



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 2621

2 AMENDMENT NO. _____. Amend Senate Bill 2621 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-2-2, 3-3-1, 3-3-2, 3-3-9, 3-6-3, 3-7-6,
6 5-4-1, 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,
7 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-65 and 5-5-3, and by adding
8 Sections 3-6-3.5 and 5-8-1.4 as follows:

9 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

10 Sec. 3-2-2. Powers and Duties of the Department.

11 (1) In addition to the powers, duties and responsibilities
12 which are otherwise provided by law, the Department shall have
13 the following powers:

14 (a) To accept persons committed to it by the courts of
15 this State for care, custody, treatment and
16 rehabilitation, and to accept federal prisoners and aliens

1 over whom the Office of the Federal Detention Trustee is
2 authorized to exercise the federal detention function for
3 limited purposes and periods of time.

4 (b) To develop and maintain reception and evaluation
5 units for purposes of analyzing the custody and
6 rehabilitation needs of persons committed to it and to
7 assign such persons to institutions and programs under its
8 control or transfer them to other appropriate agencies. In
9 consultation with the Department of Alcoholism and
10 Substance Abuse (now the Department of Human Services), the
11 Department of Corrections shall develop a master plan for
12 the screening and evaluation of persons committed to its
13 custody who have alcohol or drug abuse problems, and for
14 making appropriate treatment available to such persons;
15 the Department shall report to the General Assembly on such
16 plan not later than April 1, 1987. The maintenance and
17 implementation of such plan shall be contingent upon the
18 availability of funds.

19 (b-1) To create and implement, on January 1, 2002, a
20 pilot program to establish the effectiveness of
21 pupillometer technology (the measurement of the pupil's
22 reaction to light) as an alternative to a urine test for
23 purposes of screening and evaluating persons committed to
24 its custody who have alcohol or drug problems. The pilot
25 program shall require the pupillometer technology to be
26 used in at least one Department of Corrections facility.

1 The Director may expand the pilot program to include an
2 additional facility or facilities as he or she deems
3 appropriate. A minimum of 4,000 tests shall be included in
4 the pilot program. The Department must report to the
5 General Assembly on the effectiveness of the program by
6 January 1, 2003.

7 (b-5) To develop, in consultation with the Department
8 of State Police, a program for tracking and evaluating each
9 inmate from commitment through release for recording his or
10 her gang affiliations, activities, or ranks.

11 (c) To maintain and administer all State correctional
12 institutions and facilities under its control and to
13 establish new ones as needed. Pursuant to its power to
14 establish new institutions and facilities, the Department
15 may, with the written approval of the Governor, authorize
16 the Department of Central Management Services to enter into
17 an agreement of the type described in subsection (d) of
18 Section 405-300 of the Department of Central Management
19 Services Law (20 ILCS 405/405-300). The Department shall
20 designate those institutions which shall constitute the
21 State Penitentiary System.

22 Pursuant to its power to establish new institutions and
23 facilities, the Department may authorize the Department of
24 Central Management Services to accept bids from counties
25 and municipalities for the construction, remodeling or
26 conversion of a structure to be leased to the Department of

1 Corrections for the purposes of its serving as a
2 correctional institution or facility. Such construction,
3 remodeling or conversion may be financed with revenue bonds
4 issued pursuant to the Industrial Building Revenue Bond Act
5 by the municipality or county. The lease specified in a bid
6 shall be for a term of not less than the time needed to
7 retire any revenue bonds used to finance the project, but
8 not to exceed 40 years. The lease may grant to the State
9 the option to purchase the structure outright.

10 Upon receipt of the bids, the Department may certify
11 one or more of the bids and shall submit any such bids to
12 the General Assembly for approval. Upon approval of a bid
13 by a constitutional majority of both houses of the General
14 Assembly, pursuant to joint resolution, the Department of
15 Central Management Services may enter into an agreement
16 with the county or municipality pursuant to such bid.

17 (c-5) To build and maintain regional juvenile
18 detention centers and to charge a per diem to the counties
19 as established by the Department to defray the costs of
20 housing each minor in a center. In this subsection (c-5),
21 "juvenile detention center" means a facility to house
22 minors during pendency of trial who have been transferred
23 from proceedings under the Juvenile Court Act of 1987 to
24 prosecutions under the criminal laws of this State in
25 accordance with Section 5-805 of the Juvenile Court Act of
26 1987, whether the transfer was by operation of law or

1 permissive under that Section. The Department shall
2 designate the counties to be served by each regional
3 juvenile detention center.

4 (d) To develop and maintain programs of control,
5 rehabilitation and employment of committed persons within
6 its institutions.

7 (d-5) To provide a pre-release job preparation program
8 for inmates at Illinois adult correctional centers.

9 (e) To establish a system of supervision and guidance
10 of committed persons in the community.

11 (f) To establish in cooperation with the Department of
12 Transportation to supply a sufficient number of prisoners
13 for use by the Department of Transportation to clean up the
14 trash and garbage along State, county, township, or
15 municipal highways as designated by the Department of
16 Transportation. The Department of Corrections, at the
17 request of the Department of Transportation, shall furnish
18 such prisoners at least annually for a period to be agreed
19 upon between the Director of Corrections and the Director
20 of Transportation. The prisoners used on this program shall
21 be selected by the Director of Corrections on whatever
22 basis he deems proper in consideration of their term,
23 behavior and earned eligibility to participate in such
24 program - where they will be outside of the prison facility
25 but still in the custody of the Department of Corrections.
26 Prisoners convicted of first degree murder, or a Class X

1 felony, or armed violence, or aggravated kidnapping, or
2 criminal sexual assault, aggravated criminal sexual abuse
3 or a subsequent conviction for criminal sexual abuse, or
4 forcible detention, or arson, or a prisoner adjudged a
5 Habitual Criminal shall not be eligible for selection to
6 participate in such program. The prisoners shall remain as
7 prisoners in the custody of the Department of Corrections
8 and such Department shall furnish whatever security is
9 necessary. The Department of Transportation shall furnish
10 trucks and equipment for the highway cleanup program and
11 personnel to supervise and direct the program. Neither the
12 Department of Corrections nor the Department of
13 Transportation shall replace any regular employee with a
14 prisoner.

15 (g) To maintain records of persons committed to it and
16 to establish programs of research, statistics and
17 planning.

18 (h) To investigate the grievances of any person
19 committed to the Department, to inquire into any alleged
20 misconduct by employees or committed persons, and to
21 investigate the assets of committed persons to implement
22 Section 3-7-6 of this Code; and for these purposes it may
23 issue subpoenas and compel the attendance of witnesses and
24 the production of writings and papers, and may examine
25 under oath any witnesses who may appear before it; to also
26 investigate alleged violations of a parolee's or

1 releasee's conditions of parole or release; and for this
2 purpose it may issue subpoenas and compel the attendance of
3 witnesses and the production of documents only if there is
4 reason to believe that such procedures would provide
5 evidence that such violations have occurred.

6 If any person fails to obey a subpoena issued under
7 this subsection, the Director may apply to any circuit
8 court to secure compliance with the subpoena. The failure
9 to comply with the order of the court issued in response
10 thereto shall be punishable as contempt of court.

11 (i) To appoint and remove the chief administrative
12 officers, and administer programs of training and
13 development of personnel of the Department. Personnel
14 assigned by the Department to be responsible for the
15 custody and control of committed persons or to investigate
16 the alleged misconduct of committed persons or employees or
17 alleged violations of a parolee's or releasee's conditions
18 of parole shall be conservators of the peace for those
19 purposes, and shall have the full power of peace officers
20 outside of the facilities of the Department in the
21 protection, arrest, retaking and reconfining of committed
22 persons or where the exercise of such power is necessary to
23 the investigation of such misconduct or violations.

24 (j) To cooperate with other departments and agencies
25 and with local communities for the development of standards
26 and programs for better correctional services in this

1 State.

2 (k) To administer all moneys and properties of the
3 Department.

4 (l) To report annually to the Governor on the committed
5 persons, institutions and programs of the Department.

6 (1-5) In a confidential annual report to the Governor,
7 the Department shall identify all inmate gangs by
8 specifying each current gang's name, population and allied
9 gangs. The Department shall further specify the number of
10 top leaders identified by the Department for each gang
11 during the past year, and the measures taken by the
12 Department to segregate each leader from his or her gang
13 and allied gangs. The Department shall further report the
14 current status of leaders identified and segregated in
15 previous years. All leaders described in the report shall
16 be identified by inmate number or other designation to
17 enable tracking, auditing, and verification without
18 revealing the names of the leaders. Because this report
19 contains law enforcement intelligence information
20 collected by the Department, the report is confidential and
21 not subject to public disclosure.

22 (m) To make all rules and regulations and exercise all
23 powers and duties vested by law in the Department.

24 (n) To establish rules and regulations for
25 administering a system of sentencing ~~good-conduct~~ credits,
26 established in accordance with Section 3-6-3, subject to

1 review by the Prisoner Review Board.

2 (o) To administer the distribution of funds from the
3 State Treasury to reimburse counties where State penal
4 institutions are located for the payment of assistant
5 state's attorneys' salaries under Section 4-2001 of the
6 Counties Code.

7 (p) To exchange information with the Department of
8 Human Services and the Department of Healthcare and Family
9 Services for the purpose of verifying living arrangements
10 and for other purposes directly connected with the
11 administration of this Code and the Illinois Public Aid
12 Code.

13 (q) To establish a diversion program.

14 The program shall provide a structured environment for
15 selected technical parole or mandatory supervised release
16 violators and committed persons who have violated the rules
17 governing their conduct while in work release. This program
18 shall not apply to those persons who have committed a new
19 offense while serving on parole or mandatory supervised
20 release or while committed to work release.

21 Elements of the program shall include, but shall not be
22 limited to, the following:

23 (1) The staff of a diversion facility shall provide
24 supervision in accordance with required objectives set
25 by the facility.

26 (2) Participants shall be required to maintain

1 employment.

2 (3) Each participant shall pay for room and board
3 at the facility on a sliding-scale basis according to
4 the participant's income.

5 (4) Each participant shall:

6 (A) provide restitution to victims in
7 accordance with any court order;

8 (B) provide financial support to his
9 dependents; and

10 (C) make appropriate payments toward any other
11 court-ordered obligations.

12 (5) Each participant shall complete community
13 service in addition to employment.

14 (6) Participants shall take part in such
15 counseling, educational and other programs as the
16 Department may deem appropriate.

17 (7) Participants shall submit to drug and alcohol
18 screening.

19 (8) The Department shall promulgate rules
20 governing the administration of the program.

21 (r) To enter into intergovernmental cooperation
22 agreements under which persons in the custody of the
23 Department may participate in a county impact
24 incarceration program established under Section 3-6038 or
25 3-15003.5 of the Counties Code.

26 (r-5) (Blank).

1 (r-10) To systematically and routinely identify with
2 respect to each streetgang active within the correctional
3 system: (1) each active gang; (2) every existing inter-gang
4 affiliation or alliance; and (3) the current leaders in
5 each gang. The Department shall promptly segregate leaders
6 from inmates who belong to their gangs and allied gangs.
7 "Segregate" means no physical contact and, to the extent
8 possible under the conditions and space available at the
9 correctional facility, prohibition of visual and sound
10 communication. For the purposes of this paragraph (r-10),
11 "leaders" means persons who:

12 (i) are members of a criminal streetgang;

13 (ii) with respect to other individuals within the
14 streetgang, occupy a position of organizer,
15 supervisor, or other position of management or
16 leadership; and

17 (iii) are actively and personally engaged in
18 directing, ordering, authorizing, or requesting
19 commission of criminal acts by others, which are
20 punishable as a felony, in furtherance of streetgang
21 related activity both within and outside of the
22 Department of Corrections.

23 "Streetgang", "gang", and "streetgang related" have the
24 meanings ascribed to them in Section 10 of the Illinois
25 Streetgang Terrorism Omnibus Prevention Act.

26 (s) To operate a super-maximum security institution,

1 in order to manage and supervise inmates who are disruptive
2 or dangerous and provide for the safety and security of the
3 staff and the other inmates.

4 (t) To monitor any unprivileged conversation or any
5 unprivileged communication, whether in person or by mail,
6 telephone, or other means, between an inmate who, before
7 commitment to the Department, was a member of an organized
8 gang and any other person without the need to show cause or
9 satisfy any other requirement of law before beginning the
10 monitoring, except as constitutionally required. The
11 monitoring may be by video, voice, or other method of
12 recording or by any other means. As used in this
13 subdivision (1)(t), "organized gang" has the meaning
14 ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 As used in this subdivision (1)(t), "unprivileged
17 conversation" or "unprivileged communication" means a
18 conversation or communication that is not protected by any
19 privilege recognized by law or by decision, rule, or order
20 of the Illinois Supreme Court.

21 (u) To establish a Women's and Children's Pre-release
22 Community Supervision Program for the purpose of providing
23 housing and services to eligible female inmates, as
24 determined by the Department, and their newborn and young
25 children.

26 (u-5) To issue an order, whenever a person committed to

1 the Department absconds or absents himself or herself,
2 without authority to do so, from any facility or program to
3 which he or she is assigned. The order shall be certified
4 by the Director, the Supervisor of the Apprehension Unit,
5 or any person duly designated by the Director, with the
6 seal of the Department affixed. The order shall be directed
7 to all sheriffs, coroners, and police officers, or to any
8 particular person named in the order. Any order issued
9 pursuant to this subdivision (1) (u-5) shall be sufficient
10 warrant for the officer or person named in the order to
11 arrest and deliver the committed person to the proper
12 correctional officials and shall be executed the same as
13 criminal process.

14 (v) To do all other acts necessary to carry out the
15 provisions of this Chapter.

16 (2) The Department of Corrections shall by January 1, 1998,
17 consider building and operating a correctional facility within
18 100 miles of a county of over 2,000,000 inhabitants, especially
19 a facility designed to house juvenile participants in the
20 impact incarceration program.

21 (3) When the Department lets bids for contracts for medical
22 services to be provided to persons committed to Department
23 facilities by a health maintenance organization, medical
24 service corporation, or other health care provider, the bid may
25 only be let to a health care provider that has obtained an
26 irrevocable letter of credit or performance bond issued by a

1 company whose bonds are rated AAA by a bond rating
2 organization.

3 (4) When the Department lets bids for contracts for food or
4 commissary services to be provided to Department facilities,
5 the bid may only be let to a food or commissary services
6 provider that has obtained an irrevocable letter of credit or
7 performance bond issued by a company whose bonds are rated AAA
8 by a bond rating organization.

9 (Source: P.A. 96-1265, eff. 7-26-10.)

10 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

11 Sec. 3-3-1. Establishment and Appointment of Prisoner
12 Review Board.

13 (a) There shall be a Prisoner Review Board independent of
14 the Department of Corrections which shall be:

15 (1) the paroling authority for persons sentenced under
16 the law in effect prior to the effective date of this
17 amendatory Act of 1977;

18 (2) the board of review for cases involving the
19 revocation of sentencing ~~good—conduct~~ credits or a
20 suspension or reduction in the rate of accumulating the
21 ~~such~~ credit;

22 (3) the board of review and recommendation for the
23 exercise of executive clemency by the Governor;

24 (4) the authority for establishing release dates for
25 certain prisoners sentenced under the law in existence

1 prior to the effective date of this amendatory Act of 1977,
2 in accordance with Section 3-3-2.1 of this Code;

3 (5) the authority for setting conditions for parole,
4 mandatory supervised release under Section 5-8-1(a) of
5 this Code, and determining whether a violation of those
6 conditions warrant revocation of parole or mandatory
7 supervised release or the imposition of other sanctions.

8 (b) The Board shall consist of 15 persons appointed by the
9 Governor by and with the advice and consent of the Senate. One
10 member of the Board shall be designated by the Governor to be
11 Chairman and shall serve as Chairman at the pleasure of the
12 Governor. The members of the Board shall have had at least 5
13 years of actual experience in the fields of penology,
14 corrections work, law enforcement, sociology, law, education,
15 social work, medicine, psychology, other behavioral sciences,
16 or a combination thereof. At least 6 members so appointed must
17 have had at least 3 years experience in the field of juvenile
18 matters. No more than 8 Board members may be members of the
19 same political party.

20 Each member of the Board shall serve on a full-time basis
21 and shall not hold any other salaried public office, whether
22 elective or appointive, nor any other office or position of
23 profit, nor engage in any other business, employment, or
24 vocation. The Chairman of the Board shall receive \$35,000 a
25 year, or an amount set by the Compensation Review Board,
26 whichever is greater, and each other member \$30,000, or an

1 amount set by the Compensation Review Board, whichever is
2 greater.

3 (c) Notwithstanding any other provision of this Section,
4 the term of each member of the Board who was appointed by the
5 Governor and is in office on June 30, 2003 shall terminate at
6 the close of business on that date or when all of the successor
7 members to be appointed pursuant to this amendatory Act of the
8 93rd General Assembly have been appointed by the Governor,
9 whichever occurs later. As soon as possible, the Governor shall
10 appoint persons to fill the vacancies created by this
11 amendatory Act.

12 Of the initial members appointed under this amendatory Act
13 of the 93rd General Assembly, the Governor shall appoint 5
14 members whose terms shall expire on the third Monday in January
15 2005, 5 members whose terms shall expire on the third Monday in
16 January 2007, and 5 members whose terms shall expire on the
17 third Monday in January 2009. Their respective successors shall
18 be appointed for terms of 6 years from the third Monday in
19 January of the year of appointment. Each member shall serve
20 until his successor is appointed and qualified.

21 Any member may be removed by the Governor for incompetence,
22 neglect of duty, malfeasance or inability to serve.

23 (d) The Chairman of the Board shall be its chief executive
24 and administrative officer. The Board may have an Executive
25 Director; if so, the Executive Director shall be appointed by
26 the Governor with the advice and consent of the Senate. The

1 salary and duties of the Executive Director shall be fixed by
2 the Board.

3 (Source: P.A. 93-509, eff. 8-11-03; 94-165, eff. 7-11-05.)

4 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

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

19 (2) hear by at least one member and through a panel of
20 at least 3 members decide, the conditions of parole and the
21 time of discharge from parole, impose sanctions for
22 violations of parole, and revoke parole for those sentenced
23 under the law in effect prior to this amendatory Act of
24 1977; provided that the decision to parole and the
25 conditions of parole for all prisoners who were sentenced

1 for first degree murder or who received a minimum sentence
2 of 20 years or more under the law in effect prior to
3 February 1, 1978 shall be determined by a majority vote of
4 the Prisoner Review Board. One representative supporting
5 parole and one representative opposing parole will be
6 allowed to speak. Their comments shall be limited to making
7 corrections and filling in omissions to the Board's
8 presentation and discussion;

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

17 (3.5) hear by at least one member and through a panel
18 of at least 3 members decide, the conditions of mandatory
19 supervised release and the time of discharge from mandatory
20 supervised release, to impose sanctions for violations of
21 mandatory supervised release and revoke mandatory
22 supervised release for those serving extended supervised
23 release terms pursuant to paragraph (4) of subsection (d)
24 of Section 5-8-1;

25 (4) hear by at least 1 member and through a panel of at
26 least 3 members, decide cases brought by the Department of

1 Corrections against a prisoner in the custody of the
2 Department for alleged violation of Department rules with
3 respect to sentencing ~~good conduct~~ credits under ~~pursuant~~
4 ~~to~~ Section 3-6-3 of this Code in which the Department seeks
5 to revoke sentencing ~~good conduct~~ credits, if the amount of
6 time at issue exceeds 30 days or when, during any 12 month
7 period, the cumulative amount of credit revoked exceeds 30
8 days except where the infraction is committed or discovered
9 within 60 days of scheduled release. In such cases, the
10 Department of Corrections may revoke up to 30 days of
11 sentencing ~~good conduct~~ credit. The Board may subsequently
12 approve the revocation of additional sentencing ~~good~~
13 ~~conduct~~ credit, if the Department seeks to revoke
14 sentencing ~~good conduct~~ credit in excess of thirty days.
15 However, the Board shall not be empowered to review the
16 Department's decision with respect to the loss of 30 days
17 of sentencing ~~good conduct~~ credit for any prisoner or to
18 increase any penalty beyond the length requested by the
19 Department;

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

25 (6) hear by at least one member and through a panel of
26 at least 3 members decide, all requests for pardon,

1 reprieve or commutation, and make confidential
2 recommendations to the Governor;

3 (7) comply with the requirements of the Open Parole
4 Hearings Act;

5 (8) hear by at least one member and, through a panel of
6 at least 3 members, decide cases brought by the Department
7 of Corrections against a prisoner in the custody of the
8 Department for court dismissal of a frivolous lawsuit
9 pursuant to Section 3-6-3(d) of this Code in which the
10 Department seeks to revoke up to 180 days of sentencing
11 ~~good conduct~~ credit, and if the prisoner has not
12 accumulated 180 days of sentencing ~~good conduct~~ credit at
13 the time of the dismissal, then all sentencing ~~good conduct~~
14 credit accumulated by the prisoner shall be revoked; ~~and~~

15 (9) hear by at least 3 members, and, through a panel of
16 at least 3 members, decide whether to grant certificates of
17 relief from disabilities or certificates of good conduct as
18 provided in Article 5.5 of Chapter V; and

19 (10) hear by at least one member and through a panel of
20 at least 6 members decide whether to grant or revoke
21 accelerated release on medical supervision to an inmate
22 under Section 3-6-3.5 of this Code, and set the conditions
23 of release.

24 (a-5) The Prisoner Review Board, with the cooperation of
25 and in coordination with the Department of Corrections and the
26 Department of Central Management Services, shall implement a

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

13 (b) Upon recommendation of the Department the Board may
14 restore sentencing ~~good conduct~~ credit previously revoked.

15 (c) The Board shall cooperate with the Department in
16 promoting an effective system of parole and mandatory
17 supervised release.

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

22 (e) The Board shall keep records of all of its official
23 actions and shall make them accessible in accordance with law
24 and the rules of the Board.

25 (f) The Board or one who has allegedly violated the
26 conditions of his parole or mandatory supervised release may

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

19 In case of disobedience to a subpoena, the Board may
20 petition any circuit court of the State for an order requiring
21 the attendance and testimony of witnesses or the production of
22 documentary evidence or both. A copy of such petition shall be
23 served by personal service or by registered or certified mail
24 upon the person who has failed to obey the subpoena, and such
25 person shall be advised in writing that a hearing upon the
26 petition will be requested in a court room to be designated in

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

14 Each member of the Board and any hearing officer designated
15 by the Board shall have the power to administer oaths and to
16 take the testimony of persons under oath.

17 (g) Except under subsection (a) of this Section, a majority
18 of the members then appointed to the Prisoner Review Board
19 shall constitute a quorum for the transaction of all business
20 of the Board.

21 (h) The Prisoner Review Board shall annually transmit to
22 the Director a detailed report of its work for the preceding
23 calendar year. The annual report shall also be transmitted to
24 the Governor for submission to the Legislature.

25 (Source: P.A. 96-875, eff. 1-22-10.)

1 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

2 Sec. 3-3-9. Violations; changes of conditions; preliminary
3 hearing; revocation of parole or mandatory supervised release;
4 revocation hearing.

5 (a) If prior to expiration or termination of the term of
6 parole or mandatory supervised release, a person violates a
7 condition set by the Prisoner Review Board or a condition of
8 parole or mandatory supervised release under Section 3-3-7 of
9 this Code to govern that term, the Board may:

10 (1) continue the existing term, with or without
11 modifying or enlarging the conditions; or

12 (2) parole or release the person to a half-way house;
13 or

14 (3) revoke the parole or mandatory supervised release
15 and reconfine the person for a term computed in the
16 following manner:

17 (i) (A) For those sentenced under the law in effect
18 prior to this amendatory Act of 1977, the recommitment
19 shall be for any portion of the imposed maximum term of
20 imprisonment or confinement which had not been served
21 at the time of parole and the parole term, less the
22 time elapsed between the parole of the person and the
23 commission of the violation for which parole was
24 revoked;

25 (B) Except as set forth in paragraph (C), for those
26 subject to mandatory supervised release under

1 paragraph (d) of Section 5-8-1 of this Code, the
2 recommitment shall be for the total mandatory
3 supervised release term, less the time elapsed between
4 the release of the person and the commission of the
5 violation for which mandatory supervised release is
6 revoked. The Board may also order that a prisoner serve
7 up to one year of the sentence imposed by the court
8 which was not served due to the accumulation of
9 sentencing ~~good conduct~~ credit;

10 (C) For those subject to sex offender supervision
11 under clause (d) (4) of Section 5-8-1 of this Code, the
12 reconfinement period for violations of clauses (a) (3)
13 through (b-1) (15) of Section 3-3-7 shall not exceed 2
14 years from the date of reconfinement.

15 (ii) the person shall be given credit against the
16 term of reimprisonment or reconfinement for time spent
17 in custody since he was paroled or released which has
18 not been credited against another sentence or period of
19 confinement;

20 (iii) persons committed under the Juvenile Court
21 Act or the Juvenile Court Act of 1987 may be continued
22 under the existing term of parole with or without
23 modifying the conditions of parole, paroled or
24 released to a group home or other residential facility,
25 or recommitted until the age of 21 unless sooner
26 terminated;

1 (iv) this Section is subject to the release under
2 supervision and the reparole and rerelease provisions
3 of Section 3-3-10.

4 (b) The Board may revoke parole or mandatory supervised
5 release for violation of a condition for the duration of the
6 term and for any further period which is reasonably necessary
7 for the adjudication of matters arising before its expiration.
8 The issuance of a warrant of arrest for an alleged violation of
9 the conditions of parole or mandatory supervised release shall
10 toll the running of the term until the final determination of
11 the charge. When parole or mandatory supervised release is not
12 revoked that period shall be credited to the term, unless a
13 community-based sanction is imposed as an alternative to
14 revocation and reincarceration, including a diversion
15 established by the Illinois Department of Corrections Parole
16 Services Unit prior to the holding of a preliminary parole
17 revocation hearing. Parolees who are diverted to a
18 community-based sanction shall serve the entire term of parole
19 or mandatory supervised release, if otherwise appropriate.

20 (b-5) The Board shall revoke parole or mandatory supervised
21 release for violation of the conditions prescribed in paragraph
22 (7.6) of subsection (a) of Section 3-3-7.

23 (c) A person charged with violating a condition of parole
24 or mandatory supervised release shall have a preliminary
25 hearing before a hearing officer designated by the Board to
26 determine if there is cause to hold the person for a revocation

1 hearing. However, no preliminary hearing need be held when
2 revocation is based upon new criminal charges and a court finds
3 probable cause on the new criminal charges or when the
4 revocation is based upon a new criminal conviction and a
5 certified copy of that conviction is available.

6 (d) Parole or mandatory supervised release shall not be
7 revoked without written notice to the offender setting forth
8 the violation of parole or mandatory supervised release charged
9 against him.

10 (e) A hearing on revocation shall be conducted before at
11 least one member of the Prisoner Review Board. The Board may
12 meet and order its actions in panels of 3 or more members. The
13 action of a majority of the panel shall be the action of the
14 Board. In consideration of persons committed to the Department
15 of Juvenile Justice, the member hearing the matter and at least
16 a majority of the panel shall be experienced in juvenile
17 matters. A record of the hearing shall be made. At the hearing
18 the offender shall be permitted to:

19 (1) appear and answer the charge; and

20 (2) bring witnesses on his behalf.

21 (f) The Board shall either revoke parole or mandatory
22 supervised release or order the person's term continued with or
23 without modification or enlargement of the conditions.

24 (g) Parole or mandatory supervised release shall not be
25 revoked for failure to make payments under the conditions of
26 parole or release unless the Board determines that such failure

1 is due to the offender's willful refusal to pay.

2 (Source: P.A. 95-82, eff. 8-13-07; 96-1271, eff. 1-1-11.)

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

4 Sec. 3-6-3. Rules and Regulations for Sentencing Credit
5 ~~Early Release~~.

6 (a) (1) The Department of Corrections shall prescribe
7 rules and regulations for awarding and revoking sentencing
8 credit for ~~the early release on account of good conduct of~~
9 persons committed to the Department which shall be subject
10 to review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentencing credit
12 may be awarded for the following:

13 (A) day for day good conduct for time served in
14 custody prior to sentencing;

15 (B) successful completion of programming while in
16 custody of the Department or while in custody prior to
17 sentencing;

18 (C) compliance with the rules and regulations of
19 the Department; or

20 (D) good conduct, including but not limited to
21 compliance with the rules and regulations of the
22 Department, service to the institution, service to a
23 community, or service to the State.

24 (2) The rules and regulations on sentencing credit
25 ~~early release~~ shall provide, with respect to offenses

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

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

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

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

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

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

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

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

26 (vi) that a prisoner serving a sentence for a

1 second or subsequent offense of luring a minor shall
2 receive no more than 4.5 days of sentencing ~~good~~
3 ~~conduct~~ credit for each month of his or her sentence of
4 imprisonment; and

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

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

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

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

14 (2.3) The rules and regulations on sentencing credit
15 ~~early release~~ shall provide that a prisoner who is serving
16 a sentence for 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 (F) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code, shall receive
21 no more than 4.5 days of sentencing ~~good conduct~~ credit for
22 each month of his or her sentence of imprisonment.

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

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

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

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

1 (3) The rules and regulations shall also provide that
2 the Director may award up to 180 days additional sentencing
3 ~~good conduct~~ credit for good conduct ~~meritorious service~~ in
4 specific instances as the Director deems proper, including
5 but not limited to compliance with the rules and
6 regulations of the Department, service to the Department,
7 service to a community, or service to the State. However,
8 the Director shall not award ~~, except that no~~ more than 90
9 days of sentencing ~~good conduct~~ credit for good conduct
10 ~~meritorious service shall be awarded~~ to any prisoner who is
11 serving a sentence for conviction of first degree murder,
12 reckless homicide while under the influence of alcohol or
13 any other drug, or aggravated driving under the influence
14 of alcohol, other drug or drugs, or intoxicating compound
15 or compounds, or any combination thereof as defined in
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code, aggravated
18 kidnapping, kidnapping, predatory criminal sexual assault
19 of a child, aggravated criminal sexual assault, criminal
20 sexual assault, deviate sexual assault, aggravated
21 criminal sexual abuse, aggravated indecent liberties with
22 a child, indecent liberties with a child, child
23 pornography, heinous battery as described in Section
24 12-4.1 or subdivision (a)(2) of Section 12-3.05,
25 aggravated battery of a spouse, aggravated battery of a
26 spouse with a firearm, stalking, aggravated stalking,

1 aggravated battery of a child as described in Section
2 12-4.3 or subdivision (b)(1) of Section 12-3.05,
3 endangering the life or health of a child, or cruelty to a
4 child. Notwithstanding the foregoing, sentencing ~~good~~
5 ~~conduct~~ credit for good conduct ~~meritorious service~~ shall
6 not be awarded on a sentence of imprisonment imposed for
7 conviction of: (i) one of the offenses enumerated in
8 subdivision (a)(2)(i), (ii), or (iii) when the offense is
9 committed on or after June 19, 1998 or subdivision
10 (a)(2)(iv) when the offense is committed on or after June
11 23, 2005 (the effective date of Public Act 94-71) or
12 subdivision (a)(2)(v) when the offense is committed on or
13 after August 13, 2007 (the effective date of Public Act
14 95-134) or subdivision (a)(2)(vi) when the offense is
15 committed on or after June 1, 2008 (the effective date of
16 Public Act 95-625) or subdivision (a)(2)(vii) when the
17 offense is committed on or after July 23, 2010 (the
18 effective date of Public Act 96-1224), (ii) aggravated
19 driving under the influence of alcohol, other drug or
20 drugs, or intoxicating compound or compounds, or any
21 combination thereof as defined in subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code, (iii) one of the offenses enumerated
24 in subdivision (a)(2.4) when the offense is committed on or
25 after July 15, 1999 (the effective date of Public Act
26 91-121), (iv) aggravated arson when the offense is

1 committed on or after July 27, 2001 (the effective date of
2 Public Act 92-176), (v) offenses that may subject the
3 offender to commitment under the Sexually Violent Persons
4 Commitment Act, or (vi) aggravated driving under the
5 influence of alcohol, other drug or drugs, or intoxicating
6 compound or compounds or any combination thereof as defined
7 in subparagraph (C) of paragraph (1) of subsection (d) of
8 Section 11-501 of the Illinois Vehicle Code committed on or
9 after January 1, 2011 (the effective date of Public Act
10 96-1230).

11 The Director shall not award sentencing ~~good conduct~~
12 credit for good conduct ~~meritorious service~~ under this
13 paragraph (3) to an inmate unless the inmate has served a
14 minimum of 60 days of the sentence; except nothing in this
15 paragraph shall be construed to permit the Director to
16 extend an inmate's sentence beyond that which was imposed
17 by the court. Prior to awarding credit under this paragraph
18 (3), the Director shall make a written determination that
19 the inmate:

20 (A) is eligible for sentencing ~~good conduct~~ credit
21 for good conduct ~~meritorious service~~;

22 (B) has served a minimum of 60 days, or as close to
23 60 days as the sentence will allow; and

24 (C) has met the eligibility criteria established
25 by rule.

26 The Director shall determine the form and content of

1 the written determination required in this subsection.

2 (3.5) The Department shall provide quarterly written
3 reports to the Governor and the General Assembly on the
4 award of sentencing credit for good conduct. The Department
5 must publish both reports on its website within 48 hours of
6 transmitting the reports to the Governor and the General
7 Assembly. The reports must include:

8 (A) the number of inmates awarded sentencing
9 credit for good conduct;

10 (B) the average amount of sentencing credit for
11 good conduct awarded;

12 (C) the holding offenses of inmates awarded
13 sentencing credit for good conduct; and

14 (D) the number of sentencing credit for good
15 conduct revocations.

16 (4) The rules and regulations shall also provide that
17 the sentencing ~~good—conduct~~ credit accumulated and
18 retained under paragraph (2.1) of subsection (a) of this
19 Section by any inmate during specific periods of time in
20 which such inmate is engaged full-time in substance abuse
21 programs, correctional industry assignments, ~~or~~
22 educational programs, behavior modification programs, life
23 skills courses, or re-entry planning provided by the
24 Department under this paragraph (4) and satisfactorily
25 completes the assigned program as determined by the
26 standards of the Department, shall be multiplied by a

1 factor of 1.25 for program participation before August 11,
2 1993 and 1.50 for program participation on or after that
3 date. The rules and regulations shall also provide that
4 sentencing credit, subject to the same offense limits and
5 multiplier provided in this paragraph, may be provided to
6 an inmate who was held in pre-trial detention prior to his
7 or her current commitment to the Department of Corrections
8 and successfully completed a full-time 60 day or longer
9 substance abuse program, educational program, behavior
10 modification program, life skills course, or re-entry
11 planning provided by a county department of corrections or
12 county jail. The Department of Corrections may require
13 written proof of the committed person's participation and
14 successful completion in the program as well as a syllabus
15 or other information regarding the program's curriculum.
16 However, no inmate shall be eligible for the additional
17 sentencing ~~good conduct~~ credit under this paragraph (4) or
18 (4.1) of this subsection (a) while assigned to a boot camp
19 or electronic detention, or if convicted of an offense
20 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
21 Section that is committed on or after June 19, 1998 or
22 subdivision (a)(2)(iv) of this Section that is committed on
23 or after June 23, 2005 (the effective date of Public Act
24 94-71) or subdivision (a)(2)(v) of this Section that is
25 committed on or after August 13, 2007 (the effective date
26 of Public Act 95-134) or subdivision (a)(2)(vi) when the

1 offense is committed on or after June 1, 2008 (the
2 effective date of Public Act 95-625) or subdivision
3 (a)(2)(vii) when the offense is committed on or after July
4 23, 2010 (the effective date of Public Act 96-1224), or if
5 convicted of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds or any combination thereof as defined in
8 subparagraph (F) of paragraph (1) of subsection (d) of
9 Section 11-501 of the Illinois Vehicle Code, or if
10 convicted of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds or any combination thereof as defined in
13 subparagraph (C) of paragraph (1) of subsection (d) of
14 Section 11-501 of the Illinois Vehicle Code committed on or
15 after January 1, 2011 (the effective date of Public Act
16 96-1230), or if convicted of an offense enumerated in
17 paragraph (a)(2.4) of this Section that is committed on or
18 after July 15, 1999 (the effective date of Public Act
19 91-121), or first degree murder, a Class X felony, criminal
20 sexual assault, felony criminal sexual abuse, aggravated
21 criminal sexual abuse, aggravated battery with a firearm as
22 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
23 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
24 successor offenses with the same or substantially the same
25 elements, or any inchoate offenses relating to the
26 foregoing offenses. ~~No inmate shall be eligible for the~~

1 ~~additional good conduct credit under this paragraph (4) who~~
2 ~~(i) has previously received increased good conduct credit~~
3 ~~under this paragraph (4) and has subsequently been~~
4 ~~convicted of a felony, or (ii) has previously served more~~
5 ~~than one prior sentence of imprisonment for a felony in an~~
6 ~~adult correctional facility.~~

7 Educational, vocational, substance abuse, behavior
8 modification programs, life skills courses, re-entry
9 planning, and correctional industry programs under which
10 sentencing ~~good conduct~~ credit may be increased under this
11 paragraph (4) and paragraph (4.1) of this subsection (a)
12 shall be evaluated by the Department on the basis of
13 documented standards. The Department shall report the
14 results of these evaluations to the Governor and the
15 General Assembly by September 30th of each year. The
16 reports shall include data relating to the recidivism rate
17 among program participants.

18 Availability of these programs shall be subject to the
19 limits of fiscal resources appropriated by the General
20 Assembly for these purposes. Eligible inmates who are
21 denied immediate admission shall be placed on a waiting
22 list under criteria established by the Department. The
23 inability of any inmate to become engaged in any such
24 programs by reason of insufficient program resources or for
25 any other reason established under the rules and
26 regulations of the Department shall not be deemed a cause

1 of action under which the Department or any employee or
2 agent of the Department shall be liable for damages to the
3 inmate.

4 (4.1) The rules and regulations shall also provide that
5 an additional 60 days of sentencing ~~good conduct~~ credit
6 shall be awarded to any prisoner who passes the high school
7 level Test of General Educational Development (GED) while
8 the prisoner is committed to the Department of Corrections
9 ~~incarcerated~~. The sentencing ~~good conduct~~ credit awarded
10 under this paragraph (4.1) shall be in addition to, and
11 shall not affect, the award of sentencing credit ~~good~~
12 ~~conduct~~ under any other paragraph of this Section, but
13 shall also be pursuant to the guidelines and restrictions
14 set forth in paragraph (4) of subsection (a) of this
15 Section. The sentencing ~~good conduct~~ credit provided for in
16 this paragraph shall be available only to those prisoners
17 who have not previously earned a high school diploma or a
18 GED. If, after an award of the GED sentencing ~~good conduct~~
19 credit has been made and the Department determines that the
20 prisoner was not eligible, then the award shall be revoked.
21 The Department may also award 60 days of sentencing credit
22 to any committed person who passed the high school level
23 Test of General Educational Development (GED) while he or
24 she was held in pre-trial detention prior to the current
25 commitment to the Department of Corrections.

26 (4.5) The rules and regulations on sentencing credit

1 ~~early release~~ shall also provide that when the court's
2 sentencing order recommends a prisoner for substance abuse
3 treatment and the crime was committed on or after September
4 1, 2003 (the effective date of Public Act 93-354), the
5 prisoner shall receive no sentencing ~~good conduct~~ credit
6 awarded under clause (3) of this subsection (a) unless he
7 or she participates in and completes a substance abuse
8 treatment program. The Director may waive the requirement
9 to participate in or complete a substance abuse treatment
10 program and award the sentencing ~~good conduct~~ credit in
11 specific instances if the prisoner is not a good candidate
12 for a substance abuse treatment program for medical,
13 programming, or operational reasons. Availability of
14 substance abuse treatment shall be subject to the limits of
15 fiscal resources appropriated by the General Assembly for
16 these purposes. If treatment is not available and the
17 requirement to participate and complete the treatment has
18 not been waived by the Director, the prisoner shall be
19 placed on a waiting list under criteria established by the
20 Department. The Director may allow a prisoner placed on a
21 waiting list to participate in and complete a substance
22 abuse education class or attend substance abuse self-help
23 meetings in lieu of a substance abuse treatment program. A
24 prisoner on a waiting list who is not placed in a substance
25 abuse program prior to release may be eligible for a waiver
26 and receive sentencing ~~good conduct~~ credit under clause (3)

1 of this subsection (a) at the discretion of the Director.

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

15 (5) Whenever the Department is to release any inmate
16 earlier than it otherwise would because of a grant of
17 sentencing ~~good conduct~~ credit for good conduct under
18 paragraph (3) of subsection (a) of this Section ~~meritorious~~
19 ~~service~~ given at any time during the term, the Department
20 shall give reasonable notice of the impending release not
21 less than 14 days prior to the date of the release to the
22 State's Attorney of the county where the prosecution of the
23 inmate took place, and if applicable, the State's Attorney
24 of the county into which the inmate will be released. The
25 Department must also make identification information and a
26 recent photo of the inmate being released accessible on the

1 Internet by means of a hyperlink labeled "Community
2 Notification of Inmate Early Release" on the Department's
3 World Wide Web homepage. The identification information
4 shall include the inmate's: name, any known alias, date of
5 birth, physical characteristics, residence address,
6 commitment offense and county where conviction was
7 imposed. The identification information shall be placed on
8 the website within 3 days of the inmate's release and the
9 information may not be removed until either: completion of
10 the first year of mandatory supervised release or return of
11 the inmate to custody of the Department.

12 (b) Whenever a person is or has been committed under
13 several convictions, with separate sentences, the sentences
14 shall be construed under Section 5-8-4 in granting and
15 forfeiting of sentencing credit ~~good time~~.

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

26 When the Department seeks to revoke, suspend or reduce the

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

20 The Director of the Department of Corrections, in
21 appropriate cases, may restore up to 30 days of sentencing ~~good~~
22 ~~conduct~~ credits which have been revoked, suspended or reduced.
23 Any restoration of sentencing ~~good conduct~~ credits in excess of
24 30 days shall be subject to review by the Prisoner Review
25 Board. However, the Board may not restore sentencing ~~good~~
26 ~~conduct~~ credit in excess of the amount requested by the

1 Director.

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

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

21 For purposes of this subsection (d):

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

26 (A) it lacks an arguable basis either in law or in

1 fact;

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

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

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

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

19 (2) "Lawsuit" means a motion pursuant to Section 116-3
20 of the Code of Criminal Procedure of 1963, a habeas corpus
21 action under Article X of the Code of Civil Procedure or
22 under federal law (28 U.S.C. 2254), a petition for claim
23 under the Court of Claims Act, an action under the federal
24 Civil Rights Act (42 U.S.C. 1983), or a second or
25 subsequent petition for post-conviction relief under
26 Article 122 of the Code of Criminal Procedure of 1963

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

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

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

14 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
15 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
16 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
17 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
18 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;
19 97-333, eff. 8-12-11.)

20 (730 ILCS 5/3-6-3.5 new)

21 Sec. 3-6-3.5. Medical supervision discharge.

22 (a) Notwithstanding any other provision of law to the
23 contrary, a person committed to the Department for a term or
24 terms of imprisonment other than life without the possibility
25 of parole, and who has served at least 15 years of the term or

1 terms imposed in actual custody of the Department shall be
2 eligible for accelerated release on medical supervision upon
3 reaching the age of 55 years or more if:

4 (1) One or more of the following medical conditions
5 apply:

6 (A) the person suffers from a medical condition
7 that renders the offender incapable of performing the
8 activities of basic daily living;

9 (B) the person is by reason of an existing physical
10 or medical condition so permanently and irreversibly
11 physically or mentally incapacitated that the person
12 is unlikely to be a danger to himself or herself, the
13 victim of the crime for which the sentence was imposed,
14 or to society;

15 (C) the person is terminally ill and expected to
16 live for a period of less than two years, and by reason
17 of the illness, is unlikely to be a danger to himself
18 or herself, the victim of the crime for which the
19 sentence was imposed, or to society; and

20 (2) The person has not received any disciplinary
21 infraction for a period of 36 months preceding the petition
22 for accelerated release on medical supervision under this
23 Section.

24 (b) Accelerated release on medical supervision may only be
25 granted by the Prisoner Review Board. The Department shall
26 identify committed persons who may be eligible for medical

1 supervision based upon available medical information and file a
2 petition for accelerated release on medical supervision with
3 the Board. In considering a committed person for medical
4 supervision, the Board may require that additional medical
5 evidence be produced, or additional medical examinations be
6 conducted by the medical staff of the Department or a medical
7 provider under contract with the Department.

8 (c) The petition for medical supervision shall be granted
9 if the Prisoner Review Board determines that the committed
10 person meets the conditions in subsection (a) of this Section
11 and that under the conditions of release the person would not
12 reasonably pose a threat to public safety.

13 (d) The supervision term of a person released on medical
14 supervision shall be for the remainder of the person's
15 sentence, without diminution of the sentence for good behavior.

16 (e) The Prisoner Review Board in setting conditions of
17 release on medical supervision:

18 (1) shall require as a condition of medical supervision
19 that the person agree to placement in an environment
20 approved by the Department, including but not limited to a
21 hospital, nursing home, hospice facility, or prerelease
22 center, to intensive supervision, to some other
23 appropriate community corrections facility or program, or
24 to a family home;

25 (2) may require as a condition of medical supervision
26 that the person agree to periodic examinations at the

1 person's expense; and

2 (3) may impose any other condition of release
3 consistent with the medical condition of the person and the
4 public safety.

5 (f) Reports of any periodic medical examination and any
6 resulting diagnoses must be submitted to the Board and
7 Department by the examining physician.

8 (g) The Prisoner Review Board may revoke the medical
9 supervision and return a person to the custody of the
10 Department, if the Board or Department determines that the
11 medical condition of the person on medical supervision has
12 improved to the extent that the person no longer requires
13 extensive medical attention or is likely to pose a detriment to
14 himself or herself, the victim of the crime for which the
15 sentence was imposed, or society. A person whose medical
16 supervision is revoked due to an improvement in his or her
17 medical condition shall resume serving the balance of his or
18 her sentence with available sentencing credit given for the
19 duration of the medical supervision. If the person's medical
20 supervision is revoked due to an improvement in his or her
21 condition, and he or she would otherwise be eligible for
22 mandatory supervised release, he or she shall be transferred to
23 mandatory supervised release with conditions imposed by the
24 Prisoner Review Board under Section 3-3-7 of this Code. Medical
25 supervision may also be revoked for violation of any condition
26 of release imposed by the Prisoner Review Board.

1 (h) A person charged with violating a condition of medical
2 supervision, improved medical condition, or public safety
3 threat shall have a preliminary hearing before a hearing
4 officer designated by the Board to determine if there is cause
5 to hold the person for a revocation hearing. However, no
6 preliminary hearing need be held when revocation is based upon
7 new criminal charges and a court finds probable cause on the
8 new criminal charges or when the revocation is based upon a new
9 criminal conviction and a certified copy of that conviction is
10 available.

11 (i) Medical supervision release shall not be revoked
12 without written notice to the offender setting forth the
13 violation of medical supervision release charged against him or
14 her.

15 (j) A hearing on revocation shall be conducted before at
16 least one member of the Prisoner Review Board. The Board may
17 meet and order its actions in panels of 3 or more members. The
18 action of a majority of the panel shall be the action of the
19 Board. A record of the hearing shall be made. At the hearing
20 the offender shall be permitted to:

21 (1) appear and answer the charge; and

22 (2) bring witnesses on his or her behalf.

23 (k) The Board shall either revoke medical supervision
24 release or order the person's term continued with or without
25 modification or enlargement of the conditions.

26 (l) The Prisoner Review Board and the Department may

1 promulgate rules and regulations as necessary to implement this
2 Section, including rules and regulations relative to the
3 conduct of medical supervision hearings and the conditions of
4 medical supervision.

5 (m) A grant or denial of medical supervision does not
6 affect an inmate's eligibility for mandatory supervised
7 release.

8 (n) Twenty-five percent of the per capita cost savings to
9 the Department achieved by implementation of medical
10 supervision shall be transferred to the Crime Victim's
11 Compensation Fund. Savings shall be calculated by the
12 Sentencing Policy Advisory Council by use of the following
13 formula:

14 (1) As used in this subsection:

15 "Daily per capita cost" means the per capita costs
16 for the Fiscal Year in question divided by the number
17 of days in that year.

18 "Days served" means a calendar day, or part
19 thereof, during which an inmate was incarcerated.

20 "Per capita cost" means the average per capita cost
21 reported by the Department of Corrections in its annual
22 report for the Fiscal Year during which the inmates in
23 question were incarcerated.

24 (2) Cost savings shall be calculated by the Sentencing
25 Policy Advisory Council based on the reduction in the total
26 number of days served by inmates due to the impact of the

1 medical supervision program. Per capita cost savings shall
2 be calculated as the total reduction in the number of days
3 served multiplied by the daily per capita cost.

4 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

5 Sec. 3-7-6. Reimbursement for expenses.

6 (a) Responsibility of committed persons. For the purposes
7 of this Section, "committed persons" mean those persons who
8 through judicial determination have been placed in the custody
9 of the Department on the basis of a conviction as an adult.
10 Committed persons shall be responsible to reimburse the
11 Department for the expenses incurred by their incarceration at
12 a rate to be determined by the Department in accordance with
13 this Section.

14 (1) Committed persons shall fully cooperate with the
15 Department by providing complete financial information for
16 the purposes under this Section.

17 (2) The failure of a committed person to fully
18 cooperate as provided for in clauses (3) and (4) of
19 subsection (a-5) shall be considered for purposes of a
20 parole determination. Any committed person who willfully
21 refuses to cooperate with the obligations set forth in this
22 Section may be subject to the loss of sentencing ~~good~~
23 ~~conduct~~ credit towards his or her sentence of up to 180
24 days.

25 (a-5) Assets information form.

1 (1) The Department shall develop a form, which shall be
2 used by the Department to obtain information from all
3 committed persons regarding assets of the persons.

4 (2) In order to enable the Department to determine the
5 financial status of the committed person, the form shall
6 provide for obtaining the age and marital status of a
7 committed person, the number and ages of children of the
8 person, the number and ages of other dependents, the type
9 and value of real estate, the type and value of personal
10 property, cash and bank accounts, the location of any lock
11 boxes, the type and value of investments, pensions and
12 annuities and any other personalty of significant cash
13 value, including but not limited to jewelry, art work and
14 collectables, and all medical or dental insurance policies
15 covering the committed person. The form may also provide
16 for other information deemed pertinent by the Department in
17 the investigation of a committed person's assets.

18 (3) Upon being developed, the form shall be submitted
19 to each committed person as of the date the form is
20 developed and to every committed person who thereafter is
21 sentenced to imprisonment under the jurisdiction of the
22 Department. The form may be resubmitted to a committed
23 person by the Department for purpose of obtaining current
24 information regarding the assets of the person.

25 (4) Every committed person shall complete the form or
26 provide for completion of the form and the committed person

1 shall swear under oath or affirm that to the best of his or
2 her knowledge the information provided is complete and
3 accurate.

4 (b) Expenses. The rate at which sums to be charged for the
5 expenses incurred by a committed person for his or her
6 confinement shall be computed by the Department as the average
7 per capita cost per day for all inmates of that institution or
8 facility for that fiscal year. The average per capita cost per
9 day shall be computed by the Department based on the average
10 per capita cost per day for the operation of that institution
11 or facility for the fiscal year immediately preceding the
12 period of incarceration for which the rate is being calculated.
13 The Department shall establish rules and regulations providing
14 for the computation of the above costs, and shall determine the
15 average per capita cost per day for each of its institutions or
16 facilities for each fiscal year. The Department shall have the
17 power to modify its rules and regulations, so as to provide for
18 the most accurate and most current average per capita cost per
19 day computation. Where the committed person is placed in a
20 facility outside the Department, the Department may pay the
21 actual cost of services in that facility, and may collect
22 reimbursement for the entire amount paid from the committed
23 person receiving those services.

24 (c) Records. The records of the Department, including, but
25 not limited to, those relating to: the average per capita cost
26 per day for a particular institution or facility for a

1 particular year, and the calculation of the average per capita
2 cost per day; the average daily population of a particular
3 Department correctional institution or facility for a
4 particular year; the specific placement of a particular
5 committed person in various Department correctional
6 institutions or facilities for various periods of time; and the
7 record of transactions of a particular committed person's trust
8 account under Section 3-4-3 of this Act; may be proved in any
9 legal proceeding, by a reproduced copy thereof or by a computer
10 printout of Department records, under the certificate of the
11 Director. If reproduced copies are used, the Director must
12 certify that those are true and exact copies of the records on
13 file with the Department. If computer printouts of records of
14 the Department are offered as proof, the Director must certify
15 that those computer printouts are true and exact
16 representations of records properly entered into standard
17 electronic computing equipment, in the regular course of the
18 Department's business, at or reasonably near the time of the
19 occurrence of the facts recorded, from trustworthy and reliable
20 information. The reproduced copy or computer printout shall,
21 without further proof, be admitted into evidence in any legal
22 proceeding, and shall be prima facie correct and prima facie
23 evidence of the accuracy of the information contained therein.

24 (d) Authority. The Director, or the Director's designee,
25 may, when he or she knows or reasonably believes that a
26 committed person, or the estate of that person, has assets

1 which may be used to satisfy all or part of a judgment rendered
2 under this Act, or when he or she knows or reasonably believes
3 that a committed person is engaged in gang-related activity and
4 has a substantial sum of money or other assets, provide for the
5 forwarding to the Attorney General of a report on the committed
6 person and that report shall contain a completed form under
7 subsection (a-5) together with all other information available
8 concerning the assets of the committed person and an estimate
9 of the total expenses for that committed person, and authorize
10 the Attorney General to institute proceedings to require the
11 persons, or the estates of the persons, to reimburse the
12 Department for the expenses incurred by their incarceration.
13 The Attorney General, upon authorization of the Director, or
14 the Director's designee, shall institute actions on behalf of
15 the Department and pursue claims on the Department's behalf in
16 probate and bankruptcy proceedings, to recover from committed
17 persons the expenses incurred by their confinement. For
18 purposes of this subsection (d), "gang-related" activity has
19 the meaning ascribed to it in Section 10 of the Illinois
20 Streetgang Terrorism Omnibus Prevention Act.

21 (e) Scope and limitations.

22 (1) No action under this Section shall be initiated
23 more than 2 years after the release or death of the
24 committed person in question.

25 (2) The death of a convicted person, by execution or
26 otherwise, while committed to a Department correctional

1 institution or facility shall not act as a bar to any
2 action or proceeding under this Section.

3 (3) The assets of a committed person, for the purposes
4 of this Section, shall include any property, tangible or
5 intangible, real or personal, belonging to or due to a
6 committed or formerly committed person including income or
7 payments to the person from social security, worker's
8 compensation, veteran's compensation, pension benefits, or
9 from any other source whatsoever and any and all assets and
10 property of whatever character held in the name of the
11 person, held for the benefit of the person, or payable or
12 otherwise deliverable to the person. Any trust, or portion
13 of a trust, of which a convicted person is a beneficiary,
14 shall be construed as an asset of the person, to the extent
15 that benefits thereunder are required to be paid to the
16 person, or shall in fact be paid to the person. At the time
17 of a legal proceeding by the Attorney General under this
18 Section, if it appears that the committed person has any
19 assets which ought to be subjected to the claim of the
20 Department under this Section, the court may issue an order
21 requiring any person, corporation, or other legal entity
22 possessed or having custody of those assets to appropriate
23 any of the assets or a portion thereof toward reimbursing
24 the Department as provided for under this Section. No
25 provision of this Section shall be construed in violation
26 of any State or federal limitation on the collection of

1 money judgments.

2 (4) Nothing in this Section shall preclude the
3 Department from applying federal benefits that are
4 specifically provided for the care and treatment of a
5 committed person toward the cost of care provided by a
6 State facility or private agency.

7 (Source: P.A. 94-1017, eff. 7-7-06.)

8 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

9 Sec. 5-4-1. Sentencing Hearing.

10 (a) Except when the death penalty is sought under hearing
11 procedures otherwise specified, after a determination of
12 guilt, a hearing shall be held to impose the sentence. However,
13 prior to the imposition of sentence on an individual being
14 sentenced for an offense based upon a charge for a violation of
15 Section 11-501 of the Illinois Vehicle Code or a similar
16 provision of a local ordinance, the individual must undergo a
17 professional evaluation to determine if an alcohol or other
18 drug abuse problem exists and the extent of such a problem.
19 Programs conducting these evaluations shall be licensed by the
20 Department of Human Services. However, if the individual is not
21 a resident of Illinois, the court may, in its discretion,
22 accept an evaluation from a program in the state of such
23 individual's residence. The court may in its sentencing order
24 approve an eligible defendant for placement in a Department of
25 Corrections impact incarceration program as provided in

1 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
2 order recommend a defendant for placement in a Department of
3 Corrections substance abuse treatment program as provided in
4 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
5 upon the defendant being accepted in a program by the
6 Department of Corrections. At the hearing the court shall:

7 (1) consider the evidence, if any, received upon the
8 trial;

9 (2) consider any presentence reports;

10 (3) consider the financial impact of incarceration
11 based on the financial impact statement filed with the
12 clerk of the court by the Department of Corrections;

13 (4) consider evidence and information offered by the
14 parties in aggravation and mitigation;

15 (4.5) consider substance abuse treatment, eligibility
16 screening, and an assessment, if any, of the defendant by
17 an agent designated by the State of Illinois to provide
18 assessment services for the Illinois courts;

19 (5) hear arguments as to sentencing alternatives;

20 (6) afford the defendant the opportunity to make a
21 statement in his own behalf;

22 (7) afford the victim of a violent crime or a violation
23 of Section 11-501 of the Illinois Vehicle Code, or a
24 similar provision of a local ordinance, or a qualified
25 individual affected by: (i) a violation of Section 405,
26 405.1, 405.2, or 407 of the Illinois Controlled Substances

1 Act or a violation of Section 55 or Section 65 of the
2 Methamphetamine Control and Community Protection Act, or
3 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
4 except as described in subdivisions (a)(2)(A) and
5 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
6 Criminal Code of 1961, committed by the defendant the
7 opportunity to make a statement concerning the impact on
8 the victim and to offer evidence in aggravation or
9 mitigation; provided that the statement and evidence
10 offered in aggravation or mitigation must first be prepared
11 in writing in conjunction with the State's Attorney before
12 it may be presented orally at the hearing. Any sworn
13 testimony offered by the victim is subject to the
14 defendant's right to cross-examine. All statements and
15 evidence offered under this paragraph (7) shall become part
16 of the record of the court. For the purpose of this
17 paragraph (7), "qualified individual" means any person who
18 (i) lived or worked within the territorial jurisdiction
19 where the offense took place when the offense took place;
20 and (ii) is familiar with various public places within the
21 territorial jurisdiction where the offense took place when
22 the offense took place. For the purposes of this paragraph
23 (7), "qualified individual" includes any peace officer, or
24 any member of any duly organized State, county, or
25 municipal peace unit assigned to the territorial
26 jurisdiction where the offense took place when the offense

1 took place;

2 (8) in cases of reckless homicide afford the victim's
3 spouse, guardians, parents or other immediate family
4 members an opportunity to make oral statements;

5 (9) in cases involving a felony sex offense as defined
6 under the Sex Offender Management Board Act, consider the
7 results of the sex offender evaluation conducted pursuant
8 to Section 5-3-2 of this Act; and

9 (10) make a finding of whether a motor vehicle was used
10 in the commission of the offense for which the defendant is
11 being sentenced.

12 (b) All sentences shall be imposed by the judge based upon
13 his independent assessment of the elements specified above and
14 any agreement as to sentence reached by the parties. The judge
15 who presided at the trial or the judge who accepted the plea of
16 guilty shall impose the sentence unless he is no longer sitting
17 as a judge in that court. Where the judge does not impose
18 sentence at the same time on all defendants who are convicted
19 as a result of being involved in the same offense, the
20 defendant or the State's Attorney may advise the sentencing
21 court of the disposition of any other defendants who have been
22 sentenced.

23 (c) In imposing a sentence for a violent crime or for an
24 offense of operating or being in physical control of a vehicle
25 while under the influence of alcohol, any other drug or any
26 combination thereof, or a similar provision of a local

1 ordinance, when such offense resulted in the personal injury to
2 someone other than the defendant, the trial judge shall specify
3 on the record the particular evidence, information, factors in
4 mitigation and aggravation or other reasons that led to his
5 sentencing determination. The full verbatim record of the
6 sentencing hearing shall be filed with the clerk of the court
7 and shall be a public record.

8 (c-1) In imposing a sentence for the offense of aggravated
9 kidnapping for ransom, home invasion, armed robbery,
10 aggravated vehicular hijacking, aggravated discharge of a
11 firearm, or armed violence with a category I weapon or category
12 II weapon, the trial judge shall make a finding as to whether
13 the conduct leading to conviction for the offense resulted in
14 great bodily harm to a victim, and shall enter that finding and
15 the basis for that finding in the record.

16 (c-2) If the defendant is sentenced to prison, other than
17 when a sentence of natural life imprisonment or a sentence of
18 death is imposed, at the time the sentence is imposed the judge
19 shall state on the record in open court the approximate period
20 of time the defendant will serve in custody according to the
21 then current statutory rules and regulations for sentencing
22 credit ~~early release~~ found in Section 3-6-3 and other related
23 provisions of this Code. This statement is intended solely to
24 inform the public, has no legal effect on the defendant's
25 actual release, and may not be relied on by the defendant on
26 appeal.

1 The judge's statement, to be given after pronouncing the
2 sentence, other than when the sentence is imposed for one of
3 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
4 shall include the following:

5 "The purpose of this statement is to inform the public of
6 the actual period of time this defendant is likely to spend in
7 prison as a result of this sentence. The actual period of
8 prison time served is determined by the statutes of Illinois as
9 applied to this sentence by the Illinois Department of
10 Corrections and the Illinois Prisoner Review Board. In this
11 case, assuming the defendant receives all of his or her
12 sentencing ~~good conduct~~ credit, the period of estimated actual
13 custody is ... years and ... months, less up to 180 days
14 additional sentencing ~~good conduct~~ credit for good conduct
15 ~~meritorious service~~. If the defendant, because of his or her
16 own misconduct or failure to comply with the institutional
17 regulations, does not receive those credits, the actual time
18 served in prison will be longer. The defendant may also receive
19 an additional one-half day sentencing ~~good conduct~~ credit for
20 each day of participation in vocational, industry, substance
21 abuse, and educational programs as provided for by Illinois
22 statute."

23 When the sentence is imposed for one of the offenses
24 enumerated in paragraph (a)(3) of Section 3-6-3, other than
25 when the sentence is imposed for one of the offenses enumerated
26 in paragraph (a)(2) of Section 3-6-3 committed on or after June

1 19, 1998, and other than when the sentence is imposed for
2 reckless homicide as defined in subsection (e) of Section 9-3
3 of the Criminal Code of 1961 if the offense was committed on or
4 after January 1, 1999, and other than when the sentence is
5 imposed for aggravated arson if the offense was committed on or
6 after July 27, 2001 (the effective date of Public Act 92-176),
7 and other than when the sentence is imposed for aggravated
8 driving under the influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds, or any combination thereof
10 as defined in subparagraph (C) of paragraph (1) of subsection
11 (d) of Section 11-501 of the Illinois Vehicle Code committed on
12 or after January 1, 2011 (the effective date of Public Act
13 96-1230), the judge's statement, to be given after pronouncing
14 the sentence, shall include the following:

15 "The purpose of this statement is to inform the public of
16 the actual period of time this defendant is likely to spend in
17 prison as a result of this sentence. The actual period of
18 prison time served is determined by the statutes of Illinois as
19 applied to this sentence by the Illinois Department of
20 Corrections and the Illinois Prisoner Review Board. In this
21 case, assuming the defendant receives all of his or her
22 sentencing ~~good conduct~~ credit, the period of estimated actual
23 custody is ... years and ... months, less up to 90 days
24 additional sentencing ~~good conduct~~ credit for good conduct
25 ~~meritorious service~~. If the defendant, because of his or her
26 own misconduct or failure to comply with the institutional

1 regulations, does not receive those credits, the actual time
2 served in prison will be longer. The defendant may also receive
3 an additional one-half day sentencing ~~good conduct~~ credit for
4 each day of participation in vocational, industry, substance
5 abuse, and educational programs as provided for by Illinois
6 statute."

7 When the sentence is imposed for one of the offenses
8 enumerated in paragraph (a)(2) of Section 3-6-3, other than
9 first degree murder, and the offense was committed on or after
10 June 19, 1998, and when the sentence is imposed for reckless
11 homicide as defined in subsection (e) of Section 9-3 of the
12 Criminal Code of 1961 if the offense was committed on or after
13 January 1, 1999, and when the sentence is imposed for
14 aggravated driving under the influence of alcohol, other drug
15 or drugs, or intoxicating compound or compounds, or any
16 combination thereof as defined in subparagraph (F) of paragraph
17 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
18 Code, and when the sentence is imposed for aggravated arson if
19 the offense was committed on or after July 27, 2001 (the
20 effective date of Public Act 92-176), and when the sentence is
21 imposed for aggravated driving under the influence of alcohol,
22 other drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof as defined in subparagraph (C) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code committed on or after January 1, 2011
26 (the effective date of Public Act 96-1230), the judge's

1 statement, to be given after pronouncing the sentence, shall
2 include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend in
5 prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois as
7 applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, the defendant is entitled to no more than 4 1/2 days of
10 sentencing ~~good-conduct~~ credit for each month of his or her
11 sentence of imprisonment. Therefore, this defendant will serve
12 at least 85% of his or her sentence. Assuming the defendant
13 receives 4 1/2 days credit for each month of his or her
14 sentence, the period of estimated actual custody is ... years
15 and ... months. If the defendant, because of his or her own
16 misconduct or failure to comply with the institutional
17 regulations receives lesser credit, the actual time served in
18 prison will be longer."

19 When a sentence of imprisonment is imposed for first degree
20 murder and the offense was committed on or after June 19, 1998,
21 the judge's statement, to be given after pronouncing the
22 sentence, shall include the following:

23 "The purpose of this statement is to inform the public of
24 the actual period of time this defendant is likely to spend in
25 prison as a result of this sentence. The actual period of
26 prison time served is determined by the statutes of Illinois as

1 applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant is not entitled to sentencing ~~good conduct~~
4 credit. Therefore, this defendant will serve 100% of his or her
5 sentence."

6 When the sentencing order recommends placement in a
7 substance abuse program for any offense that results in
8 incarceration in a Department of Corrections facility and the
9 crime was committed on or after September 1, 2003 (the
10 effective date of Public Act 93-354), the judge's statement, in
11 addition to any other judge's statement required under this
12 Section, to be given after pronouncing the sentence, shall
13 include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, the defendant shall receive no sentencing credit for good
21 conduct ~~credit~~ under clause (3) of subsection (a) of Section
22 3-6-3 until he or she participates in and completes a substance
23 abuse treatment program or receives a waiver from the Director
24 of Corrections pursuant to clause (4.5) of subsection (a) of
25 Section 3-6-3."

26 (c-4) Before the sentencing hearing and as part of the

1 presentence investigation under Section 5-3-1, the court shall
2 inquire of the defendant whether the defendant is currently
3 serving in or is a veteran of the Armed Forces of the United
4 States. If the defendant is currently serving in the Armed
5 Forces of the United States or is a veteran of the Armed Forces
6 of the United States and has been diagnosed as having a mental
7 illness by a qualified psychiatrist or clinical psychologist or
8 physician, the court may:

9 (1) order that the officer preparing the presentence
10 report consult with the United States Department of
11 Veterans Affairs, Illinois Department of Veterans'
12 Affairs, or another agency or person with suitable
13 knowledge or experience for the purpose of providing the
14 court with information regarding treatment options
15 available to the defendant, including federal, State, and
16 local programming; and

17 (2) consider the treatment recommendations of any
18 diagnosing or treating mental health professionals
19 together with the treatment options available to the
20 defendant in imposing sentence.

21 For the purposes of this subsection (c-4), "qualified
22 psychiatrist" means a reputable physician licensed in Illinois
23 to practice medicine in all its branches, who has specialized
24 in the diagnosis and treatment of mental and nervous disorders
25 for a period of not less than 5 years.

26 (c-6) In imposing a sentence, the trial judge shall

1 specify, on the record, the particular evidence and other
2 reasons which led to his or her determination that a motor
3 vehicle was used in the commission of the offense.

4 (d) When the defendant is committed to the Department of
5 Corrections, the State's Attorney shall and counsel for the
6 defendant may file a statement with the clerk of the court to
7 be transmitted to the department, agency or institution to
8 which the defendant is committed to furnish such department,
9 agency or institution with the facts and circumstances of the
10 offense for which the person was committed together with all
11 other factual information accessible to them in regard to the
12 person prior to his commitment relative to his habits,
13 associates, disposition and reputation and any other facts and
14 circumstances which may aid such department, agency or
15 institution during its custody of such person. The clerk shall
16 within 10 days after receiving any such statements transmit a
17 copy to such department, agency or institution and a copy to
18 the other party, provided, however, that this shall not be
19 cause for delay in conveying the person to the department,
20 agency or institution to which he has been committed.

21 (e) The clerk of the court shall transmit to the
22 department, agency or institution, if any, to which the
23 defendant is committed, the following:

24 (1) the sentence imposed;

25 (2) any statement by the court of the basis for
26 imposing the sentence;

1 (3) any presentence reports;

2 (3.5) any sex offender evaluations;

3 (3.6) any substance abuse treatment eligibility
4 screening and assessment of the defendant by an agent
5 designated by the State of Illinois to provide assessment
6 services for the Illinois courts;

7 (4) the number of days, if any, which the defendant has
8 been in custody and for which he is entitled to credit
9 against the sentence, which information shall be provided
10 to the clerk by the sheriff;

11 (4.1) any finding of great bodily harm made by the
12 court with respect to an offense enumerated in subsection
13 (c-1);

14 (5) all statements filed under subsection (d) of this
15 Section;

16 (6) any medical or mental health records or summaries
17 of the defendant;

18 (7) the municipality where the arrest of the offender
19 or the commission of the offense has occurred, where such
20 municipality has a population of more than 25,000 persons;

21 (8) all statements made and evidence offered under
22 paragraph (7) of subsection (a) of this Section; and

23 (9) all additional matters which the court directs the
24 clerk to transmit.

25 (f) In cases in which the court finds that a motor vehicle
26 was used in the commission of the offense for which the

1 defendant is being sentenced, the clerk of the court shall,
2 within 5 days thereafter, forward a report of such conviction
3 to the Secretary of State.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;
5 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; 96-1551, eff.
6 7-1-11; 97-333, eff. 8-12-11.)

7 (730 ILCS 5/5-4.5-20)

8 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
9 degree murder:

10 (a) TERM. The defendant shall be sentenced to imprisonment
11 or, if appropriate, death under Section 9-1 of the Criminal
12 Code of 1961 (720 ILCS 5/9-1). Imprisonment shall be for a
13 determinate term of (1) not less than 20 years and not more
14 than 60 years; (2) not less than 60 years and not more than 100
15 years when an extended term is imposed under Section 5-8-2 (730
16 ILCS 5/5-8-2); or (3) natural life as provided in Section 5-8-1
17 (730 ILCS 5/5-8-1).

18 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
19 shall not be imposed.

20 (c) IMPACT INCARCERATION. The impact incarceration program
21 or the county impact incarceration program is not an authorized
22 disposition.

23 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
24 probation or conditional discharge shall not be imposed.

25 (e) FINE. Fines may be imposed as provided in Section

1 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

2 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
3 concerning restitution.

4 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
5 be concurrent or consecutive as provided in Section 5-8-4 (730
6 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

7 (h) DRUG COURT. Drug court is not an authorized
8 disposition.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning no credit for time spent in home
11 detention prior to judgment.

12 (j) SENTENCING CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
13 Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for
14 sentencing credit ~~early release based on good conduct~~.

15 (k) ELECTRONIC HOME DETENTION. Electronic home detention
16 is not an authorized disposition, except in limited
17 circumstances as provided in Section 5-8A-3 (730 ILCS
18 5/5-8A-3).

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
20 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
21 mandatory supervised release term shall be 3 years upon release
22 from imprisonment.

23 (Source: P.A. 95-1052, eff. 7-1-09.)

24 (730 ILCS 5/5-4.5-25)

25 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X

1 felony:

2 (a) TERM. The sentence of imprisonment shall be a
3 determinate sentence of not less than 6 years and not more than
4 30 years. The sentence of imprisonment for an extended term
5 Class X felony, as provided in Section 5-8-2 (730 ILCS
6 5/5-8-2), shall be not less than 30 years and not more than 60
7 years.

8 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
9 shall not be imposed.

10 (c) IMPACT INCARCERATION. The impact incarceration program
11 or the county impact incarceration program is not an authorized
12 disposition.

13 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
14 probation or conditional discharge shall not be imposed.

15 (e) FINE. Fines may be imposed as provided in Section
16 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

17 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
18 concerning restitution.

19 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
20 be concurrent or consecutive as provided in Section 5-8-4 (730
21 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

22 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
23 Act (730 ILCS 166/20) concerning eligibility for a drug court
24 program.

25 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
26 ILCS 5/5-4.5-100) concerning no credit for time spent in home

1 detention prior to judgment.

2 (j) SENTENCING CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
3 Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for
4 sentencing credit ~~early release based on good conduct~~.

5 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
6 5/5-8A-3) concerning eligibility for electronic home
7 detention.

8 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
9 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
10 5/5-8-1), the parole or mandatory supervised release term shall
11 be 3 years upon release from imprisonment.

12 (Source: P.A. 95-1052, eff. 7-1-09.)

13 (730 ILCS 5/5-4.5-30)

14 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
15 felony:

16 (a) TERM. The sentence of imprisonment, other than for
17 second degree murder, shall be a determinate sentence of not
18 less than 4 years and not more than 15 years. The sentence of
19 imprisonment for second degree murder shall be a determinate
20 sentence of not less than 4 years and not more than 20 years.
21 The sentence of imprisonment for an extended term Class 1
22 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
23 be a term not less than 15 years and not more than 30 years.

24 (b) PERIODIC IMPRISONMENT. A sentence of periodic
25 imprisonment shall be for a definite term of from 3 to 4 years,

1 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
2 ILCS 5/5-5-3 or 5/5-7-1).

3 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
4 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
5 the impact incarceration program or the county impact
6 incarceration program.

7 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
8 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
9 period of probation or conditional discharge shall not exceed 4
10 years. The court shall specify the conditions of probation or
11 conditional discharge as set forth in Section 5-6-3 (730 ILCS
12 5/5-6-3). In no case shall an offender be eligible for a
13 disposition of probation or conditional discharge for a Class 1
14 felony committed while he or she was serving a term of
15 probation or conditional discharge for a felony.

16 (e) FINE. Fines may be imposed as provided in Section
17 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

18 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
19 concerning restitution.

20 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
21 be concurrent or consecutive as provided in Section 5-8-4 (730
22 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

23 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
24 Act (730 ILCS 166/20) concerning eligibility for a drug court
25 program.

26 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730

1 ILCS 5/5-4.5-100) concerning credit for time spent in home
2 detention prior to judgment.

3 (j) SENTENCING CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
4 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
5 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
6 regulations for sentencing credit ~~early release based on good~~
7 ~~conduct~~.

8 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
9 5/5-8A-3) concerning eligibility for electronic home
10 detention.

11 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
12 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
13 5/5-8-1), the parole or mandatory supervised release term shall
14 be 2 years upon release from imprisonment.

15 (Source: P.A. 95-1052, eff. 7-1-09.)

16 (730 ILCS 5/5-4.5-35)

17 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
18 felony:

19 (a) TERM. The sentence of imprisonment shall be a
20 determinate sentence of not less than 3 years and not more than
21 7 years. The sentence of imprisonment for an extended term
22 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
23 5/5-8-2), shall be a term not less than 7 years and not more
24 than 14 years.

25 (b) PERIODIC IMPRISONMENT. A sentence of periodic

1 imprisonment shall be for a definite term of from 18 to 30
2 months, except as otherwise provided in Section 5-5-3 or 5-7-1
3 (730 ILCS 5/5-5-3 or 5/5-7-1).

4 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
5 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
6 the impact incarceration program or the county impact
7 incarceration program.

8 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
9 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
10 period of probation or conditional discharge shall not exceed 4
11 years. The court shall specify the conditions of probation or
12 conditional discharge as set forth in Section 5-6-3 (730 ILCS
13 5/5-6-3).

14 (e) FINE. Fines may be imposed as provided in Section
15 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
25 ILCS 5/5-4.5-100) concerning credit for time spent in home
26 detention prior to judgment.

1 (j) SENTENCING CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
2 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
3 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
4 regulations for sentencing credit ~~early release based on good~~
5 ~~conduct~~.

6 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
7 5/5-8A-3) concerning eligibility for electronic home
8 detention.

9 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
10 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
11 5/5-8-1), the parole or mandatory supervised release term shall
12 be 2 years upon release from imprisonment.

13 (Source: P.A. 95-1052, eff. 7-1-09.)

14 (730 ILCS 5/5-4.5-40)

15 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
16 felony:

17 (a) TERM. The sentence of imprisonment shall be a
18 determinate sentence of not less than 2 years and not more than
19 5 years. The sentence of imprisonment for an extended term
20 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
21 5/5-8-2), shall be a term not less than 5 years and not more
22 than 10 years.

23 (b) PERIODIC IMPRISONMENT. A sentence of periodic
24 imprisonment shall be for a definite term of up to 18 months,
25 except as otherwise provided in Section 5-5-3 or 5-7-1 (730

1 ILCS 5/5-5-3 or 5/5-7-1).

2 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
3 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
4 the impact incarceration program or the county impact
5 incarceration program.

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
7 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
8 period of probation or conditional discharge shall not exceed
9 30 months. The court shall specify the conditions of probation
10 or conditional discharge as set forth in Section 5-6-3 (730
11 ILCS 5/5-6-3).

12 (e) FINE. Fines may be imposed as provided in Section
13 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

14 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
15 concerning restitution.

16 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
17 be concurrent or consecutive as provided in Section 5-8-4 (730
18 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

19 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
20 Act (730 ILCS 166/20) concerning eligibility for a drug court
21 program.

22 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
23 ILCS 5/5-4.5-100) concerning credit for time spent in home
24 detention prior to judgment.

25 (j) SENTENCING CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
26 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County

1 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
2 regulations for sentencing credit ~~early release based on good~~
3 ~~conduct~~.

4 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
5 5/5-8A-3) concerning eligibility for electronic home
6 detention.

7 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
8 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
9 5/5-8-1), the parole or mandatory supervised release term shall
10 be one year upon release from imprisonment.

11 (Source: P.A. 95-1052, eff. 7-1-09.)

12 (730 ILCS 5/5-4.5-45)

13 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
14 felony:

15 (a) TERM. The sentence of imprisonment shall be a
16 determinate sentence of not less than one year and not more
17 than 3 years. The sentence of imprisonment for an extended term
18 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
19 5/5-8-2), shall be a term not less than 3 years and not more
20 than 6 years.

21 (b) PERIODIC IMPRISONMENT. A sentence of periodic
22 imprisonment shall be for a definite term of up to 18 months,
23 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
24 ILCS 5/5-5-3 or 5/5-7-1).

25 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2

1 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
2 the impact incarceration program or the county impact
3 incarceration program.

4 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
5 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
6 period of probation or conditional discharge shall not exceed
7 30 months. The court shall specify the conditions of probation
8 or conditional discharge as set forth in Section 5-6-3 (730
9 ILCS 5/5-6-3).

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning credit for time spent in home
22 detention prior to judgment.

23 (j) SENTENCING CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
24 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
25 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
26 regulations for sentencing credit ~~early release based on good~~

1 ~~conduct.~~

2 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
3 5/5-8A-3) concerning eligibility for electronic home
4 detention.

5 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
6 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
7 5/5-8-1), the parole or mandatory supervised release term shall
8 be one year upon release from imprisonment.

9 (Source: P.A. 95-1052, eff. 7-1-09.)

10 (730 ILCS 5/5-4.5-55)

11 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
12 A misdemeanor:

13 (a) TERM. The sentence of imprisonment shall be a
14 determinate sentence of less than one year.

15 (b) PERIODIC IMPRISONMENT. A sentence of periodic
16 imprisonment shall be for a definite term of less than one
17 year, except as otherwise provided in Section 5-5-3 or 5-7-1
18 (730 ILCS 5/5-5-3 or 5/5-7-1).

19 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
20 5/5-8-1.2) concerning eligibility for the county impact
21 incarceration program.

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
24 period of probation or conditional discharge shall not exceed 2
25 years. The court shall specify the conditions of probation or

1 conditional discharge as set forth in Section 5-6-3 (730 ILCS
2 5/5-6-3).

3 (e) FINE. A fine not to exceed \$2,500 for each offense or
4 the amount specified in the offense, whichever is greater, may
5 be imposed. A fine may be imposed in addition to a sentence of
6 conditional discharge, probation, periodic imprisonment, or
7 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
8 Art. 9) for imposition of additional amounts and determination
9 of amounts and payment.

10 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
11 concerning restitution.

12 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
13 be concurrent or consecutive as provided in Section 5-8-4 (730
14 ILCS 5/5-8-4).

15 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
16 Act (730 ILCS 166/20) concerning eligibility for a drug court
17 program.

18 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
19 ILCS 5/5-4.5-100) concerning credit for time spent in home
20 detention prior to judgment.

21 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.
22 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)
23 for rules and regulations for good behavior allowance ~~early~~
24 ~~release based on good conduct~~.

25 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
26 5/5-8A-3) concerning eligibility for electronic home

1 detention.

2 (Source: P.A. 95-1052, eff. 7-1-09.)

3 (730 ILCS 5/5-4.5-60)

4 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
5 B misdemeanor:

6 (a) TERM. The sentence of imprisonment shall be a
7 determinate sentence of not more than 6 months.

8 (b) PERIODIC IMPRISONMENT. A sentence of periodic
9 imprisonment shall be for a definite term of up to 6 months or
10 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

11 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
12 5/5-8-1.2) concerning eligibility for the county impact
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
15 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
16 conditional discharge shall not exceed 2 years. The court shall
17 specify the conditions of probation or conditional discharge as
18 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

19 (e) FINE. A fine not to exceed \$1,500 for each offense or
20 the amount specified in the offense, whichever is greater, may
21 be imposed. A fine may be imposed in addition to a sentence of
22 conditional discharge, probation, periodic imprisonment, or
23 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
24 Art. 9) for imposition of additional amounts and determination
25 of amounts and payment.

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning credit for time spent in home
11 detention prior to judgment.

12 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.
13 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)
14 for rules and regulations for good behavior allowance ~~early~~
15 ~~release based on good conduct~~.

16 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
17 5/5-8A-3) concerning eligibility for electronic home
18 detention.

19 (Source: P.A. 95-1052, eff. 7-1-09.)

20 (730 ILCS 5/5-4.5-65)

21 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
22 C misdemeanor:

23 (a) TERM. The sentence of imprisonment shall be a
24 determinate sentence of not more than 30 days.

25 (b) PERIODIC IMPRISONMENT. A sentence of periodic

1 imprisonment shall be for a definite term of up to 30 days or
2 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

3 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
4 5/5-8-1.2) concerning eligibility for the county impact
5 incarceration program.

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
7 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
8 conditional discharge shall not exceed 2 years. The court shall
9 specify the conditions of probation or conditional discharge as
10 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

11 (e) FINE. A fine not to exceed \$1,500 for each offense or
12 the amount specified in the offense, whichever is greater, may
13 be imposed. A fine may be imposed in addition to a sentence of
14 conditional discharge, probation, periodic imprisonment, or
15 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
16 Art. 9) for imposition of additional amounts and determination
17 of amounts and payment.

18 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
19 concerning restitution.

20 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
21 be concurrent or consecutive as provided in Section 5-8-4 (730
22 ILCS 5/5-8-4).

23 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
24 Act (730 ILCS 166/20) concerning eligibility for a drug court
25 program.

26 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730

1 ILCS 5/5-4.5-100) concerning credit for time spent in home
2 detention prior to judgment.

3 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT.~~

4 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)
5 for rules and regulations for good behavior allowance ~~early~~
6 ~~release based on good conduct.~~

7 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
8 5/5-8A-3) concerning eligibility for electronic home
9 detention.

10 (Source: P.A. 95-1052, eff. 7-1-09.)

11 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

16 (2) A period of probation, a term of periodic
17 imprisonment or conditional discharge shall not be imposed
18 for the following offenses. The court shall sentence the
19 offender to not less than the minimum term of imprisonment
20 set forth in this Code for the following offenses, and may
21 order a fine or restitution or both in conjunction with
22 such term of imprisonment:

23 (A) First degree murder where the death penalty is
24 not imposed.

25 (B) Attempted first degree murder.

1 (C) A Class X felony.

2 (D) A violation of Section 401.1 or 407 of the
3 Illinois Controlled Substances Act, or a violation of
4 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
5 of that Act which relates to more than 5 grams of a
6 substance containing heroin, cocaine, fentanyl, or an
7 analog thereof.

8 (E) A violation of Section 5.1 or 9 of the Cannabis
9 Control Act.

10 (F) A Class 2 or greater felony if the offender had
11 been convicted of a Class 2 or greater felony,
12 including any state or federal conviction for an
13 offense that contained, at the time it was committed,
14 the same elements as an offense now (the date of the
15 offense committed after the prior Class 2 or greater
16 felony) classified as a Class 2 or greater felony,
17 within 10 years of the date on which the offender
18 committed the offense for which he or she is being
19 sentenced, except as otherwise provided in Section
20 40-10 of the Alcoholism and Other Drug Abuse and
21 Dependency Act.

22 (F-5) A violation of Section 24-1, 24-1.1, or
23 24-1.6 of the Criminal Code of 1961 for which
24 imprisonment is prescribed in those Sections.

25 (G) Residential burglary, except as otherwise
26 provided in Section 40-10 of the Alcoholism and Other

1 Drug Abuse and Dependency Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen as
4 described in Section 12-4.6 or subdivision (a)(4) of
5 Section 12-3.05.

6 (J) A forcible felony if the offense was related to
7 the activities of an organized gang.

8 Before July 1, 1994, for the purposes of this
9 paragraph, "organized gang" means an association of 5
10 or more persons, with an established hierarchy, that
11 encourages members of the association to perpetrate
12 crimes or provides support to the members of the
13 association who do commit crimes.

14 Beginning July 1, 1994, for the purposes of this
15 paragraph, "organized gang" has the meaning ascribed
16 to it in Section 10 of the Illinois Streetgang
17 Terrorism Omnibus Prevention Act.

18 (K) Vehicular hijacking.

19 (L) A second or subsequent conviction for the
20 offense of hate crime when the underlying offense upon
21 which the hate crime is based is felony aggravated
22 assault or felony mob action.

23 (M) A second or subsequent conviction for the
24 offense of institutional vandalism if the damage to the
25 property exceeds \$300.

26 (N) A Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners
2 Identification Card Act.

3 (O) A violation of Section 12-6.1 or 12-6.5 of the
4 Criminal Code of 1961.

5 (P) A violation of paragraph (1), (2), (3), (4),
6 (5), or (7) of subsection (a) of Section 11-20.1 of the
7 Criminal Code of 1961.

8 (Q) A violation of Section 20-1.2 or 20-1.3 of the
9 Criminal Code of 1961.

10 (R) A violation of Section 24-3A of the Criminal
11 Code of 1961.

12 (S) (Blank).

13 (T) A second or subsequent violation of the
14 Methamphetamine Control and Community Protection Act.

15 (U) A second or subsequent violation of Section
16 6-303 of the Illinois Vehicle Code committed while his
17 or her driver's license, permit, or privilege was
18 revoked because of a violation of Section 9-3 of the
19 Criminal Code of 1961, relating to the offense of
20 reckless homicide, or a similar provision of a law of
21 another state.

22 (V) A violation of paragraph (4) of subsection (c)
23 of Section 11-20.1B or paragraph (4) of subsection (c)
24 of Section 11-20.3 of the Criminal Code of 1961.

25 (W) A violation of Section 24-3.5 of the Criminal
26 Code of 1961.

1 (X) A violation of subsection (a) of Section 31-1a
2 of the Criminal Code of 1961.

3 (Y) A conviction for unlawful possession of a
4 firearm by a street gang member when the firearm was
5 loaded or contained firearm ammunition.

6 (Z) A Class 1 felony committed while he or she was
7 serving a term of probation or conditional discharge
8 for a felony.

9 (AA) Theft of property exceeding \$500,000 and not
10 exceeding \$1,000,000 in value.

11 (BB) Laundering of criminally derived property of
12 a value exceeding \$500,000.

13 (CC) Knowingly selling, offering for sale, holding
14 for sale, or using 2,000 or more counterfeit items or
15 counterfeit items having a retail value in the
16 aggregate of \$500,000 or more.

17 (DD) A conviction for aggravated assault under
18 paragraph (6) of subsection (c) of Section 12-2 of the
19 Criminal Code of 1961 if the firearm is aimed toward
20 the person against whom the firearm is being used.

21 (3) (Blank).

22 (4) A minimum term of imprisonment of not less than 10
23 consecutive days or 30 days of community service shall be
24 imposed for a violation of paragraph (c) of Section 6-303
25 of the Illinois Vehicle Code.

26 (4.1) (Blank).

1 (4.2) Except as provided in paragraphs (4.3) and (4.8)
2 of this subsection (c), a minimum of 100 hours of community
3 service shall be imposed for a second violation of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.3) A minimum term of imprisonment of 30 days or 300
6 hours of community service, as determined by the court,
7 shall be imposed for a second violation of subsection (c)
8 of Section 6-303 of the Illinois Vehicle Code.

9 (4.4) Except as provided in paragraphs (4.5), (4.6),
10 and (4.9) of this subsection (c), a minimum term of
11 imprisonment of 30 days or 300 hours of community service,
12 as determined by the court, shall be imposed for a third or
13 subsequent violation of Section 6-303 of the Illinois
14 Vehicle Code.

15 (4.5) A minimum term of imprisonment of 30 days shall
16 be imposed for a third violation of subsection (c) of
17 Section 6-303 of the Illinois Vehicle Code.

18 (4.6) Except as provided in paragraph (4.10) of this
19 subsection (c), a minimum term of imprisonment of 180 days
20 shall be imposed for a fourth or subsequent violation of
21 subsection (c) of Section 6-303 of the Illinois Vehicle
22 Code.

23 (4.7) A minimum term of imprisonment of not less than
24 30 consecutive days, or 300 hours of community service,
25 shall be imposed for a violation of subsection (a-5) of
26 Section 6-303 of the Illinois Vehicle Code, as provided in

1 subsection (b-5) of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for
3 a second violation of subsection (a-5) of Section 6-303 of
4 the Illinois Vehicle Code, as provided in subsection (c-5)
5 of that Section. The person's driving privileges shall be
6 revoked for a period of not less than 5 years from the date
7 of his or her release from prison.

8 (4.9) A mandatory prison sentence of not less than 4
9 and not more than 15 years shall be imposed for a third
10 violation of subsection (a-5) of Section 6-303 of the
11 Illinois Vehicle Code, as provided in subsection (d-2.5) of
12 that Section. The person's driving privileges shall be
13 revoked for the remainder of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony
15 shall be imposed, and the person shall be eligible for an
16 extended term sentence, for a fourth or subsequent
17 violation of subsection (a-5) of Section 6-303 of the
18 Illinois Vehicle Code, as provided in subsection (d-3.5) of
19 that Section. The person's driving privileges shall be
20 revoked for the remainder of his or her life.

21 (5) The court may sentence a corporation or
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section
26 5-5-6 of this Code.

1 (5.1) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.2) or (5.3), a person
3 convicted of violating subsection (c) of Section 11-907 of
4 the Illinois Vehicle Code shall have his or her driver's
5 license, permit, or privileges suspended for at least 90
6 days but not more than one year, if the violation resulted
7 in damage to the property of another person.

8 (5.2) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.3), a person convicted
10 of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's
12 license, permit, or privileges suspended for at least 180
13 days but not more than 2 years, if the violation resulted
14 in injury to another person.

15 (5.3) In addition to any other penalties imposed, a
16 person convicted of violating subsection (c) of Section
17 11-907 of the Illinois Vehicle Code shall have his or her
18 driver's license, permit, or privileges suspended for 2
19 years, if the violation resulted in the death of another
20 person.

21 (5.4) In addition to any other penalties imposed, a
22 person convicted of violating Section 3-707 of the Illinois
23 Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 3 months and until he
25 or she has paid a reinstatement fee of \$100.

26 (5.5) In addition to any other penalties imposed, a

1 person convicted of violating Section 3-707 of the Illinois
2 Vehicle Code during a period in which his or her driver's
3 license, permit, or privileges were suspended for a
4 previous violation of that Section shall have his or her
5 driver's license, permit, or privileges suspended for an
6 additional 6 months after the expiration of the original
7 3-month suspension and until he or she has paid a
8 reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

12 (9) A defendant convicted of a second or subsequent
13 offense of ritualized abuse of a child may be sentenced to
14 a term of natural life imprisonment.

15 (10) (Blank).

16 (11) The court shall impose a minimum fine of \$1,000
17 for a first offense and \$2,000 for a second or subsequent
18 offense upon a person convicted of or placed on supervision
19 for battery when the individual harmed was a sports
20 official or coach at any level of competition and the act
21 causing harm to the sports official or coach occurred
22 within an athletic facility or within the immediate
23 vicinity of the athletic facility at which the sports
24 official or coach was an active participant of the athletic
25 contest held at the athletic facility. For the purposes of
26 this paragraph (11), "sports official" means a person at an

1 athletic contest who enforces the rules of the contest,
2 such as an umpire or referee; "athletic facility" means an
3 indoor or outdoor playing field or recreational area where
4 sports activities are conducted; and "coach" means a person
5 recognized as a coach by the sanctioning authority that
6 conducted the sporting event.

7 (12) A person may not receive a disposition of court
8 supervision for a violation of Section 5-16 of the Boat
9 Registration and Safety Act if that person has previously
10 received a disposition of court supervision for a violation
11 of that Section.

12 (13) A person convicted of or placed on court
13 supervision for an assault or aggravated assault when the
14 victim and the offender are family or household members as
15 defined in Section 103 of the Illinois Domestic Violence
16 Act of 1986 or convicted of domestic battery or aggravated
17 domestic battery may be required to attend a Partner Abuse
18 Intervention Program under protocols set forth by the
19 Illinois Department of Human Services under such terms and
20 conditions imposed by the court. The costs of such classes
21 shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of the
25 Unified Code of Corrections which may include evidence of the
26 defendant's life, moral character and occupation during the

1 time since the original sentence was passed. The trial court
2 shall then impose sentence upon the defendant. The trial court
3 may impose any sentence which could have been imposed at the
4 original trial subject to Section 5-5-4 of the Unified Code of
5 Corrections. If a sentence is vacated on appeal or on
6 collateral attack due to the failure of the trier of fact at
7 trial to determine beyond a reasonable doubt the existence of a
8 fact (other than a prior conviction) necessary to increase the
9 punishment for the offense beyond the statutory maximum
10 otherwise applicable, either the defendant may be re-sentenced
11 to a term within the range otherwise provided or, if the State
12 files notice of its intention to again seek the extended
13 sentence, the defendant shall be afforded a new trial.

14 (e) In cases where prosecution for aggravated criminal
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
16 Code of 1961 results in conviction of a defendant who was a
17 family member of the victim at the time of the commission of
18 the offense, the court shall consider the safety and welfare of
19 the victim and may impose a sentence of probation only where:

20 (1) the court finds (A) or (B) or both are appropriate:

21 (A) the defendant is willing to undergo a court
22 approved counseling program for a minimum duration of 2
23 years; or

24 (B) the defendant is willing to participate in a
25 court approved plan including but not limited to the
26 defendant's:

- 1 (i) removal from the household;
- 2 (ii) restricted contact with the victim;
- 3 (iii) continued financial support of the
- 4 family;
- 5 (iv) restitution for harm done to the victim;
- 6 and
- 7 (v) compliance with any other measures that
- 8 the court may deem appropriate; and

9 (2) the court orders the defendant to pay for the

10 victim's counseling services, to the extent that the court

11 finds, after considering the defendant's income and

12 assets, that the defendant is financially capable of paying

13 for such services, if the victim was under 18 years of age

14 at the time the offense was committed and requires

15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section

17 5-6-4; except where the court determines at the hearing that

18 the defendant violated a condition of his or her probation

19 restricting contact with the victim or other family members or

20 commits another offense with the victim or other family

21 members, the court shall revoke the defendant's probation and

22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and

24 "victim" shall have the meanings ascribed to them in Section

25 11-0.1 of the Criminal Code of 1961.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
3 11-14.3, 11-14.4 except for an offense that involves keeping a
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has any sexually transmissible disease,
9 including a test for infection with human immunodeficiency
10 virus (HIV) or any other identified causative agent of acquired
11 immunodeficiency syndrome (AIDS). Any such medical test shall
12 be performed only by appropriately licensed medical
13 practitioners and may include an analysis of any bodily fluids
14 as well as an examination of the defendant's person. Except as
15 otherwise provided by law, the results of such test shall be
16 kept strictly confidential by all medical personnel involved in
17 the testing and must be personally delivered in a sealed
18 envelope to the judge of the court in which the conviction was
19 entered for the judge's inspection in camera. Acting in
20 accordance with the best interests of the victim and the
21 public, the judge shall have the discretion to determine to
22 whom, if anyone, the results of the testing may be revealed.
23 The court shall notify the defendant of the test results. The
24 court shall also notify the victim if requested by the victim,
25 and if the victim is under the age of 15 and if requested by the
26 victim's parents or legal guardian, the court shall notify the

1 victim's parents or legal guardian of the test results. The
2 court shall provide information on the availability of HIV
3 testing and counseling at Department of Public Health
4 facilities to all parties to whom the results of the testing
5 are revealed and shall direct the State's Attorney to provide
6 the information to the victim when possible. A State's Attorney
7 may petition the court to obtain the results of any HIV test
8 administered under this Section, and the court shall grant the
9 disclosure if the State's Attorney shows it is relevant in
10 order to prosecute a charge of criminal transmission of HIV
11 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
12 against the defendant. The court shall order that the cost of
13 any such test shall be paid by the county and may be taxed as
14 costs against the convicted defendant.

15 (g-5) When an inmate is tested for an airborne communicable
16 disease, as determined by the Illinois Department of Public
17 Health including but not limited to tuberculosis, the results
18 of the test shall be personally delivered by the warden or his
19 or her designee in a sealed envelope to the judge of the court
20 in which the inmate must appear for the judge's inspection in
21 camera if requested by the judge. Acting in accordance with the
22 best interests of those in the courtroom, the judge shall have
23 the discretion to determine what if any precautions need to be
24 taken to prevent transmission of the disease in the courtroom.

25 (h) Whenever a defendant is convicted of an offense under
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether
2 the defendant has been exposed to human immunodeficiency virus
3 (HIV) or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Except as otherwise provided
5 by law, the results of such test shall be kept strictly
6 confidential by all medical personnel involved in the testing
7 and must be personally delivered in a sealed envelope to the
8 judge of the court in which the conviction was entered for the
9 judge's inspection in camera. Acting in accordance with the
10 best interests of the public, the judge shall have the
11 discretion to determine to whom, if anyone, the results of the
12 testing may be revealed. The court shall notify the defendant
13 of a positive test showing an infection with the human
14 immunodeficiency virus (HIV). The court shall provide
15 information on the availability of HIV testing and counseling
16 at Department of Public Health facilities to all parties to
17 whom the results of the testing are revealed and shall direct
18 the State's Attorney to provide the information to the victim
19 when possible. A State's Attorney may petition the court to
20 obtain the results of any HIV test administered under this
21 Section, and the court shall grant the disclosure if the
22 State's Attorney shows it is relevant in order to prosecute a
23 charge of criminal transmission of HIV under Section 12-5.01 or
24 12-16.2 of the Criminal Code of 1961 against the defendant. The
25 court shall order that the cost of any such test shall be paid
26 by the county and may be taxed as costs against the convicted

1 defendant.

2 (i) All fines and penalties imposed under this Section for
3 any violation of Chapters 3, 4, 6, and 11 of the Illinois
4 Vehicle Code, or a similar provision of a local ordinance, and
5 any violation of the Child Passenger Protection Act, or a
6 similar provision of a local ordinance, shall be collected and
7 disbursed by the circuit clerk as provided under Section 27.5
8 of the Clerks of Courts Act.

9 (j) In cases when prosecution for any violation of Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
14 12-15, or 12-16 of the Criminal Code of 1961, any violation of
15 the Illinois Controlled Substances Act, any violation of the
16 Cannabis Control Act, or any violation of the Methamphetamine
17 Control and Community Protection Act results in conviction, a
18 disposition of court supervision, or an order of probation
19 granted under Section 10 of the Cannabis Control Act, Section
20 410 of the Illinois Controlled Substance Act, or Section 70 of
21 the Methamphetamine Control and Community Protection Act of a
22 defendant, the court shall determine whether the defendant is
23 employed by a facility or center as defined under the Child
24 Care Act of 1969, a public or private elementary or secondary
25 school, or otherwise works with children under 18 years of age
26 on a daily basis. When a defendant is so employed, the court

1 shall order the Clerk of the Court to send a copy of the
2 judgment of conviction or order of supervision or probation to
3 the defendant's employer by certified mail. If the employer of
4 the defendant is a school, the Clerk of the Court shall direct
5 the mailing of a copy of the judgment of conviction or order of
6 supervision or probation to the appropriate regional
7 superintendent of schools. The regional superintendent of
8 schools shall notify the State Board of Education of any
9 notification under this subsection.

10 (j-5) A defendant at least 17 years of age who is convicted
11 of a felony and who has not been previously convicted of a
12 misdemeanor or felony and who is sentenced to a term of
13 imprisonment in the Illinois Department of Corrections shall as
14 a condition of his or her sentence be required by the court to
15 attend educational courses designed to prepare the defendant
16 for a high school diploma and to work toward a high school
17 diploma or to work toward passing the high school level Test of
18 General Educational Development (GED) or to work toward
19 completing a vocational training program offered by the
20 Department of Corrections. If a defendant fails to complete the
21 educational training required by his or her sentence during the
22 term of incarceration, the Prisoner Review Board shall, as a
23 condition of mandatory supervised release, require the
24 defendant, at his or her own expense, to pursue a course of
25 study toward a high school diploma or passage of the GED test.
26 The Prisoner Review Board shall revoke the mandatory supervised

1 release of a defendant who wilfully fails to comply with this
2 subsection (j-5) upon his or her release from confinement in a
3 penal institution while serving a mandatory supervised release
4 term; however, the inability of the defendant after making a
5 good faith effort to obtain financial aid or pay for the
6 educational training shall not be deemed a wilful failure to
7 comply. The Prisoner Review Board shall recommit the defendant
8 whose mandatory supervised release term has been revoked under
9 this subsection (j-5) as provided in Section 3-3-9. This
10 subsection (j-5) does not apply to a defendant who has a high
11 school diploma or has successfully passed the GED test. This
12 subsection (j-5) does not apply to a defendant who is
13 determined by the court to be developmentally disabled or
14 otherwise mentally incapable of completing the educational or
15 vocational program.

16 (k) (Blank).

17 (l) (A) Except as provided in paragraph (C) of subsection
18 (l), whenever a defendant, who is an alien as defined by
19 the Immigration and Nationality Act, is convicted of any
20 felony or misdemeanor offense, the court after sentencing
21 the defendant may, upon motion of the State's Attorney,
22 hold sentence in abeyance and remand the defendant to the
23 custody of the Attorney General of the United States or his
24 or her designated agent to be deported when:

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not
3 deprecate the seriousness of the defendant's conduct
4 and would not be inconsistent with the ends of justice.

5 Otherwise, the defendant shall be sentenced as
6 provided in this Chapter V.

7 (B) If the defendant has already been sentenced for a
8 felony or misdemeanor offense, or has been placed on
9 probation under Section 10 of the Cannabis Control Act,
10 Section 410 of the Illinois Controlled Substances Act, or
11 Section 70 of the Methamphetamine Control and Community
12 Protection Act, the court may, upon motion of the State's
13 Attorney to suspend the sentence imposed, commit the
14 defendant to the custody of the Attorney General of the
15 United States or his or her designated agent when:

16 (1) a final order of deportation has been issued
17 against the defendant pursuant to proceedings under
18 the Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not
20 deprecate the seriousness of the defendant's conduct
21 and would not be inconsistent with the ends of justice.

22 (C) This subsection (1) does not apply to offenders who
23 are subject to the provisions of paragraph (2) of
24 subsection (a) of Section 3-6-3.

25 (D) Upon motion of the State's Attorney, if a defendant
26 sentenced under this Section returns to the jurisdiction of

1 the United States, the defendant shall be recommitted to
2 the custody of the county from which he or she was
3 sentenced. Thereafter, the defendant shall be brought
4 before the sentencing court, which may impose any sentence
5 that was available under Section 5-5-3 at the time of
6 initial sentencing. In addition, the defendant shall not be
7 eligible for additional sentencing ~~good conduct~~ credit for
8 good conduct ~~meritorious service~~ as provided under Section
9 3-6-3 ~~3-6-6~~.

10 (m) A person convicted of criminal defacement of property
11 under Section 21-1.3 of the Criminal Code of 1961, in which the
12 property damage exceeds \$300 and the property damaged is a
13 school building, shall be ordered to perform community service
14 that may include cleanup, removal, or painting over the
15 defacement.

16 (n) The court may sentence a person convicted of a
17 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
18 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
19 of 1961 (i) to an impact incarceration program if the person is
20 otherwise eligible for that program under Section 5-8-1.1, (ii)
21 to community service, or (iii) if the person is an addict or
22 alcoholic, as defined in the Alcoholism and Other Drug Abuse
23 and Dependency Act, to a substance or alcohol abuse program
24 licensed under that Act.

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
5 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
6 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
7 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
8 97-159, eff. 7-21-11; revised 9-14-11.)

9 (730 ILCS 5/5-8-1.4 new)

10 Sec. 5-8-1.4. Compliance Credit Pilot Program.

11 (a) There is created a Compliance Credit Pilot Program
12 beginning on January 1, 2013. The purpose of the program is to
13 incentivize compliant behavior by inmates convicted of certain
14 non-violent offenses sentenced to imprisonment in the
15 Department for the first time, and to facilitate successful
16 re-entry into society with enhanced community supervision
17 following release.

18 (b) If the court finds that an offender sentenced to a term
19 of imprisonment for a covered offense meets the eligibility
20 criteria of this Section, the court may, in its sentencing
21 order, approve the offender for participation in the Compliance
22 Credit Pilot Program.

23 (c) Covered offenses are:

24 (1) Class 4 felony possession of a controlled
25 substance.

1 (2) Class 4 felony possession of cannabis.

2 (3) Class 4 felony prostitution.

3 (d) To be eligible for the Compliance Credit Pilot Program
4 the offender must be convicted of a covered offense and:

5 (1) sentenced to not more than 2 years in the
6 Department;

7 (2) does not have a prior conviction for which the
8 offender was sentenced to a term of imprisonment in the
9 Department, another state or federal adult correctional
10 facility;

11 (3) does not have a prior conviction for a covered
12 offense that resulted in a sentence of imprisonment; and

13 (4) if the offender has a prior felony conviction for
14 theft or retail theft, then he or she must have received a
15 disposition other than a sentence of imprisonment and the
16 court makes a written determination that the previous
17 conviction for theft or retail theft was substance abuse
18 related.

19 (e) An offender approved for the Compliance Credit Pilot
20 Program by the court shall participate for the following term:

21 (1) if sentenced to one year but less than 18 months of
22 imprisonment, a term of 60 days;

23 (2) if sentenced to 18 months but less than 2 years of
24 imprisonment, a term of 75 days; or

25 (3) if sentenced to 2 years of imprisonment, a term of
26 90 days.

1 (f) An offender who completes the Compliance Credit Pilot
2 Program term without discipline being imposed for a violation
3 of a Department or facility rule or regulation, shall be
4 released after completion of the required term to serve one
5 year of mandatory supervised release under paragraph (3) of
6 subsection (d) of Section 5-8-1 of this Code. The offender
7 shall be subject to the following conditions of release on
8 mandatory supervised release, in addition to any other
9 statutory release conditions or conditions imposed by the
10 Prisoner Review Board:

11 (1) two face-to-face visits per month with a parole
12 agent of the Department;

13 (2) participate in substance abuse treatment, group
14 counseling, or both, as required by the Department;

15 (3) 30 days of participation in a day reporting
16 program, if available;

17 (4) submission to random drug testing; and

18 (5) active seeking of employment or participation in a
19 job training or education program, including a GED program.

20 (g) An offender shall be terminated from the Compliance
21 Credit Pilot Program if discipline is imposed for a violation
22 of a Department or facility rule or regulation during the
23 program term. The sentence of an offender terminated from the
24 program shall not be reduced by the number of days the offender
25 participated in the program. The number of days the terminated
26 offender served in the program shall be deducted from the

1 offender's unserved sentencing credit.

2 (h) The Department shall report to the Governor and the
3 General Assembly by December 31, 2013 and by December 31 of
4 each calendar year thereafter until January 1, 2016, on the
5 Compliance Credit Pilot Program. The report shall include, but
6 not be limited to, the following:

7 (1) the number of offenders sentenced to the program,
8 by county;

9 (2) the recidivism rate of offenders who participated
10 in the program, including the number of participants
11 re-incarcerated for technical parole violations and those
12 arrested for new offenses;

13 (3) the number of offenders that successfully
14 completed the program; and

15 (4) the number of offenders terminated from the
16 program.

17 (i) For each inmate released under the Compliance Credit
18 Pilot Program, prior to the initial release date assigned to
19 the inmate upon entry to the Department, 50% of the marginal
20 cost saved by the Department from the earlier release date
21 shall be transferred to Department programming that is
22 available to earn sentencing credit, facilitate successful
23 re-entry into society by inmates, reduce recidivism of released
24 inmates, and diversion of low-risk offenders from
25 incarceration in the Department. When more than 250 inmates
26 have been released under the Compliance Credit Pilot Program,

1 50% of the per capita costs saved less the marginal cost
2 savings redirected to programming shall be transferred to the
3 Adult Redeploy Illinois program up to a maximum of \$10 million
4 in the next Fiscal Year. Savings shall be calculated by the
5 Sentencing Policy Advisory Council by use of the following
6 formula:

7 (1) As used in this subsection:

8 "Daily per capita cost" means the per capita costs
9 for the Fiscal Year in question divided by the number
10 of days in that year.

11 "Daily marginal cost" means the marginal cost for
12 the Fiscal Year in question divided by the number of
13 days in that year.

14 "Days served" means a calendar day, or part
15 thereof, during which an inmate was incarcerated.

16 "Marginal cost" means the average marginal cost
17 per inmate reported by the Department of Corrections in
18 its annual report for the Fiscal Year during which the
19 inmates in question were incarcerated.

20 "Per capita cost" means the average per capita cost
21 reported by the Department of Corrections in its annual
22 report for the Fiscal Year during which the inmates in
23 question were incarcerated.

24 (2) Cost savings shall be calculated by the Sentencing
25 Policy Advisory Council based on the reduction in the total
26 number of days served by inmates due to the Compliance

1 Credit Pilot Program. Marginal cost savings shall be
2 calculated as the total reduction in the number of days
3 served multiplied by the daily marginal cost. Per capita
4 cost savings shall be calculated as the total reduction in
5 the number of days served multiplied by the daily per
6 capita cost.

7 (j) This Section is repealed on January 1, 2016.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".