

HB4726



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4726

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that the rules and regulations on sentence credit prescribed by the Department of Corrections shall also provide for timely notification to inmates that their eligibility for the award by the Director of Corrections of additional sentence credit for good conduct in specific instances as the Director deems proper is being reviewed and timely notification of the decision to award or not award sentence credit for good conduct and the amount of credit awarded, if any.

LRB098 19186 RLC 54338 b

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

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

8 (a) (1) The Department of Corrections shall prescribe
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), the following:

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

21 (ii) that a prisoner serving a sentence for attempt
22 to commit terrorism, attempt to commit first degree
23 murder, solicitation of murder, solicitation of murder
24 for hire, intentional homicide of an unborn child,
25 predatory criminal sexual assault of a child,
26 aggravated criminal sexual assault, criminal sexual

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

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

24 (iv) that a prisoner serving a sentence for
25 aggravated discharge of a firearm, whether or not the
26 conduct leading to conviction for the offense resulted

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

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

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

5 (vii) that a prisoner serving a sentence for
6 aggravated domestic battery shall receive no more than
7 4.5 days of sentence credit for each month of his or
8 her sentence of imprisonment.

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2)(i), (ii), or (iii) committed on or after
11 June 19, 1998 or subdivision (a)(2)(iv) committed on or
12 after June 23, 2005 (the effective date of Public Act
13 94-71) or subdivision (a)(2)(v) committed on or after
14 August 13, 2007 (the effective date of Public Act 95-134)
15 or subdivision (a)(2)(vi) committed on or after June 1,
16 2008 (the effective date of Public Act 95-625) or
17 subdivision (a)(2)(vii) committed on or after July 23, 2010
18 (the effective date of Public Act 96-1224), and other than
19 the offense of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof as defined in
22 subparagraph (F) of paragraph (1) of subsection (d) of
23 Section 11-501 of the Illinois Vehicle Code, and other than
24 the offense of aggravated driving under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (C) of paragraph (1) of subsection (d) of
2 Section 11-501 of the Illinois Vehicle Code committed on or
3 after January 1, 2011 (the effective date of Public Act
4 96-1230), the rules and regulations shall provide that a
5 prisoner who is serving a term of imprisonment shall
6 receive one day of sentence credit for each day of his or
7 her sentence of imprisonment or recommitment under Section
8 3-3-9. Each day of sentence credit shall reduce by one day
9 the prisoner's period of imprisonment or recommitment
10 under Section 3-3-9.

11 (2.2) A prisoner serving a term of natural life
12 imprisonment or a prisoner who has been sentenced to death
13 shall receive no sentence credit.

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

23 (2.4) The rules and regulations on sentence credit
24 shall provide with respect to the offenses of aggravated
25 battery with a machine gun or a firearm equipped with any
26 device or attachment designed or used for silencing the

1 report of a firearm or aggravated discharge of a machine
2 gun or a firearm equipped with any device or attachment
3 designed or used for silencing the report of a firearm,
4 committed on or after July 15, 1999 (the effective date of
5 Public Act 91-121), that a prisoner serving a sentence for
6 any of these offenses shall receive no more than 4.5 days
7 of sentence credit for each month of his or her sentence of
8 imprisonment.

9 (2.5) The rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated arson committed on or after July 27, 2001 (the
12 effective date of Public Act 92-176) shall receive no more
13 than 4.5 days of sentence credit for each month of his or
14 her sentence of imprisonment.

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

25 (3) The rules and regulations shall also provide that
26 the Director may award up to 180 days additional sentence

1 credit for good conduct in specific instances as the
2 Director deems proper. The good conduct may include, but is
3 not limited to, compliance with the rules and regulations
4 of the Department, service to the Department, service to a
5 community, or service to the State. However, the Director
6 shall not award more than 90 days of sentence credit for
7 good conduct to any prisoner who is serving a sentence for
8 conviction of first degree murder, reckless homicide while
9 under the influence of alcohol or any other drug, or
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof as defined in subparagraph (F) of
13 paragraph (1) of subsection (d) of Section 11-501 of the
14 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
15 predatory criminal sexual assault of a child, aggravated
16 criminal sexual assault, criminal sexual assault, deviate
17 sexual assault, aggravated criminal sexual abuse,
18 aggravated indecent liberties with a child, indecent
19 liberties with a child, child pornography, heinous battery
20 as described in Section 12-4.1 or subdivision (a)(2) of
21 Section 12-3.05, aggravated battery of a spouse,
22 aggravated battery of a spouse with a firearm, stalking,
23 aggravated stalking, aggravated battery of a child as
24 described in Section 12-4.3 or subdivision (b)(1) of
25 Section 12-3.05, endangering the life or health of a child,
26 or cruelty to a child. Notwithstanding the foregoing,

1 sentence credit for good conduct shall not be awarded on a
2 sentence of imprisonment imposed for conviction of: (i) one
3 of the offenses enumerated in subdivision (a)(2)(i), (ii),
4 or (iii) when the offense is committed on or after June 19,
5 1998 or subdivision (a)(2)(iv) when the offense is
6 committed on or after June 23, 2005 (the effective date of
7 Public Act 94-71) or subdivision (a)(2)(v) when the offense
8 is committed on or after August 13, 2007 (the effective
9 date of Public Act 95-134) or subdivision (a)(2)(vi) when
10 the offense is committed on or after June 1, 2008 (the
11 effective date of Public Act 95-625) or subdivision
12 (a)(2)(vii) when the offense is committed on or after July
13 23, 2010 (the effective date of Public Act 96-1224), (ii)
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or
16 any combination thereof as defined in subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, (iii) one of the offenses enumerated
19 in subdivision (a)(2.4) when the offense is committed on or
20 after July 15, 1999 (the effective date of Public Act
21 91-121), (iv) aggravated arson when the offense is
22 committed on or after July 27, 2001 (the effective date of
23 Public Act 92-176), (v) offenses that may subject the
24 offender to commitment under the Sexually Violent Persons
25 Commitment Act, or (vi) aggravated driving under the
26 influence of alcohol, other drug or drugs, or intoxicating

1 compound or compounds or any combination thereof as defined
2 in 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).

6 Eligible inmates for an award of sentence credit under
7 this paragraph (3) may be selected to receive the credit at
8 the Director's or his or her designee's sole discretion.
9 Consideration may be based on, but not limited to, any
10 available risk assessment analysis on the inmate, any
11 history of conviction for violent crimes as defined by the
12 Rights of Crime Victims and Witnesses Act, facts and
13 circumstances of the inmate's holding offense or offenses,
14 and the potential for rehabilitation.

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

23 (A) is eligible for the sentence credit;

24 (B) has served a minimum of 60 days, or as close to
25 60 days as the sentence will allow; and

26 (C) has met the eligibility criteria established

1 by rule.

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

4 The rules and regulations shall also provide for timely
5 notification to inmates that their eligibility for
6 sentence credit under this paragraph (3) is being reviewed
7 and timely notification of the decision to award or not
8 award sentence credit under this paragraph (3) and the
9 amount of credit awarded, if any.

10 (3.5) The Department shall provide annual written
11 reports to the Governor and the General Assembly on the
12 award of sentence credit for good conduct, with the first
13 report due January 1, 2014. The Department must publish
14 both reports on its website within 48 hours of transmitting
15 the reports to the Governor and the General Assembly. The
16 reports must include:

17 (A) the number of inmates awarded sentence credit
18 for good conduct;

19 (B) the average amount of sentence credit for good
20 conduct awarded;

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

23 (D) the number of sentence credit for good conduct
24 revocations.

25 (4) The rules and regulations shall also provide that
26 the sentence credit accumulated and retained under

1 paragraph (2.1) of subsection (a) of this Section by any
2 inmate during specific periods of time in which such inmate
3 is engaged full-time in substance abuse programs,
4 correctional industry assignments, educational programs,
5 behavior modification programs, life skills courses, or
6 re-entry planning provided by the Department under this
7 paragraph (4) and satisfactorily completes the assigned
8 program as determined by the standards of the Department,
9 shall be multiplied by a factor of 1.25 for program
10 participation before August 11, 1993 and 1.50 for program
11 participation on or after that date. The rules and
12 regulations shall also provide that sentence credit,
13 subject to the same offense limits and multiplier provided
14 in this paragraph, may be provided to an inmate who was
15 held in pre-trial detention prior to his or her current
16 commitment to the Department of Corrections and
17 successfully completed a full-time, 60-day or longer
18 substance abuse program, educational program, behavior
19 modification program, life skills course, or re-entry
20 planning provided by the county department of corrections
21 or county jail. Calculation of this county program credit
22 shall be done at sentencing as provided in Section
23 5-4.5-100 of this Code and shall be included in the
24 sentencing order. However, no inmate shall be eligible for
25 the additional sentence credit under this paragraph (4) or
26 (4.1) of this subsection (a) while assigned to a boot camp

1 or electronic detention, or if convicted of an offense
2 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
3 Section that is committed on or after June 19, 1998 or
4 subdivision (a)(2)(iv) of this Section that is committed on
5 or after June 23, 2005 (the effective date of Public Act
6 94-71) or subdivision (a)(2)(v) of this Section that is
7 committed on or after August 13, 2007 (the effective date
8 of Public Act 95-134) or subdivision (a)(2)(vi) when the
9 offense is committed on or after June 1, 2008 (the
10 effective date of Public Act 95-625) or subdivision
11 (a)(2)(vii) when the offense is committed on or after July
12 23, 2010 (the effective date of Public Act 96-1224), or if
13 convicted of aggravated driving under the influence of
14 alcohol, other drug or drugs, or intoxicating compound or
15 compounds or any combination thereof as defined in
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code, or if
18 convicted of aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds or any combination thereof as defined in
21 subparagraph (C) of paragraph (1) of subsection (d) of
22 Section 11-501 of the Illinois Vehicle Code committed on or
23 after January 1, 2011 (the effective date of Public Act
24 96-1230), or if convicted of an offense enumerated in
25 paragraph (a)(2.4) of this Section that is committed on or
26 after July 15, 1999 (the effective date of Public Act

1 91-121), or first degree murder, a Class X felony, criminal
2 sexual assault, felony criminal sexual abuse, aggravated
3 criminal sexual abuse, aggravated battery with a firearm as
4 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
5 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
6 successor offenses with the same or substantially the same
7 elements, or any inchoate offenses relating to the
8 foregoing offenses. No inmate shall be eligible for the
9 additional good conduct credit under this paragraph (4) who
10 (i) has previously received increased good conduct credit
11 under this paragraph (4) and has subsequently been
12 convicted of a felony, or (ii) has previously served more
13 than one prior sentence of imprisonment for a felony in an
14 adult correctional facility.

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

26 Availability of these programs shall be subject to the

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

12 (4.1) The rules and regulations shall also provide that
13 an additional 60 days of sentence credit shall be awarded
14 to any prisoner who passes the high school level Test of
15 General Educational Development (GED) while the prisoner
16 is committed to the Department of Corrections. The sentence
17 credit awarded under this paragraph (4.1) shall be in
18 addition to, and shall not affect, the award of sentence
19 credit under any other paragraph of this Section, but shall
20 also be pursuant to the guidelines and restrictions set
21 forth in paragraph (4) of subsection (a) of this Section.
22 The sentence credit provided for in this paragraph shall be
23 available only to those prisoners who have not previously
24 earned a high school diploma or a GED. If, after an award
25 of the GED sentence credit has been made and the Department
26 determines that the prisoner was not eligible, then the

1 award shall be revoked. The Department may also award 60
2 days of sentence credit to any committed person who passed
3 the high school level Test of General Educational
4 Development (GED) while he or she was held in pre-trial
5 detention prior to the current commitment to the Department
6 of Corrections.

7 (4.5) The rules and regulations on sentence credit
8 shall also provide that when the court's sentencing order
9 recommends a prisoner for substance abuse treatment and the
10 crime was committed on or after September 1, 2003 (the
11 effective date of Public Act 93-354), the prisoner shall
12 receive no sentence credit awarded under clause (3) of this
13 subsection (a) unless he or she participates in and
14 completes a substance abuse treatment program. The
15 Director may waive the requirement to participate in or
16 complete a substance abuse treatment program and award the
17 sentence credit in specific instances if the prisoner is
18 not a good candidate for a substance abuse treatment
19 program for medical, programming, or operational reasons.
20 Availability of substance abuse treatment shall be subject
21 to the limits of fiscal resources appropriated by the
22 General Assembly for these purposes. If treatment is not
23 available and the requirement to participate and complete
24 the treatment has not been waived by the Director, the
25 prisoner shall be placed on a waiting list under criteria
26 established by the Department. The Director may allow a

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

9 (4.6) The rules and regulations on sentence credit
10 shall also provide that a prisoner who has been convicted
11 of a sex offense as defined in Section 2 of the Sex
12 Offender Registration Act shall receive no sentence credit
13 unless he or she either has successfully completed or is
14 participating in sex offender treatment as defined by the
15 Sex Offender Management Board. However, prisoners who are
16 waiting to receive treatment, but who are unable to do so
17 due solely to the lack of resources on the part of the
18 Department, may, at the Director's sole discretion, be
19 awarded sentence credit at a rate as the Director shall
20 determine.

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

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

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

22 (c) The Department shall prescribe rules and regulations
23 for revoking sentence credit, including revoking sentence
24 credit awarded for good conduct under paragraph (3) of
25 subsection (a) of this Section. The Department shall prescribe
26 rules and regulations for suspending or reducing the rate of

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

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

23 The Director of the Department of Corrections, in
24 appropriate cases, may restore up to 30 days of sentence
25 credits which have been revoked, suspended or reduced. Any
26 restoration of sentence credits in excess of 30 days shall be

1 subject to review by the Prisoner Review Board. However, the
2 Board may not restore sentence credit in excess of the amount
3 requested by the Director.

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

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

22 For purposes of this subsection (d):

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

1 (A) it lacks an arguable basis either in law or in
2 fact;

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

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

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

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

20 (2) "Lawsuit" means a motion pursuant to Section 116-3
21 of the Code of Criminal Procedure of 1963, a habeas corpus
22 action under Article X of the Code of Civil Procedure or
23 under federal law (28 U.S.C. 2254), a petition for claim
24 under the Court of Claims Act, an action under the federal
25 Civil Rights Act (42 U.S.C. 1983), or a second or
26 subsequent petition for post-conviction relief under

1 Article 122 of the Code of Criminal Procedure of 1963
2 whether filed with or without leave of court or a second or
3 subsequent petition for relief from judgment under Section
4 2-1401 of the Code of Civil Procedure.

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

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

15 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
16 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
17 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
18 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
19 97-1150, eff. 1-25-13.)