

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 rules
9 and regulations for awarding and revoking sentence credit for
10 persons committed to the Department which shall be subject to
11 review by the Prisoner Review Board.

12 (1.5) As otherwise provided by law, sentence credit may be
13 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 the
18 Department; or

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

21 (2) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide, with respect to offenses listed in clause (i),

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

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

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

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

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

22 (iv) that a prisoner serving a sentence for aggravated
23 discharge of a firearm, whether or not the conduct leading
24 to conviction for the offense resulted in great bodily harm
25 to the victim, shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment;

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

23 (vi) that a prisoner serving a sentence for a second or
24 subsequent offense of luring a minor shall receive no more
25 than 4.5 days of sentence credit for each month of his or
26 her sentence of imprisonment; and

1 (vii) that a prisoner serving a sentence for aggravated
2 domestic battery shall receive no more than 4.5 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment.

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

1 sentence credit for each day of his or her sentence of
2 imprisonment or recommitment under Section 3-3-9. Each day of
3 sentence credit shall reduce by one day the prisoner's period
4 of imprisonment or recommitment under Section 3-3-9.

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

8 (2.3) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of paragraph
14 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
15 Code, shall receive no more than 4.5 days of sentence credit
16 for each month of his or her sentence of imprisonment.

17 (2.4) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations on sentence credit
19 shall provide with respect to the offenses of aggravated
20 battery with a machine gun or a firearm equipped with any
21 device or attachment designed or used for silencing the report
22 of a firearm or aggravated discharge of a machine gun or a
23 firearm equipped with any device or attachment designed or used
24 for silencing the report of a firearm, committed on or after
25 July 15, 1999 (the effective date of Public Act 91-121), that a
26 prisoner serving a sentence for any of these offenses shall

1 receive no more than 4.5 days of sentence credit for each month
2 of his or her sentence of imprisonment.

3 (2.5) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide that a prisoner who is serving a sentence for
6 aggravated arson committed on or after July 27, 2001 (the
7 effective date of Public Act 92-176) shall receive no more than
8 4.5 days of sentence credit for each month of his or her
9 sentence of imprisonment.

10 (2.6) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations on sentence credit
12 shall provide that a prisoner who is serving a sentence for
13 aggravated driving under the influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds or any
15 combination thereof as defined in subparagraph (C) of paragraph
16 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
17 Code committed on or after January 1, 2011 (the effective date
18 of Public Act 96-1230) shall receive no more than 4.5 days of
19 sentence credit for each month of his or her sentence of
20 imprisonment.

21 (3) In addition to the sentence credits earned under
22 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),
23 the rules and regulations shall also provide that the Director
24 may award up to 180 days of earned sentence credit for good
25 conduct in specific instances as the Director deems proper. The
26 good conduct may include, but is not limited to, compliance

1 with the rules and regulations of the Department, service to
2 the Department, service to a community, or service to the
3 State.

4 Eligible inmates for an award of earned sentence credit
5 under this paragraph (3) may be selected to receive the credit
6 at the Director's or his or her designee's sole discretion.
7 Eligibility for the additional earned sentence credit under
8 this paragraph (3) shall be based on, but is not limited to,
9 the results of any available risk/needs assessment or other
10 relevant assessments or evaluations administered by the
11 Department using a validated instrument, the circumstances of
12 the crime, any history of conviction for a forcible felony
13 enumerated in Section 2-8 of the Criminal Code of 2012, the
14 inmate's behavior and disciplinary history while incarcerated,
15 and the inmate's commitment to rehabilitation, including
16 participation in programming offered by the Department.

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

24 (A) is eligible for the earned sentence credit;

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

1 (B-1) has received a risk/needs assessment or other
2 relevant evaluation or assessment administered by the
3 Department using a validated instrument; and

4 (C) has met the eligibility criteria established by
5 rule for earned sentence credit.

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

8 (3.5) The Department shall provide annual written reports
9 to the Governor and the General Assembly on the award of earned
10 sentence credit no later than February 1 of each year. The
11 Department must publish both reports on its website within 48
12 hours of transmitting the reports to the Governor and the
13 General Assembly. The reports must include:

14 (A) the number of inmates awarded earned sentence
15 credit;

16 (B) the average amount of earned sentence credit
17 awarded;

18 (C) the holding offenses of inmates awarded earned
19 sentence credit; and

20 (D) the number of earned sentence credit revocations.

21 (4) (A) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall also provide
23 that the sentence credit accumulated and retained under
24 paragraph (2.1) of subsection (a) of this Section by any inmate
25 during specific periods of time in which such inmate is engaged
26 full-time in substance abuse programs, correctional industry

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

23 (B) The Department shall award sentence credit under this
24 paragraph (4) accumulated prior to the effective date of this
25 amendatory Act of the 101st General Assembly in an amount
26 specified in subparagraph (C) of this paragraph (4) to an

1 inmate serving a sentence for an offense committed prior to
2 June 19, 1998, if the Department determines that the inmate is
3 entitled to this sentence credit, based upon:

4 (i) documentation provided by the Department that the
5 inmate engaged in any full-time substance abuse programs,
6 correctional industry assignments, educational programs,
7 behavior modification programs, life skills courses, or
8 re-entry planning provided by the Department under this
9 paragraph (4) and satisfactorily completed the assigned
10 program as determined by the standards of the Department
11 during the inmate's current term of incarceration; or

12 (ii) the inmate's own testimony in the form of an
13 affidavit or documentation, or a third party's
14 documentation or testimony in the form of an affidavit that
15 the inmate likely engaged in any full-time substance abuse
16 programs, correctional industry assignments, educational
17 programs, behavior modification programs, life skills
18 courses, or re-entry planning provided by the Department
19 under paragraph (4) and satisfactorily completed the
20 assigned program as determined by the standards of the
21 Department during the inmate's current term of
22 incarceration.

23 (C) If the inmate can provide documentation that he or she
24 is entitled to sentence credit under subparagraph (B) in excess
25 of 45 days of participation in those programs, the inmate shall
26 receive 90 days of sentence credit. If the inmate cannot

1 provide documentation of more than 45 days of participation
2 those programs, the inmate shall receive 45 days of sentence
3 credit. In the event of a disagreement between the Department
4 and the inmate as to the amount of credit accumulated under
5 subparagraph (B), if the Department provides documented proof
6 of a lesser amount of days of participation in those programs,
7 that proof shall control. If the Department provides no
8 documentary proof, the inmate's proof as set forth in clause
9 (ii) of subparagraph (B) shall control as to the amount of
10 sentence credit provided.

11 (D) If the inmate has been convicted of a sex offense as
12 defined in Section 2 of the Sex Offender Registration Act,
13 sentencing credits under subparagraph (B) of this paragraph (4)
14 shall be awarded by the Department only if the conditions set
15 forth in paragraph (4.6) of subsection (a) are satisfied. No
16 inmate serving a term of natural life imprisonment shall
17 receive sentence credit under subparagraph (B) of this
18 paragraph (4).

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

1 shall include data relating to the recidivism rate among
2 program participants.

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

14 (4.1) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations shall also provide
16 that an additional 90 days of sentence credit shall be awarded
17 to any prisoner who passes high school equivalency testing
18 while the prisoner is committed to the Department of
19 Corrections. The sentence credit awarded under this paragraph
20 (4.1) shall be in addition to, and shall not affect, the award
21 of sentence credit under any other paragraph of this Section,
22 but shall also be pursuant to the guidelines and restrictions
23 set forth in paragraph (4) of subsection (a) of this Section.
24 The sentence credit provided for in this paragraph shall be
25 available only to those prisoners who have not previously
26 earned a high school diploma or a high school equivalency

1 certificate. If, after an award of the high school equivalency
2 testing sentence credit has been made, the Department
3 determines that the prisoner was not eligible, then the award
4 shall be revoked. The Department may also award 90 days of
5 sentence credit to any committed person who passed high school
6 equivalency testing while he or she was held in pre-trial
7 detention prior to the current commitment to the Department of
8 Corrections.

9 Except as provided in paragraph (4.7) of this subsection
10 (a), the rules and regulations shall provide that an additional
11 180 days of sentence credit shall be awarded to any prisoner
12 who obtains a bachelor's degree while the prisoner is committed
13 to the Department of Corrections. The sentence credit awarded
14 under this paragraph (4.1) shall be in addition to, and shall
15 not affect, the award of sentence credit under any other
16 paragraph of this Section, but shall also be under the
17 guidelines and restrictions set forth in paragraph (4) of this
18 subsection (a). The sentence credit provided for in this
19 paragraph shall be available only to those prisoners who have
20 not earned a bachelor's degree prior to the current commitment
21 to the Department of Corrections. If, after an award of the
22 bachelor's degree sentence credit has been made, the Department
23 determines that the prisoner was not eligible, then the award
24 shall be revoked. The Department may also award 180 days of
25 sentence credit to any committed person who earned a bachelor's
26 degree while he or she was held in pre-trial detention prior to

1 the current commitment to the Department of Corrections.

2 Except as provided in paragraph (4.7) of this subsection
3 (a), the rules and regulations shall provide that an additional
4 180 days of sentence credit shall be awarded to any prisoner
5 who obtains a master's or professional degree while the
6 prisoner is committed to the Department of Corrections. The
7 sentence credit awarded under this paragraph (4.1) shall be in
8 addition to, and shall not affect, the award of sentence credit
9 under any other paragraph of this Section, but shall also be
10 under the guidelines and restrictions set forth in paragraph
11 (4) of this subsection (a). The sentence credit provided for in
12 this paragraph shall be available only to those prisoners who
13 have not previously earned a master's or professional degree
14 prior to the current commitment to the Department of
15 Corrections. If, after an award of the master's or professional
16 degree sentence credit has been made, the Department determines
17 that the prisoner was not eligible, then the award shall be
18 revoked. The Department may also award 180 days of sentence
19 credit to any committed person who earned a master's or
20 professional degree while he or she was held in pre-trial
21 detention prior to the current commitment to the Department of
22 Corrections.

23 (4.5) The rules and regulations on sentence credit shall
24 also provide that when the court's sentencing order recommends
25 a prisoner for substance abuse treatment and the crime was
26 committed on or after September 1, 2003 (the effective date of

1 Public Act 93-354), the prisoner shall receive no sentence
2 credit awarded under clause (3) of this subsection (a) unless
3 he or she participates in and completes a substance abuse
4 treatment program. The Director may waive the requirement to
5 participate in or complete a substance abuse treatment program
6 in specific instances if the prisoner is not a good candidate
7 for a substance abuse treatment program for medical,
8 programming, or operational reasons. Availability of substance
9 abuse treatment shall be subject to the limits of fiscal
10 resources appropriated by the General Assembly for these
11 purposes. If treatment is not available and the requirement to
12 participate and complete the treatment has not been waived by
13 the Director, the prisoner shall be placed on a waiting list
14 under criteria established by the Department. The Director may
15 allow a prisoner placed on a waiting list to participate in and
16 complete a substance abuse education class or attend substance
17 abuse self-help meetings in lieu of a substance abuse treatment
18 program. A prisoner on a waiting list who is not placed in a
19 substance abuse program prior to release may be eligible for a
20 waiver and receive sentence credit under clause (3) of this
21 subsection (a) at the discretion of the Director.

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

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

7 (4.7) On or after the effective date of this amendatory Act
8 of the 100th General Assembly, sentence credit under paragraph
9 (3), (4), or (4.1) of this subsection (a) may be awarded to a
10 prisoner who is serving a sentence for an offense described in
11 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
12 on or after the effective date of this amendatory Act of the
13 100th General Assembly; provided, the award of the credits
14 under this paragraph (4.7) shall not reduce the sentence of the
15 prisoner to less than the following amounts:

16 (i) 85% of his or her sentence if the prisoner is
17 required to serve 85% of his or her sentence; or

18 (ii) 60% of his or her sentence if the prisoner is
19 required to serve 75% of his or her sentence, except if the
20 prisoner is serving a sentence for gunrunning his or her
21 sentence shall not be reduced to less than 75%.

22 (iii) 100% of his or her sentence if the prisoner is
23 required to serve 100% of his or her sentence. This
24 paragraph (4.7) shall not apply to a prisoner serving a
25 sentence for an offense described in subparagraph (i) of
26 paragraph (2) of this subsection (a).

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

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

26 (c) The Department shall prescribe rules and regulations

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

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

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

8 Nothing contained in this Section shall prohibit the
9 Prisoner Review Board from ordering, pursuant to Section
10 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
11 sentence imposed by the court that was not served due to the
12 accumulation of sentence credit.

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

26 For purposes of this subsection (d):

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

5 (A) it lacks an arguable basis either in law or in
6 fact;

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

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

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

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

24 (2) "Lawsuit" means a motion pursuant to Section 116-3
25 of the Code of Criminal Procedure of 1963, a habeas corpus
26 action under Article X of the Code of Civil Procedure or

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

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

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

19 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
20 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,
21 eff. 1-8-18.)