

SB2697



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2697

Introduced 1/28/2014, by Sen. Andy Manar

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 person serving a sentence for second degree murder shall receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment.

LRB098 17530 RLC 52639 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 of
17 second degree murder committed on or after the effective
18 date of this amendatory Act of the 98th General Assembly,
19 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 person serving a sentence for second
13 degree murder shall receive no more than 7.5 days
14 sentence credit for each month of his or her sentence
15 of imprisonment.

16 (2.1) For all offenses, other than those enumerated in
17 subdivision (a)(2)(i), (ii), or (iii) committed on or after
18 June 19, 1998 or subdivision (a)(2)(iv) committed on or
19 after June 23, 2005 (the effective date of Public Act
20 94-71) or subdivision (a)(2)(v) committed on or after
21 August 13, 2007 (the effective date of Public Act 95-134)
22 or subdivision (a)(2)(vi) committed on or after June 1,
23 2008 (the effective date of Public Act 95-625) or
24 subdivision (a)(2)(vii) committed on or after July 23, 2010
25 (the effective date of Public Act 96-1224) or subdivision
26 (a)(2)(viii) committed on or after the effective date of

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

20 (2.2) A prisoner serving a term of natural life
21 imprisonment or a prisoner who has been sentenced to death
22 shall receive no sentence credit.

23 (2.3) The rules and regulations on sentence credit
24 shall provide that a prisoner who is serving a sentence for
25 aggravated driving under the influence of alcohol, other
26 drug or drugs, or intoxicating compound or compounds, or

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

6 (2.4) The rules and regulations on sentence credit
7 shall provide with respect to the offenses of aggravated
8 battery with a machine gun or a firearm equipped with any
9 device or attachment designed or used for silencing the
10 report of a firearm or aggravated discharge of a machine
11 gun or a firearm equipped with any device or attachment
12 designed or used for silencing the report of a firearm,
13 committed on or after July 15, 1999 (the effective date of
14 Public Act 91-121), that a prisoner serving a sentence for
15 any of these offenses shall receive no more than 4.5 days
16 of sentence credit for each month of his or her sentence of
17 imprisonment.

18 (2.5) The rules and regulations on sentence credit
19 shall provide that a prisoner who is serving a sentence for
20 aggravated arson committed on or after July 27, 2001 (the
21 effective date of Public Act 92-176) shall receive no more
22 than 4.5 days of sentence credit for each month of his or
23 her sentence of imprisonment.

24 (2.6) 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 any
2 combination thereof as defined in subparagraph (C) of
3 paragraph (1) of subsection (d) of Section 11-501 of the
4 Illinois Vehicle Code committed on or after January 1, 2011
5 (the effective date of Public Act 96-1230) shall receive no
6 more than 4.5 days of sentence credit for each month of his
7 or her sentence of imprisonment.

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

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

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

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

26 The Director shall not award sentence credit under this

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

7 (A) is eligible for the sentence credit;

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

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

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

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

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

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

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

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

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

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

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