



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB1310

Introduced 2/3/2015, by Rep. Arthur Turner

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that a committed person who is at least 55 years of age and who has served at least 25 consecutive years of imprisonment in a Department of Corrections institution or facility may petition the Prisoner Review Board for participation in the Sentence Modification Program. Provides that the Department of Corrections shall review the criminal history of the petitioner and the petitioner's conduct while incarcerated in a facility or facilities of the Department of Corrections and shall administer a risk assessment and medical, psychological, and psychiatric assessments of the petitioner before submitting the petition to the Board. Provides that no more than 100 committed persons shall be allowed to participate in the Program. Provides that the conditions of the Program shall include 15 hours of weekly community service approved by the Board. Twenty percent of the money earned by the participant in the Program shall be deducted from the participant's wages and donated by the administrator of the Program to a victim's organization. Provides that a committed person who is serving a sentence, including one who has not yet served the minimum term of the sentence, who is diagnosed as suffering from a terminal condition so as to render the committed person likely to live less than 9 months may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the Board. Provides that the Department of Corrections shall review first-time non-violent offenders to determine their eligibility for the Sentence Modification Program. Provides that to be eligible for the Program, the committed person must be a first time non-violent offender. Provides that the Department shall review the criminal history of the offender and the offender's conduct while incarcerated in a facility or facilities of the Department of Corrections. Provides that the Department shall administer a risk assessment and medical, psychological, and psychiatric assessments of an offender before admission into the Program. Provides that an offender who meets the criteria established by this provision and the Department shall be considered by the Department for a reduction of up to 40% of his or her sentence.

LRB099 05204 RLC 25238 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 Sections 3-3-2, 3-3-3, 3-6-3, and 5-8-1 and by adding  
6 Sections 5-8-1.4, 5-8-1.5, 5-8-1.6, and 5-8-1.7 as follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

8 Sec. 3-3-2. Powers and Duties.

9 (a) The Parole and Pardon Board is abolished and the term  
10 "Parole and Pardon Board" as used in any law of Illinois, shall  
11 read "Prisoner Review Board." After the effective date of this  
12 amendatory Act of 1977, the Prisoner Review Board shall provide  
13 by rule for the orderly transition of all files, records, and  
14 documents of the Parole and Pardon Board and for such other  
15 steps as may be necessary to effect an orderly transition and  
16 shall:

17 (1) hear by at least one member and through a panel of  
18 at least 3 members decide, cases of prisoners who were  
19 sentenced under the law in effect prior to the effective  
20 date of this amendatory Act of 1977, and who are eligible  
21 for parole;

22 (2) hear by at least one member and through a panel of  
23 at least 3 members decide, the conditions of parole and the

1 time of discharge from parole, impose sanctions for  
2 violations of parole, and revoke parole for those sentenced  
3 under the law in effect prior to this amendatory Act of  
4 1977; provided that the decision to parole and the  
5 conditions of parole for all prisoners who were sentenced  
6 for first degree murder or who received a minimum sentence  
7 of 20 years or more under the law in effect prior to  
8 February 1, 1978 shall be determined by a majority vote of  
9 the Prisoner Review Board. One representative supporting  
10 parole and one representative opposing parole will be  
11 allowed to speak. Their comments shall be limited to making  
12 corrections and filling in omissions to the Board's  
13 presentation and discussion;

14 (3) hear by at least one member and through a panel of  
15 at least 3 members decide, the conditions of mandatory  
16 supervised release and the time of discharge from mandatory  
17 supervised release, impose sanctions for violations of  
18 mandatory supervised release, and revoke mandatory  
19 supervised release for those sentenced under the law in  
20 effect after the effective date of this amendatory Act of  
21 1977;

22 (3.5) hear by at least one member and through a panel  
23 of at least 3 members decide, the conditions of mandatory  
24 supervised release and the time of discharge from mandatory  
25 supervised release, to impose sanctions for violations of  
26 mandatory supervised release and revoke mandatory

1 supervised release for those serving extended supervised  
2 release terms pursuant to paragraph (4) of subsection (d)  
3 of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel  
5 of at least 3 members decide, the time of aftercare  
6 release, the conditions of aftercare release and the time  
7 of discharge from aftercare release, impose sanctions for  
8 violations of aftercare release, and revoke aftercare  
9 release for those adjudicated delinquent under the  
10 Juvenile Court Act of 1987;

11 (4) hear by at least one member and through a panel of  
12 at least 3 members, decide cases brought by the Department  
13 of Corrections against a prisoner in the custody of the  
14 Department for alleged violation of Department rules with  
15 respect to sentence credits under Section 3-6-3 of this  
16 Code in which the Department seeks to revoke sentence  
17 credits, if the amount of time at issue exceeds 30 days or  
18 when, during any 12 month period, the cumulative amount of  
19 credit revoked exceeds 30 days except where the infraction  
20 is committed or discovered within 60 days of scheduled  
21 release. In such cases, the Department of Corrections may  
22 revoke up to 30 days of sentence credit. The Board may  
23 subsequently approve the revocation of additional sentence  
24 credit, if the Department seeks to revoke sentence credit  
25 in excess of thirty days. However, the Board shall not be  
26 empowered to review the Department's decision with respect

1 to the loss of 30 days of sentence credit for any prisoner  
2 or to increase any penalty beyond the length requested by  
3 the Department;

4 (5) hear by at least one member and through a panel of  
5 at least 3 members decide, the release dates for certain  
6 prisoners sentenced under the law in existence prior to the  
7 effective date of this amendatory Act of 1977, in  
8 accordance with Section 3-3-2.1 of this Code;

9 (6) hear by at least one member and through a panel of  
10 at least 3 members decide, all requests for pardon,  
11 reprieve or commutation, and make confidential  
12 recommendations to the Governor;

13 (7) comply with the requirements of the Open Parole  
14 Hearings Act;

15 (8) hear by at least one member and, through a panel of  
16 at least 3 members, decide cases brought by the Department  
17 of Corrections against a prisoner in the custody of the  
18 Department for court dismissal of a frivolous lawsuit  
19 pursuant to Section 3-6-3(d) of this Code in which the  
20 Department seeks to revoke up to 180 days of sentence  
21 credit, and if the prisoner has not accumulated 180 days of  
22 sentence credit at the time of the dismissal, then all  
23 sentence credit accumulated by the prisoner shall be  
24 revoked;

25 (9) hear by at least 3 members, and, through a panel of  
26 at least 3 members, decide whether to grant certificates of

1 relief from disabilities or certificates of good conduct as  
2 provided in Article 5.5 of Chapter V;

3 (10) upon a petition by a person who has been convicted  
4 of a Class 3 or Class 4 felony and who meets the  
5 requirements of this paragraph, hear by at least 3 members  
6 and, with the unanimous vote of a panel of 3 members, issue  
7 a certificate of eligibility for sealing recommending that  
8 the court order the sealing of all official records of the  
9 arresting authority, the circuit court clerk, and the  
10 Department of State Police concerning the arrest and  
11 conviction for the Class 3 or 4 felony. A person may not  
12 apply to the Board for a certificate of eligibility for  
13 sealing:

14 (A) until 5 years have elapsed since the expiration  
15 of his or her sentence;

16 (B) until 5 years have elapsed since any arrests or  
17 detentions by a law enforcement officer for an alleged  
18 violation of law, other than a petty offense, traffic  
19 offense, conservation offense, or local ordinance  
20 offense;

21 (C) if convicted of a violation of the Cannabis  
22 Control Act, Illinois Controlled Substances Act, the  
23 Methamphetamine Control and Community Protection Act,  
24 the Methamphetamine Precursor Control Act, or the  
25 Methamphetamine Precursor Tracking Act unless the  
26 petitioner has completed a drug abuse program for the

1 offense on which sealing is sought and provides proof  
2 that he or she has completed the program successfully;

3 (D) if convicted of:

4 (i) a sex offense described in Article 11 or  
5 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
6 the Criminal Code of 1961 or the Criminal Code of  
7 2012;

8 (ii) aggravated assault;

9 (iii) aggravated battery;

10 (iv) domestic battery;

11 (v) aggravated domestic battery;

12 (vi) violation of an order of protection;

13 (vii) an offense under the Criminal Code of  
14 1961 or the Criminal Code of 2012 involving a  
15 firearm;

16 (viii) driving while under the influence of  
17 alcohol, other drug or drugs, intoxicating  
18 compound or compounds or any combination thereof;

19 (ix) aggravated driving while under the  
20 influence of alcohol, other drug or drugs,  
21 intoxicating compound or compounds or any  
22 combination thereof; or

23 (x) any crime defined as a crime of violence  
24 under Section 2 of the Crime Victims Compensation  
25 Act.

26 If a person has applied to the Board for a certificate

1 of eligibility for sealing and the Board denies the  
2 certificate, the person must wait at least 4 years before  
3 filing again or filing for pardon from the Governor unless  
4 the Chairman of the Prisoner Review Board grants a waiver.

5 The decision to issue or refrain from issuing a  
6 certificate of eligibility for sealing shall be at the  
7 Board's sole discretion, and shall not give rise to any  
8 cause of action against either the Board or its members.

9 The Board may only authorize the sealing of Class 3 and  
10 4 felony convictions of the petitioner from one information  
11 or indictment under this paragraph (10). A petitioner may  
12 only receive one certificate of eligibility for sealing  
13 under this provision for life; and

14 (11) upon a petition by a person who after having been  
15 convicted of a Class 3 or Class 4 felony thereafter served  
16 in the United States Armed Forces or National Guard of this  
17 or any other state and had received an honorable discharge  
18 from the United States Armed Forces or National Guard or  
19 who at the time of filing the petition is enlisted in the  
20 United States Armed Forces or National Guard of this or any  
21 other state and served one tour of duty and who meets the  
22 requirements of this paragraph, hear by at least 3 members  
23 and, with the unanimous vote of a panel of 3 members, issue  
24 a certificate of eligibility for expungement recommending  
25 that the court order the expungement of all official  
26 records of the arresting authority, the circuit court



1 clerk, and the Department of State Police concerning the  
2 arrest and conviction for the Class 3 or 4 felony. A person  
3 may not apply to the Board for a certificate of eligibility  
4 for expungement:

5 (A) if convicted of:

6 (i) a sex offense described in Article 11 or  
7 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
8 the Criminal Code of 1961 or Criminal Code of 2012;

9 (ii) an offense under the Criminal Code of 1961  
10 or Criminal Code of 2012 involving a firearm; or

11 (iii) a crime of violence as defined in Section  
12 2 of the Crime Victims Compensation Act; or

13 (B) if the person has not served in the United  
14 States Armed Forces or National Guard of this or any  
15 other state or has not received an honorable discharge  
16 from the United States Armed Forces or National Guard  
17 of this or any other state or who at the time of the  
18 filing of the petition is serving in the United States  
19 Armed Forces or National Guard of this or any other  
20 state and has not completed one tour of duty.

21 If a person has applied to the Board for a certificate  
22 of eligibility for expungement and the Board denies the  
23 certificate, the person must wait at least 4 years before  
24 filing again or filing for a pardon with authorization for  
25 expungement from the Governor unless the Governor or  
26 Chairman of the Prisoner Review Board grants a waiver.

1 (a-5) The Prisoner Review Board, with the cooperation of  
2 and in coordination with the Department of Corrections and the  
3 Department of Central Management Services, shall implement a  
4 pilot project in 3 correctional institutions providing for the  
5 conduct of hearings under paragraphs (1) and (4) of subsection  
6 (a) of this Section through interactive video conferences. The  
7 project shall be implemented within 6 months after the  
8 effective date of this amendatory Act of 1996. Within 6 months  
9 after the implementation of the pilot project, the Prisoner  
10 Review Board, with the cooperation of and in coordination with  
11 the Department of Corrections and the Department of Central  
12 Management Services, shall report to the Governor and the  
13 General Assembly regarding the use, costs, effectiveness, and  
14 future viability of interactive video conferences for Prisoner  
15 Review Board hearings.

16 (b) Upon recommendation of the Department the Board may  
17 restore sentence credit previously revoked.

18 (c) The Board shall cooperate with the Department in  
19 promoting an effective system of parole, aftercare release, and  
20 mandatory supervised release.

21 (d) The Board shall promulgate rules for the conduct of its  
22 work, and the Chairman shall file a copy of such rules and any  
23 amendments thereto with the Director and with the Secretary of  
24 State.

25 (e) The Board shall keep records of all of its official  
26 actions and shall make them accessible in accordance with law

1 and the rules of the Board.

2 (f) The Board or one who has allegedly violated the  
3 conditions of his or her parole, aftercare release, or  
4 mandatory supervised release may require by subpoena the  
5 attendance and testimony of witnesses and the production of  
6 documentary evidence relating to any matter under  
7 investigation or hearing. The Chairman of the Board may sign  
8 subpoenas which shall be served by any agent or public official  
9 authorized by the Chairman of the Board, or by any person  
10 lawfully authorized to serve a subpoena under the laws of the  
11 State of Illinois. The attendance of witnesses, and the  
12 production of documentary evidence, may be required from any  
13 place in the State to a hearing location in the State before  
14 the Chairman of the Board or his or her designated agent or  
15 agents or any duly constituted Committee or Subcommittee of the  
16 Board. Witnesses so summoned shall be paid the same fees and  
17 mileage that are paid witnesses in the circuit courts of the  
18 State, and witnesses whose depositions are taken and the  
19 persons taking those depositions are each entitled to the same  
20 fees as are paid for like services in actions in the circuit  
21 courts of the State. Fees and mileage shall be vouchered for  
22 payment when the witness is discharged from further attendance.

23 In case of disobedience to a subpoena, the Board may  
24 petition any circuit court of the State for an order requiring  
25 the attendance and testimony of witnesses or the production of  
26 documentary evidence or both. A copy of such petition shall be

1 served by personal service or by registered or certified mail  
2 upon the person who has failed to obey the subpoena, and such  
3 person shall be advised in writing that a hearing upon the  
4 petition will be requested in a court room to be designated in  
5 such notice before the judge hearing motions or extraordinary  
6 remedies at a specified time, on a specified date, not less  
7 than 10 nor more than 15 days after the deposit of the copy of  
8 the written notice and petition in the U.S. mails addressed to  
9 the person at his last known address or after the personal  
10 service of the copy of the notice and petition upon such  
11 person. The court upon the filing of such a petition, may order  
12 the person refusing to obey the subpoena to appear at an  
13 investigation or hearing, or to there produce documentary  
14 evidence, if so ordered, or to give evidence relative to the  
15 subject matter of that investigation or hearing. Any failure to  
16 obey such order of the circuit court may be punished by that  
17 court as a contempt of court.

18 Each member of the Board and any hearing officer designated  
19 by the Board shall have the power to administer oaths and to  
20 take the testimony of persons under oath.

21 (g) Except under subsection (a) of this Section, a majority  
22 of the members then appointed to the Prisoner Review Board  
23 shall constitute a quorum for the transaction of all business  
24 of the Board.

25 (h) The Prisoner Review Board shall annually transmit to  
26 the Director a detailed report of its work for the preceding

1 calendar year. The annual report shall also be transmitted to  
2 the Governor for submission to the Legislature.

3 (i) The Prisoner Review Board may grant participation in  
4 the Sentence Modification Program for elderly offenders under  
5 Section 5-8-1.4 and medical parole under Section 5-8-1.5, and  
6 may establish the terms and conditions of the first-time  
7 non-violent offender release program as provided in Section  
8 5-8-1.6.

9 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;  
10 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.  
11 1-1-14; 98-756, eff. 7-16-14.)

12 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

13 Sec. 3-3-3. Eligibility for Parole or Release.

14 (a) (Blank). ~~Except for those offenders who accept the~~  
15 ~~fixed release date established by the Prisoner Review Board~~  
16 ~~under Section 3-3-2.1, every person serving a term of~~  
17 ~~imprisonment under the law in effect prior to the effective~~  
18 ~~date of this amendatory Act of 1977 shall be eligible for~~  
19 ~~parole when he or she has served:~~

20 ~~(1) the minimum term of an indeterminate sentence less~~  
21 ~~time credit for good behavior, or 20 years less time credit~~  
22 ~~for good behavior, whichever is less; or~~

23 ~~(2) 20 years of a life sentence less time credit for~~  
24 ~~good behavior; or~~

25 ~~(3) 20 years or one third of a determinate sentence,~~

1 ~~whichever is less, less time credit for good behavior.~~

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

5 (c) Except for those sentenced to a term of natural life  
6 imprisonment, every person sentenced to imprisonment under  
7 this amendatory Act of 1977 or given a release date under  
8 Section 3-3-2.1 of this Act shall serve the full term of a  
9 determinate sentence less time credit for good behavior and  
10 shall then be released under the mandatory supervised release  
11 provisions of paragraph (d) of Section 5-8-1 of this Code.

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

14 (e) Every person committed to the Department of Juvenile  
15 Justice under Section 5-10 of the Juvenile Court Act or Section  
16 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of  
17 this Code and confined in the State correctional institutions  
18 or facilities if such juvenile has not been tried as an adult  
19 shall be eligible for aftercare release without regard to the  
20 length of time the person has been confined or whether the  
21 person has served any minimum term imposed. However, if a  
22 juvenile has been tried as an adult he or she shall only be  
23 eligible for parole or mandatory supervised release as an adult  
24 under this Section.

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

1 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)  
2 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

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

7 (1.5) As otherwise provided by law, sentence credit may  
8 be awarded for the following:

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

12 (B) compliance with the rules and regulations of  
13 the Department; or

14 (C) service to the institution, service to a  
15 community, or service to the State.

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

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

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

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



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

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

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

22 (v) that a person serving a sentence for  
23 gunrunning, narcotics racketeering, controlled  
24 substance trafficking, methamphetamine trafficking,  
25 drug-induced homicide, aggravated  
26 methamphetamine-related child endangerment, money

1           laundering pursuant to clause (c) (4) or (5) of Section  
2           29B-1 of the Criminal Code of 1961 or the Criminal Code  
3           of 2012, or a Class X felony conviction for delivery of  
4           a controlled substance, possession of a controlled  
5           substance with intent to manufacture or deliver,  
6           calculated criminal drug conspiracy, criminal drug  
7           conspiracy, street gang criminal drug conspiracy,  
8           participation in methamphetamine manufacturing,  
9           aggravated participation in methamphetamine  
10          manufacturing, delivery of methamphetamine, possession  
11          with intent to deliver methamphetamine, aggravated  
12          delivery of methamphetamine, aggravated possession  
13          with intent to deliver methamphetamine,  
14          methamphetamine conspiracy when the substance  
15          containing the controlled substance or methamphetamine  
16          is 100 grams or more shall receive no more than 7.5  
17          days sentence credit for each month of his or her  
18          sentence of imprisonment;

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

23                 (vii) that a prisoner serving a sentence for  
24                 aggravated domestic battery shall receive no more than  
25                 4.5 days of sentence credit for each month of his or  
26                 her sentence of imprisonment.

1           (2.1) For all offenses, other than those enumerated in  
2           subdivision (a)(2)(i), (ii), or (iii) committed on or after  
3           June 19, 1998 or subdivision (a)(2)(iv) committed on or  
4           after June 23, 2005 (the effective date of Public Act  
5           94-71) or subdivision (a)(2)(v) committed on or after  
6           August 13, 2007 (the effective date of Public Act 95-134)  
7           or subdivision (a)(2)(vi) committed on or after June 1,  
8           2008 (the effective date of Public Act 95-625) or  
9           subdivision (a)(2)(vii) committed on or after July 23, 2010  
10          (the effective date of Public Act 96-1224), and other than  
11          the offense of aggravated driving under the influence of  
12          alcohol, other drug or drugs, or intoxicating compound or  
13          compounds, or any combination thereof as defined in  
14          subparagraph (F) of paragraph (1) of subsection (d) of  
15          Section 11-501 of the Illinois Vehicle Code, and other than  
16          the offense of aggravated driving under the influence of  
17          alcohol, other drug or drugs, or intoxicating compound or  
18          compounds, or any combination thereof as defined in  
19          subparagraph (C) of paragraph (1) of subsection (d) of  
20          Section 11-501 of the Illinois Vehicle Code committed on or  
21          after January 1, 2011 (the effective date of Public Act  
22          96-1230), the rules and regulations shall provide that a  
23          prisoner who is serving a term of imprisonment shall  
24          receive one day of sentence credit for each day of his or  
25          her sentence of imprisonment or recommitment under Section  
26          3-3-9. Each day of sentence credit shall reduce by one day

1 the prisoner's period of imprisonment or recommitment  
2 under Section 3-3-9.

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

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

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

1           (2.5) The rules and regulations on sentence credit  
2 shall provide that a prisoner who is serving a sentence for  
3 aggravated arson committed on or after July 27, 2001 (the  
4 effective date of Public Act 92-176) shall receive no more  
5 than 4.5 days of sentence credit for each month of his or  
6 her sentence of imprisonment.

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

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

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

1 date of Public Act 95-134) or subdivision (a)(2)(vi) when  
2 the offense is committed on or after June 1, 2008 (the  
3 effective date of Public Act 95-625) or subdivision  
4 (a)(2)(vii) when the offense is committed on or after July  
5 23, 2010 (the effective date of Public Act 96-1224), (ii)  
6 aggravated driving under the influence of alcohol, other  
7 drug or drugs, or intoxicating compound or compounds, or  
8 any combination thereof as defined in subparagraph (F) of  
9 paragraph (1) of subsection (d) of Section 11-501 of the  
10 Illinois Vehicle Code, (iii) one of the offenses enumerated  
11 in subdivision (a)(2.4) when the offense is committed on or  
12 after July 15, 1999 (the effective date of Public Act  
13 91-121), (iv) aggravated arson when the offense is  
14 committed on or after July 27, 2001 (the effective date of  
15 Public Act 92-176), (v) offenses that may subject the  
16 offender to commitment under the Sexually Violent Persons  
17 Commitment Act, or (vi) aggravated driving under the  
18 influence of alcohol, other drug or drugs, or intoxicating  
19 compound or compounds or any combination thereof as defined  
20 in subparagraph (C) of paragraph (1) of subsection (d) of  
21 Section 11-501 of the Illinois Vehicle Code committed on or  
22 after January 1, 2011 (the effective date of Public Act  
23 96-1230).

24 Eligible inmates for an award of sentence credit under this  
25 paragraph (3) may be selected to receive the credit at the  
26 Director's or his or her designee's sole discretion.

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

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

14 (A) is eligible for the sentence credit;

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

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

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

21 (3.5) The Department shall provide annual written  
22 reports to the Governor and the General Assembly on the  
23 award of sentence credit for good conduct, with the first  
24 report due January 1, 2014. The Department must publish  
25 both reports on its website within 48 hours of transmitting  
26 the reports to the Governor and the General Assembly. The



1 reports must include:

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

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

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

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

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

1 commitment to the Department of Corrections and  
2 successfully completed a full-time, 60-day or longer  
3 substance abuse program, educational program, behavior  
4 modification program, life skills course, or re-entry  
5 planning provided by the county department of corrections  
6 or county jail. Calculation of this county program credit  
7 shall be done at sentencing as provided in Section  
8 5-4.5-100 of this Code and shall be included in the  
9 sentencing order. However, no inmate shall be eligible for  
10 the additional sentence credit under this paragraph (4) or  
11 (4.1) of this subsection (a) while assigned to a boot camp  
12 or electronic detention, or if convicted of an offense  
13 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this  
14 Section that is committed on or after June 19, 1998 or  
15 subdivision (a)(2)(iv) of this Section that is committed on  
16 or after June 23, 2005 (the effective date of Public Act  
17 94-71) or subdivision (a)(2)(v) of this Section that is  
18 committed on or after August 13, 2007 (the effective date  
19 of Public Act 95-134) or subdivision (a)(2)(vi) when the  
20 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 if  
24 convicted 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 (F) of paragraph (1) of subsection (d) of  
2           Section 11-501 of the Illinois Vehicle Code, or if  
3           convicted of aggravated driving under the influence of  
4           alcohol, other drug or drugs, or intoxicating compound or  
5           compounds or any combination thereof as defined in  
6           subparagraph (C) of paragraph (1) of subsection (d) of  
7           Section 11-501 of the Illinois Vehicle Code committed on or  
8           after January 1, 2011 (the effective date of Public Act  
9           96-1230), or if convicted of an offense enumerated in  
10          paragraph (a)(2.4) of this Section that is committed on or  
11          after July 15, 1999 (the effective date of Public Act  
12          91-121), or first degree murder, a Class X felony, criminal  
13          sexual assault, felony criminal sexual abuse, aggravated  
14          criminal sexual abuse, aggravated battery with a firearm as  
15          described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
16          (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or  
17          successor offenses with the same or substantially the same  
18          elements, or any inchoate offenses relating to the  
19          foregoing offenses. No inmate shall be eligible for the  
20          additional good conduct credit under this paragraph (4) who  
21          (i) has previously received increased good conduct credit  
22          under this paragraph (4) and has subsequently been  
23          convicted of a felony, or (ii) has previously served more  
24          than one prior sentence of imprisonment for a felony in an  
25          adult correctional facility.

26                Educational, vocational, substance abuse, behavior

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

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

23 (4.1) The rules and regulations shall also provide that  
24 an additional 60 days of sentence credit shall be awarded  
25 to any prisoner who passes high school equivalency testing  
26 while the prisoner is committed to the Department of

1 Corrections. The sentence credit awarded under this  
2 paragraph (4.1) shall be in addition to, and shall not  
3 affect, the award of sentence credit under any other  
4 paragraph of this Section, but shall also be pursuant to  
5 the guidelines and restrictions set forth in paragraph (4)  
6 of subsection (a) of this Section. The sentence credit  
7 provided for in this paragraph shall be available only to  
8 those prisoners who have not previously earned a high  
9 school diploma or a high school equivalency certificate.  
10 If, after an award of the high school equivalency testing  
11 sentence credit has been made, the Department determines  
12 that the prisoner was not eligible, then the award shall be  
13 revoked. The Department may also award 60 days of sentence  
14 credit to any committed person who passed high school  
15 equivalency testing while he or she was held in pre-trial  
16 detention prior to the current commitment to the Department  
17 of Corrections.

18 (4.5) The rules and regulations on sentence credit  
19 shall also provide that when the court's sentencing order  
20 recommends a prisoner for substance abuse treatment and the  
21 crime was committed on or after September 1, 2003 (the  
22 effective date of Public Act 93-354), the prisoner shall  
23 receive no sentence credit awarded under clause (3) of this  
24 subsection (a) unless he or she participates in and  
25 completes a substance abuse treatment program. The  
26 Director may waive the requirement to participate in or

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

20 (4.6) The rules and regulations on sentence credit  
21 shall also provide that a prisoner who has been convicted  
22 of a sex offense as defined in Section 2 of the Sex  
23 Offender Registration Act shall receive no sentence credit  
24 unless he or she either has successfully completed or is  
25 participating in sex offender treatment as defined by the  
26 Sex Offender Management Board. However, prisoners who are

1 waiting to receive treatment, but who are unable to do so  
2 due solely to the lack of resources on the part of the  
3 Department, may, at the Director's sole discretion, be  
4 awarded sentence credit at a rate as the Director shall  
5 determine.

6 (4.7) The rules and regulations on sentence credit  
7 shall also provide that the Department may grant sentence  
8 credit to a first-time non-violent offender under Section  
9 5-8-1.6 of this Code; but in no event may the grant of the  
10 credit reduce the prisoner's sentence below 40% of the  
11 sentence imposed by the court.

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

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

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

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

22 When the Department seeks to revoke, suspend or reduce the  
23 rate of accumulation of any sentence credits for an alleged  
24 infraction of its rules, it shall bring charges therefor  
25 against the prisoner sought to be so deprived of sentence  
26 credits before the Prisoner Review Board as provided in



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

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

21 Nothing contained in this Section shall prohibit the  
22 Prisoner Review Board from ordering, pursuant to Section  
23 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the  
24 sentence imposed by the court that was not served due to the  
25 accumulation of sentence credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

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

13 For purposes of this subsection (d):

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

18 (A) it lacks an arguable basis either in law or in  
19 fact;

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

23 (C) the claims, defenses, and other legal  
24 contentions therein are not warranted by existing law  
25 or by a nonfrivolous argument for the extension,  
26 modification, or reversal of existing law or the

1 establishment of new law;

2 (D) the allegations and other factual contentions  
3 do not have evidentiary support or, if specifically so  
4 identified, are not likely to have evidentiary support  
5 after a reasonable opportunity for further  
6 investigation or discovery; or

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

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

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

24 (f) Whenever the Department is to release any inmate who  
25 has been convicted of a violation of an order of protection  
26 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, earlier than it otherwise would  
2 because of a grant of sentence credit, the Department, as a  
3 condition of release, shall require that the person, upon  
4 release, be placed under electronic surveillance as provided in  
5 Section 5-8A-7 of this Code.

6 (Source: P.A. 97-333, eff. 8-12-11; 97-697, eff. 6-22-12;  
7 97-990, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.  
8 1-1-15.)

9 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

10 Sec. 5-8-1. Natural life imprisonment; enhancements for  
11 use of a firearm; mandatory supervised release terms.

12 (a) Except as otherwise provided in the statute defining  
13 the offense or in Article 4.5 of Chapter V and except as  
14 otherwise provided in Sections 5-8-1.4, 5-8-1.5, or 5-8-1.6, a  
15 sentence of imprisonment for a felony shall be a determinate  
16 sentence set by the court under this Section, according to the  
17 following limitations:

18 (1) for first degree murder,

19 (a) (blank),

20 (b) if a trier of fact finds beyond a reasonable  
21 doubt that the murder was accompanied by exceptionally  
22 brutal or heinous behavior indicative of wanton  
23 cruelty or, except as set forth in subsection (a) (1) (c)  
24 of this Section, that any of the aggravating factors  
25 listed in subsection (b) or (b-5) of Section 9-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 are  
2 present, the court may sentence the defendant to a term  
3 of natural life imprisonment, or

4 (c) the court shall sentence the defendant to a  
5 term of natural life imprisonment when the death  
6 penalty is not imposed if the defendant,

7 (i) has previously been convicted of first  
8 degree murder under any state or federal law, or

9 (ii) is a person who, at the time of the  
10 commission of the murder, had attained the age of  
11 17 or more and is found guilty of murdering an  
12 individual under 12 years of age; or, irrespective  
13 of the defendant's age at the time of the  
14 commission of the offense, is found guilty of  
15 murdering more than one victim, or

16 (iii) is found guilty of murdering a peace  
17 officer, fireman, or emergency management worker  
18 when the peace officer, fireman, or emergency  
19 management worker was killed in the course of  
20 performing his official duties, or to prevent the  
21 peace officer or fireman from performing his  
22 official duties, or in retaliation for the peace  
23 officer, fireman, or emergency management worker  
24 from performing his official duties, and the  
25 defendant knew or should have known that the  
26 murdered individual was a peace officer, fireman,

1 or emergency management worker, or

2 (iv) is found guilty of murdering an employee  
3 of an institution or facility of the Department of  
4 Corrections, or any similar local correctional  
5 agency, when the employee was killed in the course  
6 of performing his official duties, or to prevent  
7 the employee from performing his official duties,  
8 or in retaliation for the employee performing his  
9 official duties, or

10 (v) is found guilty of murdering an emergency  
11 medical technician - ambulance, emergency medical  
12 technician - intermediate, emergency medical  
13 technician - paramedic, ambulance driver or other  
14 medical assistance or first aid person while  
15 employed by a municipality or other governmental  
16 unit when the person was killed in the course of  
17 performing official duties or to prevent the  
18 person from performing official duties or in  
19 retaliation for performing official duties and the  
20 defendant knew or should have known that the  
21 murdered individual was an emergency medical  
22 technician - ambulance, emergency medical  
23 technician - intermediate, emergency medical  
24 technician - paramedic, ambulance driver, or other  
25 medical assistant or first aid personnel, or

26 (vi) is a person who, at the time of the

1 commission of the murder, had not attained the age  
2 of 17, and is found guilty of murdering a person  
3 under 12 years of age and the murder is committed  
4 during the course of aggravated criminal sexual  
5 assault, criminal sexual assault, or aggravated  
6 kidnaping, or

7 (vii) is found guilty of first degree murder  
8 and the murder was committed by reason of any  
9 person's activity as a community policing  
10 volunteer or to prevent any person from engaging in  
11 activity as a community policing volunteer. For  
12 the purpose of this Section, "community policing  
13 volunteer" has the meaning ascribed to it in  
14 Section 2-3.5 of the Criminal Code of 2012.

15 For purposes of clause (v), "emergency medical  
16 technician - ambulance", "emergency medical technician  
17 - intermediate", "emergency medical technician -  
18 paramedic", have the meanings ascribed to them in the  
19 Emergency Medical Services (EMS) Systems Act.

20 (d) (i) if the person committed the offense while  
21 armed with a firearm, 15 years shall be added to  
22 the term of imprisonment imposed by the court;

23 (ii) if, during the commission of the offense,  
24 the person personally discharged a firearm, 20  
25 years shall be added to the term of imprisonment  
26 imposed by the court;

1 (iii) if, during the commission of the  
2 offense, the person personally discharged a  
3 firearm that proximately caused great bodily harm,  
4 permanent disability, permanent disfigurement, or  
5 death to another person, 25 years or up to a term  
6 of natural life shall be added to the term of  
7 imprisonment imposed by the court.

8 (2) (blank);

9 (2.5) for a person convicted under the circumstances  
10 described in subdivision (b) (1) (B) of Section 11-1.20 or  
11 paragraph (3) of subsection (b) of Section 12-13,  
12 subdivision (d) (2) of Section 11-1.30 or paragraph (2) of  
13 subsection (d) of Section 12-14, subdivision (b) (1.2) of  
14 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
15 Section 12-14.1, subdivision (b) (2) of Section 11-1.40 or  
16 paragraph (2) of subsection (b) of Section 12-14.1 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012, the  
18 sentence shall be a term of natural life imprisonment.

19 (b) (Blank).

20 (c) (Blank).

21 (d) Subject to earlier termination under Section 3-3-8, the  
22 parole or mandatory supervised release term shall be written as  
23 part of the sentencing order and shall be as follows:

24 (1) for first degree murder or a Class X felony except  
25 for the offenses of predatory criminal sexual assault of a  
26 child, aggravated criminal sexual assault, and criminal



1 sexual assault if committed on or after the effective date  
2 of this amendatory Act of the 94th General Assembly and  
3 except for the offense of aggravated child pornography  
4 under Section 11-20.1B, 11-20.3, or 11-20.1 with  
5 sentencing under subsection (c-5) of Section 11-20.1 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012, if  
7 committed on or after January 1, 2009, 3 years;

8 (2) for a Class 1 felony or a Class 2 felony except for  
9 the offense of criminal sexual assault if committed on or  
10 after the effective date of this amendatory Act of the 94th  
11 General Assembly and except for the offenses of manufacture  
12 and dissemination of child pornography under clauses  
13 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
14 of 1961 or the Criminal Code of 2012, if committed on or  
15 after January 1, 2009, 2 years;

16 (3) for a Class 3 felony or a Class 4 felony, 1 year;

17 (4) for defendants who commit the offense of predatory  
18 criminal sexual assault of a child, aggravated criminal  
19 sexual assault, or criminal sexual assault, on or after the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly, or who commit the offense of aggravated child  
22 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
23 with sentencing under subsection (c-5) of Section 11-20.1  
24 of the Criminal Code of 1961 or the Criminal Code of 2012,  
25 manufacture of child pornography, or dissemination of  
26 child pornography after January 1, 2009, the term of

1 mandatory supervised release shall range from a minimum of  
2 3 years to a maximum of the natural life of the defendant;

3 (5) if the victim is under 18 years of age, for a  
4 second or subsequent offense of aggravated criminal sexual  
5 abuse or felony criminal sexual abuse, 4 years, at least  
6 the first 2 years of which the defendant shall serve in an  
7 electronic home detention program under Article 8A of  
8 Chapter V of this Code;

9 (6) for a felony domestic battery, aggravated domestic  
10 battery, stalking, aggravated stalking, and a felony  
11 violation of an order of protection, 4 years.

12 (e) (Blank).

13 (f) (Blank).

14 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
15 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
16 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,  
17 eff. 1-1-13; 97-1150, eff. 1-25-13.)

18 (730 ILCS 5/5-8-1.4 new)

19 Sec. 5-8-1.4. Sentence Modification Program for elderly  
20 offenders.

21 (a) A committed person as defined in subsection (c) of  
22 Section 3-1-2 of this Code who is at least 55 years of age and  
23 who has served at least 25 consecutive years of imprisonment in  
24 a Department of Corrections institution or facility may  
25 petition the Prisoner Review Board ("Board") for participation

1 in the Sentence Modification Program ("Program") as provided in  
2 this Section. The petition shall, in the first instance, be  
3 screened by the Department of Corrections, which shall  
4 determine whether the petitioner should be considered for  
5 participation in the Program. The Department of Corrections  
6 shall review the criminal history of the petitioner and the  
7 petitioner's conduct while incarcerated in a facility or  
8 facilities of the Department of Corrections. The Department  
9 shall administer a risk assessment and medical, psychological,  
10 and psychiatric assessments of the petitioner before  
11 submitting the petition to the Board. No more than 100  
12 committed persons shall be allowed to participate in the  
13 Program. If the Department determines that the petitioner  
14 should be so considered, it shall submit the petition to the  
15 Board. The Board shall notify the victims and the families of  
16 the victims of the committed person's offenses within 30 days  
17 after receiving the petition and shall provide an opportunity  
18 for the victims and their families to submit statements in  
19 support of or opposition to the petitioner's participation in  
20 the Program.

21 (b) The petition shall contain reasons why the committed  
22 person should be granted participation in the Program and, when  
23 possible, should provide relevant documentation and statements  
24 of support.

25 (c) The Board shall render its decision about the committed  
26 person's petition within a reasonable time after the petition

1 has been filed. In deciding whether to grant or deny the  
2 petitioner participation in the Program, the Board shall  
3 consider whether the petitioner documents and demonstrates the  
4 following:

5 (1) successful participation in programs designed to  
6 restore the committed person to a useful and productive  
7 life upon release (including educational programs and  
8 programs designed to deal with substance abuse or other  
9 issues) and, if those programs are not available,  
10 information demonstrating that the committed person has  
11 attempted to participate in those programs or has engaged  
12 in self-education programs, correspondence courses, or  
13 other self-improvement efforts;

14 (2) the genuine reform and changed behavior the  
15 committed person has demonstrated over a period of years;

16 (3) the committed person's remorse for actions that  
17 have caused pain and suffering to victims of his or her  
18 offenses;

19 (4) the committed person's ability to socialize with  
20 others in an acceptable manner;

21 (5) the committed person's renunciation of criminal  
22 activity and gang affiliation if the committed person was a  
23 member of a gang; and

24 (6) an appropriate plan for living arrangements, which  
25 indicates if the person intends to seek admission to a  
26 nursing facility and the name of the facility if known,

1 financial support, and any medical care that will be needed  
2 when the committed person returns to society.

3 (d) The Board shall consider the petition in its entirety  
4 and shall not order the release of the committed person if it  
5 finds that the committed person poses a threat to public  
6 safety. If the Board determines that a committed person is  
7 eligible for participation in the Program and that the  
8 committed person should participate in the Program, the Board  
9 shall set the conditions for the committed person's release  
10 from prison before the expiration of his or her sentence. If  
11 the committed person's plan for living arrangements under  
12 paragraph (6) of subsection (c) of this Section includes  
13 relocation to a nursing facility, the Board shall notify the  
14 facility of the committed person's intent at least 30 days  
15 prior to the committed person's release. The Board shall, prior  
16 to the committed person's release, arrange for the committed  
17 person to be prescreened under Section 4.03 of the Illinois Act  
18 on the Aging and to make application for Medicaid Long Term  
19 Care services and the Board shall transmit to the facility  
20 prior to the committed person's admission documentation of the  
21 prescreening and the committed person's eligibility for  
22 Medicaid Long Term Care services, and the committed person's  
23 prison and criminal history. The later shall serve to meet the  
24 nursing facilities obligation to perform a background check.  
25 When granting participation in the Program, the Board may  
26 require the committed person, for a period of time upon

1 release, to participate in community service or to wear an  
2 electronic monitoring device, or both. Upon request of the  
3 victim or the victim's family, the Board may issue a protective  
4 order requiring the committed person to avoid all contact with  
5 specified persons. For the purpose of this Section, "nursing  
6 facility" means a facility licensed under the Nursing Home Care  
7 Act.

8 (e) A petition for participation in the Program under the  
9 provisions of this Section may be submitted annually, except  
10 that if the Board denies a petition, it may order that the  
11 committed person may not file a new petition for up to 3 years  
12 from the date of denial, if the Board finds that it is not  
13 reasonable to expect that it would grant a petition filed  
14 earlier.

15 (f) The action of a majority of the Board members voting on  
16 the petition shall be the action of the Board.

17 (g) The victim or the victim's family shall be notified of  
18 any public meeting at which the Board intends to deliberate on  
19 the committed person's participation in the Program.

20 (h) The conditions of the Program shall include 15 hours of  
21 weekly community service approved by the Board. Twenty percent  
22 of the money earned by the participant in the Program shall be  
23 deducted from the participant's wages and donated by the  
24 administrator of the Program to a victim's organization.

1       Sec. 5-8-1.5. Medical parole. Notwithstanding any other  
2 provision of law to the contrary, any committed person who is  
3 serving a sentence, including one who has not yet served the  
4 minimum term of the sentence, who is diagnosed as suffering  
5 from a terminal condition so as to render the committed person  
6 likely to live less than 9 months may be released on medical  
7 parole to a hospital, hospice, other licensed inpatient  
8 facility, or suitable housing accommodation as specified by the  
9 Board. The Department shall promptly notify the Board upon  
10 receipt of medical information that a committed person has a  
11 diagnosis of a terminal condition with less than 9 months to  
12 live which prevents him or her from filing a petition on his or  
13 her own. As used in this Section, "other licensed inpatient  
14 facility" or "suitable housing accommodation" does not include  
15 a facility licensed under the Nursing Home Care Act.

16           (730 ILCS 5/5-8-1.6 new)

17       Sec. 5-8-1.6. First-time non-violent offenders.

18       (a) In this Section, "first-time non-violent offender"  
19 means a person who has not been previously convicted of a  
20 felony or misdemeanor and who is serving sentence for an  
21 offense which is not a violent crime as defined in Section 3 of  
22 the Rights of Crime Victims and Witnesses Act.

23       (b) The Department of Corrections shall review first-time  
24 non-violent offenders to determine their eligibility for the  
25 Sentence Modification Program. To be eligible for the Program,

1 the committed person must be a first time non-violent offender.  
2 The Department of Corrections shall review the criminal history  
3 of the offender and the offender's conduct while incarcerated  
4 in a facility or facilities of the Department of Corrections.  
5 The Department shall administer a risk assessment and medical,  
6 psychological, and psychiatric assessments of an offender  
7 before admission into the Program. An offender who meets the  
8 criteria established by this Section and the Department shall  
9 be considered by the Department for a reduction of up to 40% of  
10 his or her sentence.

11 (c) The Prisoner Review Board shall determine the  
12 conditions of the Program which shall include 15 hours of  
13 weekly community service approved by the Board and that 20% of  
14 the money earned by the participant in the Program shall be  
15 deducted from the participant's wages and donated by the  
16 administrator of the Program to a victim's organization.

17 (730 ILCS 5/5-8-1.7 new)

18 Sec. 5-8-1.7. Reports. The Department of Corrections and  
19 the Prisoner Review Board shall jointly submit reports to  
20 General Assembly on the programs established in Sections  
21 5-8-1.4, 5-8-1.5, and 5-8-1.6. The Department and the Prisoner  
22 Review Board shall jointly submit an annual report to the  
23 General Assembly evaluating the programs established in  
24 Sections 5-8-1.4, 5-8-1.5, and 5-8-1.6 and recommending  
25 whether any of the programs shall be continued, modified, or



1 discontinued.

1 INDEX

2 Statutes amended in order of appearance

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

4 730 ILCS 5/3-3-3 from Ch. 38, par. 1003-3-3

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

6 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1

7 730 ILCS 5/5-8-1.4 new

8 730 ILCS 5/5-8-1.5 new

9 730 ILCS 5/5-8-1.6 new

10 730 ILCS 5/5-8-1.7 new