
12 paragraph (4) and satisfactorily completes the assigned  
13 program as determined by the standards of the Department,  
14 shall be multiplied by a factor of 1.25 for program  
15 participation before August 11, 1993 and 1.50 for program  
16 participation on or after that date. The rules and  
17 regulations shall also provide that sentence credit,  
18 subject to the same offense limits and multiplier provided  
19 in this paragraph, may be provided to an inmate who was  
20 held in pre-trial detention prior to his or her current  
21 commitment to the Department of Corrections and  
22 successfully completed a full-time, 60-day or longer  
23 substance abuse program, educational program, behavior  
24 modification program, life skills course, or re-entry  
25 planning provided by the county department of corrections  
26 or county jail. Calculation of this county program credit

1 shall be done at sentencing as provided in Section  
2 5-4.5-100 of this Code and shall be included in the  
3 sentencing order. However, no inmate shall be eligible for  
4 the additional sentence credit under this paragraph (4) or  
5 (4.1) of this subsection (a) while assigned to a boot camp  
6 or electronic detention, or if convicted of an offense  
7 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this  
8 Section that is committed on or after June 19, 1998 or  
9 subdivision (a)(2)(iv) of this Section that is committed on  
10 or after June 23, 2005 (the effective date of Public Act  
11 94-71) or subdivision (a)(2)(v) of this Section that is  
12 committed on or after August 13, 2007 (the effective date  
13 of Public Act 95-134) or subdivision (a)(2)(vi) when the  
14 offense is committed on or after June 1, 2008 (the  
15 effective date of Public Act 95-625) or subdivision  
16 (a)(2)(vii) when the offense is committed on or after July  
17 23, 2010 (the effective date of Public Act 96-1224) or  
18 subdivision (a)(2)(viii) committed on or after the  
19 effective date of this amendatory Act of the 98th General  
20 Assembly, or if convicted of aggravated driving under the  
21 influence of alcohol, other drug or drugs, or intoxicating  
22 compound or compounds or any combination thereof as defined  
23 in subparagraph (F) of paragraph (1) of subsection (d) of  
24 Section 11-501 of the Illinois Vehicle Code, or if  
25 convicted of aggravated driving under the influence of  
26 alcohol, other drug or drugs, or intoxicating compound or

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

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

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

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

19 (4.1) The rules and regulations shall also provide that  
20 an additional 60 days of sentence credit shall be awarded  
21 to any prisoner who passes the high school level Test of  
22 General Educational Development (GED) while the prisoner  
23 is committed to the Department of Corrections. The sentence  
24 credit awarded under this paragraph (4.1) shall be in  
25 addition to, and shall not affect, the award of sentence  
26 credit under any other paragraph of this Section, but shall



1           also be pursuant to the guidelines and restrictions set  
2           forth in paragraph (4) of subsection (a) of this Section.  
3           The sentence credit provided for in this paragraph shall be  
4           available only to those prisoners who have not previously  
5           earned a high school diploma or a GED. If, after an award  
6           of the GED sentence credit has been made and the Department  
7           determines that the prisoner was not eligible, then the  
8           award shall be revoked. The Department may also award 60  
9           days of sentence credit to any committed person who passed  
10          the high school level Test of General Educational  
11          Development (GED) while he or she was held in pre-trial  
12          detention prior to the current commitment to the Department  
13          of Corrections.

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

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

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

1 determine.

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

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

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

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

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

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

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

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

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

1 time of the finding, then the Prisoner Review Board may revoke  
2 all sentence credit accumulated by the prisoner.

3 For purposes of this subsection (d):

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

8 (A) it lacks an arguable basis either in law or in  
9 fact;

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

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

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

23 (E) the denials of factual contentions are not  
24 warranted on the evidence, or if specifically so  
25 identified, are not reasonably based on a lack of  
26 information or belief.

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

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

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

22          (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;  
23          96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.  
24          7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,  
25          eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;  
26          97-1150, eff. 1-25-13.)