



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2132

Introduced 2/7/2025, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for bringing contraband into a penal institution committed on or after the effective date of the amendatory Act shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Provides that on or after the effective date of the amendatory Act, a prisoner serving a sentence for bringing contraband into a penal institution shall receive no additional sentence credit under the Code. Provides that a prisoner serving a sentence for aggravated battery in which the victim was a peace officer, a State or county corrections officer, or an employee of a State or county correctional facility shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

LRB104 10074 RLC 20146 b

1 AN ACT concerning criminal law.

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

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

6 (730 ILCS 5/3-6-3)

7 Sec. 3-6-3. Rules and regulations for sentence credit.

8 (a) (1) The Department of Corrections shall prescribe rules
9 and regulations for awarding and revoking sentence credit for
10 persons committed to the Department of Corrections and the
11 Department of Juvenile Justice shall prescribe rules and
12 regulations for awarding and revoking sentence credit for
13 persons committed to the Department of Juvenile Justice under
14 Section 5-8-6 of the Unified Code of Corrections, which shall
15 be subject to review by the Prisoner Review Board.

16 (1.5) As otherwise provided by law, sentence credit may be
17 awarded for the following:

18 (A) successful completion of programming while in
19 custody of the Department of Corrections or the Department
20 of Juvenile Justice or while in custody prior to
21 sentencing;

22 (B) compliance with the rules and regulations of the
23 Department; or

1 (C) service to the institution, service to a
2 community, or service to the State.

3 (2) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide, with respect to offenses listed in clause (i),
6 (ii), or (iii) of this paragraph (2) committed on or after June
7 19, 1998 or with respect to the offense listed in clause (iv)
8 of this paragraph (2) committed on or after June 23, 2005 (the
9 effective date of Public Act 94-71) or with respect to offense
10 listed in clause (vi) committed on or after June 1, 2008 (the
11 effective date of Public Act 95-625) or with respect to the
12 offense of unlawful possession of a firearm by a repeat felony
13 offender committed on or after August 2, 2005 (the effective
14 date of Public Act 94-398) or with respect to the offenses
15 listed in clause (v) of this paragraph (2) committed on or
16 after August 13, 2007 (the effective date of Public Act
17 95-134) or with respect to the offense of aggravated domestic
18 battery committed on or after July 23, 2010 (the effective
19 date of Public Act 96-1224) or with respect to the offense of
20 attempt to commit terrorism committed on or after January 1,
21 2013 (the effective date of Public Act 97-990) or with respect
22 to the offense of bringing contraband into a penal institution
23 as described in subsection (a) of Section 31A-1.1 of the
24 Criminal Code of 2012 committed on or after the effective date
25 of this amendatory Act of the 104th General Assembly or with
26 respect to the offense of aggravated battery under paragraph

1 (4) of subsection (d) of Section 12-3.05 of the Criminal Code
2 of 2012 in which the victim was a peace officer, a State or
3 county corrections officer, or an employee of a State or
4 county correctional facility committed on or after the
5 effective date of this amendatory Act of the 104th General
6 Assembly, the following:

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

11 (ii) that a prisoner serving a sentence for attempt to
12 commit terrorism, attempt to commit first degree murder,
13 solicitation of murder, solicitation of murder for hire,
14 intentional homicide of an unborn child, predatory
15 criminal sexual assault of a child, aggravated criminal
16 sexual assault, criminal sexual assault, aggravated
17 kidnapping, aggravated battery with a firearm as described
18 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
19 or (e)(4) of Section 12-3.05, heinous battery as described
20 in Section 12-4.1 or subdivision (a)(2) of Section
21 12-3.05, unlawful possession of a firearm by a repeat
22 felony offender, aggravated battery of a senior citizen as
23 described in Section 12-4.6 or subdivision (a)(4) of
24 Section 12-3.05, or aggravated battery of a child as
25 described in Section 12-4.3 or subdivision (b)(1) of
26 Section 12-3.05 shall receive no more than 4.5 days of

1 sentence credit for each month of his or her sentence of
2 imprisonment;

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

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

19 (v) that a person serving a sentence for gunrunning,
20 narcotics racketeering, controlled substance trafficking,
21 methamphetamine trafficking, drug-induced homicide,
22 aggravated methamphetamine-related child endangerment,
23 money laundering pursuant to clause (c) (4) or (5) of
24 Section 29B-1 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, or a Class X felony conviction for delivery
26 of a controlled substance, possession of a controlled

1 substance with intent to manufacture or deliver,
2 calculated criminal drug conspiracy, criminal drug
3 conspiracy, street gang criminal drug conspiracy,
4 participation in methamphetamine manufacturing,
5 aggravated participation in methamphetamine
6 manufacturing, delivery of methamphetamine, possession
7 with intent to deliver methamphetamine, aggravated
8 delivery of methamphetamine, aggravated possession with
9 intent to deliver methamphetamine, methamphetamine
10 conspiracy when the substance containing the controlled
11 substance or methamphetamine is 100 grams or more shall
12 receive no more than 7.5 days sentence credit for each
13 month of his or her sentence of imprisonment;

14 (vi) that a prisoner serving a sentence for a second
15 or subsequent offense of luring a minor shall receive no
16 more than 4.5 days of sentence credit for each month of his
17 or her sentence of imprisonment; ~~and~~

18 (vii) that a prisoner serving a sentence for
19 aggravated domestic battery shall receive no more than 4.5
20 days of sentence credit for each month of his or her
21 sentence of imprisonment; ~~and~~

22 (viii) that a prisoner serving a sentence for bringing
23 contraband into a penal institution as described in
24 subsection (a) of Section 31A-1.1 of the Criminal Code of
25 2012 committed on or after the effective date of this
26 amendatory Act of the 104th General Assembly shall receive

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

3 (ix) that a prisoner serving a sentence for aggravated
4 battery under paragraph (4) of subsection (d) of Section
5 12-3.05 of the Criminal Code of 2012 in which the victim
6 was a peace officer, a State or county corrections
7 officer, or an employee of a State or county correctional
8 facility shall receive no more than 4.5 days of sentence
9 credit for each month of his or her sentence of
10 imprisonment.

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
14 June 23, 2005 (the effective date of Public Act 94-71) or
15 subdivision (a)(2)(v) committed on or after August 13, 2007
16 (the effective date of Public Act 95-134) or subdivision
17 (a)(2)(vi) committed on or after June 1, 2008 (the effective
18 date of Public Act 95-625) or subdivision (a)(2)(vii)
19 committed on or after July 23, 2010 (the effective date of
20 Public Act 96-1224) or subdivision (a)(2)(viii) or (a)(2)(ix)
21 committed on or after the effective date of this amendatory
22 Act of the 104th General Assembly, and other than the offense
23 of aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds, or any
25 combination thereof as defined in subparagraph (F) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

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

14 (2.2) A prisoner serving a term of natural life
15 imprisonment shall receive no sentence credit.

16 (2.3) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations on sentence credit
18 shall provide that a prisoner who is serving a sentence for
19 aggravated driving under the influence of alcohol, other drug
20 or 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, shall receive no more than 4.5 days of
24 sentence credit for each month of his or her sentence of
25 imprisonment.

26 (2.4) Except as provided in paragraph (4.7) of this

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

12 (2.5) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated arson committed on or after July 27, 2001 (the
16 effective date of Public Act 92-176) shall receive no more
17 than 4.5 days of sentence credit for each month of his or her
18 sentence of imprisonment.

19 (2.6) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
22 aggravated driving under the influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds or any
24 combination thereof as defined in subparagraph (C) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code committed on or after January 1, 2011

1 (the effective date of Public Act 96-1230) shall receive no
2 more than 4.5 days of sentence credit for each month of his or
3 her sentence of imprisonment.

4 (3) In addition to the sentence credits earned under
5 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
6 subsection (a), the rules and regulations shall also provide
7 that the Director of Corrections or the Director of Juvenile
8 Justice may award up to 180 days of earned sentence credit for
9 prisoners serving a sentence of incarceration of less than 5
10 years, and up to 365 days of earned sentence credit for
11 prisoners serving a sentence of 5 years or longer. The
12 Director may grant this credit for good conduct in specific
13 instances as either Director deems proper for eligible persons
14 in the custody of each Director's respective Department. The
15 good conduct may include, but is not limited to, compliance
16 with the rules and regulations of the Department, service to
17 the Department, service to a community, or service to the
18 State.

19 Eligible inmates for an award of earned sentence credit
20 under this paragraph (3) may be selected to receive the credit
21 at either Director's or his or her designee's sole discretion.
22 Eligibility for the additional earned sentence credit under
23 this paragraph (3) may be based on, but is not limited to,
24 participation in programming offered by the Department as
25 appropriate for the prisoner based on the results of any
26 available risk/needs assessment or other relevant assessments

1 or evaluations administered by the Department using a
2 validated instrument, the circumstances of the crime,
3 demonstrated commitment to rehabilitation by a prisoner with a
4 history of conviction for a forcible felony enumerated in
5 Section 2-8 of the Criminal Code of 2012, the inmate's
6 behavior and improvements in disciplinary history while
7 incarcerated, and the inmate's commitment to rehabilitation,
8 including participation in programming offered by the
9 Department.

10 The Director of Corrections or the Director of Juvenile
11 Justice shall not award sentence credit under this paragraph
12 (3) to an inmate unless the inmate has served a minimum of 60
13 days of the sentence, including time served in a county jail;
14 except nothing in this paragraph shall be construed to permit
15 either Director to extend an inmate's sentence beyond that
16 which was imposed by the court. Prior to awarding credit under
17 this paragraph (3), each Director shall make a written
18 determination that the inmate:

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

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

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

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

1 The Director of Corrections or the Director of Juvenile
2 Justice shall determine the form and content of the written
3 determination required in this subsection.

4 (3.5) The Department shall provide annual written reports
5 to the Governor and the General Assembly on the award of earned
6 sentence credit no later than February 1 of each year. The
7 Department must publish both reports on its website within 48
8 hours of transmitting the reports to the Governor and the
9 General Assembly. The reports must include:

10 (A) the number of inmates awarded earned sentence
11 credit;

12 (B) the average amount of earned sentence credit
13 awarded;

14 (C) the holding offenses of inmates awarded earned
15 sentence credit; and

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

17 (4) (A) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations shall also provide
19 that any prisoner who is engaged full-time in substance abuse
20 programs, correctional industry assignments, educational
21 programs, work-release programs or activities in accordance
22 with Article 13 of Chapter III of this Code, behavior
23 modification programs, life skills courses, or re-entry
24 planning provided by the Department under this paragraph (4)
25 and satisfactorily completes the assigned program as
26 determined by the standards of the Department, shall receive

1 one day of sentence credit for each day in which that prisoner
2 is engaged in the activities described in this paragraph. The
3 rules and regulations shall also provide that sentence credit
4 may be provided to an inmate who was held in pre-trial
5 detention prior to his or her current commitment to the
6 Department of Corrections and successfully completed a
7 full-time, 60-day or longer substance abuse program,
8 educational program, behavior modification program, life
9 skills course, or re-entry planning provided by the county
10 department of corrections or county jail. Calculation of this
11 county program credit shall be done at sentencing as provided
12 in Section 5-4.5-100 of this Code and shall be included in the
13 sentencing order. The rules and regulations shall also provide
14 that sentence credit may be provided to an inmate who is in
15 compliance with programming requirements in an adult
16 transition center.

17 (B) The Department shall award sentence credit under this
18 paragraph (4) accumulated prior to January 1, 2020 (the
19 effective date of Public Act 101-440) in an amount specified
20 in subparagraph (C) of this paragraph (4) to an inmate serving
21 a sentence for an offense committed prior to June 19, 1998, if
22 the Department determines that the inmate is entitled to this
23 sentence credit, based upon:

24 (i) documentation provided by the Department that the
25 inmate engaged in any full-time substance abuse programs,
26 correctional industry assignments, educational programs,

1 behavior modification programs, life skills courses, or
2 re-entry planning provided by the Department under this
3 paragraph (4) and satisfactorily completed the assigned
4 program as determined by the standards of the Department
5 during the inmate's current term of incarceration; or

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

17 (C) If the inmate can provide documentation that he or she
18 is entitled to sentence credit under subparagraph (B) in
19 excess of 45 days of participation in those programs, the
20 inmate shall receive 90 days of sentence credit. If the inmate
21 cannot provide documentation of more than 45 days of
22 participation in those programs, the inmate shall receive 45
23 days of sentence credit. In the event of a disagreement
24 between the Department and the inmate as to the amount of
25 credit accumulated under subparagraph (B), if the Department
26 provides documented proof of a lesser amount of days of

1 participation in those programs, that proof shall control. If
2 the Department provides no documentary proof, the inmate's
3 proof as set forth in clause (ii) of subparagraph (B) shall
4 control as to the amount of sentence credit provided.

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

13 (E) The rules and regulations shall provide for the
14 recalculation of program credits awarded pursuant to this
15 paragraph (4) prior to July 1, 2021 (the effective date of
16 Public Act 101-652) at the rate set for such credits on and
17 after July 1, 2021.

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

1 program participants.

2 Availability of these programs shall be subject to the
3 limits of fiscal resources appropriated by the General
4 Assembly for these purposes. Eligible inmates who are denied
5 immediate admission shall be placed on a waiting list under
6 criteria established by the Department. The rules and
7 regulations shall provide that a prisoner who has been placed
8 on a waiting list but is transferred for non-disciplinary
9 reasons before beginning a program shall receive priority
10 placement on the waitlist for appropriate programs at the new
11 facility. The inability of any inmate to become engaged in any
12 such programs by reason of insufficient program resources or
13 for any other reason established under the rules and
14 regulations of the Department shall not be deemed a cause of
15 action under which the Department or any employee or agent of
16 the Department shall be liable for damages to the inmate. The
17 rules and regulations shall provide that a prisoner who begins
18 an educational, vocational, substance abuse, work-release
19 programs or activities in accordance with Article 13 of
20 Chapter III of this Code, behavior modification program, life
21 skills course, re-entry planning, or correctional industry
22 programs but is unable to complete the program due to illness,
23 disability, transfer, lockdown, or another reason outside of
24 the prisoner's control shall receive prorated sentence credits
25 for the days in which the prisoner did participate.

26 (4.1) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations shall also provide
2 that an additional 90 days of sentence credit shall be awarded
3 to any prisoner who passes high school equivalency testing
4 while the prisoner is committed to the Department of
5 Corrections. The sentence credit awarded under this paragraph
6 (4.1) shall be in addition to, and shall not affect, the award
7 of sentence credit under any other paragraph of this Section,
8 but shall also be pursuant to the guidelines and restrictions
9 set forth in paragraph (4) of subsection (a) of this Section.
10 The sentence credit provided for in this paragraph shall be
11 available only to those prisoners who have not previously
12 earned a high school diploma or a State of Illinois High School
13 Diploma. If, after an award of the high school equivalency
14 testing sentence credit has been made, the Department
15 determines that the prisoner was not eligible, then the award
16 shall be revoked. The Department may also award 90 days of
17 sentence credit to any committed person who passed high school
18 equivalency testing while he or she was held in pre-trial
19 detention prior to the current commitment to the Department of
20 Corrections. Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations shall provide that
22 an additional 120 days of sentence credit shall be awarded to
23 any prisoner who obtains an associate degree while the
24 prisoner is committed to the Department of Corrections,
25 regardless of the date that the associate degree was obtained,
26 including if prior to July 1, 2021 (the effective date of

1 Public Act 101-652). The sentence credit awarded under this
2 paragraph (4.1) shall be in addition to, and shall not affect,
3 the award of sentence credit under any other paragraph of this
4 Section, but shall also be under the guidelines and
5 restrictions set forth in paragraph (4) of subsection (a) of
6 this Section. The sentence credit provided for in this
7 paragraph (4.1) shall be available only to those prisoners who
8 have not previously earned an associate degree prior to the
9 current commitment to the Department of Corrections. If, after
10 an award of the associate degree sentence credit has been made
11 and the Department determines that the prisoner was not
12 eligible, then the award shall be revoked. The Department may
13 also award 120 days of sentence credit to any committed person
14 who earned an associate degree while he or she was held in
15 pre-trial detention prior to the current commitment to the
16 Department of Corrections.

17 Except as provided in paragraph (4.7) of this subsection
18 (a), the rules and regulations shall provide that an
19 additional 180 days of sentence credit shall be awarded to any
20 prisoner who obtains a bachelor's degree while the prisoner is
21 committed to the Department of Corrections. The sentence
22 credit awarded under this paragraph (4.1) shall be in addition
23 to, and shall not affect, the award of sentence credit under
24 any other paragraph of this Section, but shall also be under
25 the guidelines and restrictions set forth in paragraph (4) of
26 this subsection (a). The sentence credit provided for in this

1 paragraph shall be available only to those prisoners who have
2 not earned a bachelor's degree prior to the current commitment
3 to the Department of Corrections. If, after an award of the
4 bachelor's degree sentence credit has been made, the
5 Department determines that the prisoner was not eligible, then
6 the award shall be revoked. The Department may also award 180
7 days of sentence credit to any committed person who earned a
8 bachelor's degree while he or she was held in pre-trial
9 detention prior to the current commitment to the Department of
10 Corrections.

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

1 the award shall be revoked. The Department may also award 180
2 days of sentence credit to any committed person who earned a
3 master's or professional degree while he or she was held in
4 pre-trial detention prior to the current commitment to the
5 Department of Corrections.

6 (4.2) (A) The rules and regulations shall also provide that
7 any prisoner engaged in self-improvement programs, volunteer
8 work, or work assignments that are not otherwise eligible
9 activities under paragraph (4), shall receive up to 0.5 days
10 of sentence credit for each day in which the prisoner is
11 engaged in activities described in this paragraph.

12 (B) The rules and regulations shall provide for the award
13 of sentence credit under this paragraph (4.2) for qualifying
14 days of engagement in eligible activities occurring prior to
15 July 1, 2021 (the effective date of Public Act 101-652).

16 (4.5) The rules and regulations on sentence credit shall
17 also provide that when the court's sentencing order recommends
18 a prisoner for substance abuse treatment and the crime was
19 committed on or after September 1, 2003 (the effective date of
20 Public Act 93-354), the prisoner shall receive no sentence
21 credit awarded under clause (3) of this subsection (a) unless
22 he or she participates in and completes a substance abuse
23 treatment program. The Director of Corrections may waive the
24 requirement to participate in or complete a substance abuse
25 treatment program in specific instances if the prisoner is not
26 a good candidate for a substance abuse treatment program for

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

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

1 (4.7) On or after January 1, 2018 (the effective date of
2 Public Act 100-3), sentence credit under paragraph (3), (4),
3 or (4.1) of this subsection (a) may be awarded to a prisoner
4 who is serving a sentence for an offense described in
5 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
6 on or after January 1, 2018 (the effective date of Public Act
7 100-3); provided, the award of the credits under this
8 paragraph (4.7) shall not reduce the sentence of the prisoner
9 to less than the following amounts:

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

12 (ii) 60% of his or her sentence if the prisoner is
13 required to serve 75% of his or her sentence, except if the
14 prisoner is serving a sentence for gunrunning his or her
15 sentence shall not be reduced to less than 75%.

16 (iii) 100% of his or her sentence if the prisoner is
17 required to serve 100% of his or her sentence.

18 (4.8) On or after the effective date of this amendatory
19 Act of the 104th General Assembly, sentence credit under
20 paragraph (3), (4), (4.1), (4.2), or (4.7) of this subsection
21 (a) may not be awarded to a prisoner who is serving a sentence
22 for bringing contraband into a penal institution as described
23 in subsection (a) of Section 31A-1.1 of the Criminal Code of
24 2012.

25 (5) Whenever the Department is to release any inmate
26 earlier than it otherwise would because of a grant of earned

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

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

24 (c) (1) The Department shall prescribe rules and
25 regulations for revoking sentence credit, including revoking
26 sentence credit awarded under paragraph (3) of subsection (a)

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

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

1 for any prisoner or to increase any penalty beyond the length
2 requested by the Department.

3 (3) The Director of Corrections or the Director of
4 Juvenile Justice, in appropriate cases, may restore sentence
5 credits which have been revoked, suspended, or reduced. The
6 Department shall prescribe rules and regulations governing the
7 restoration of sentence credits. These rules and regulations
8 shall provide for the automatic restoration of sentence
9 credits following a period in which the prisoner maintains a
10 record without a disciplinary violation.

11 Nothing contained in this Section shall prohibit the
12 Prisoner Review Board from ordering, pursuant to Section
13 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
14 sentence imposed by the court that was not served due to the
15 accumulation of sentence credit.

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

1 credit at the time of the finding, then the Prisoner Review
2 Board may revoke all sentence credit accumulated by the
3 prisoner.

4 For purposes of this subsection (d):

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

9 (A) it lacks an arguable basis either in law or in
10 fact;

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

14 (C) the claims, defenses, and other legal
15 contentions therein are not warranted by existing law
16 or by a nonfrivolous argument for the extension,
17 modification, or reversal of existing law or the
18 establishment of new law;

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

24 (E) the denials of factual contentions are not
25 warranted on the evidence, or if specifically so
26 identified, are not reasonably based on a lack of

1 information or belief.

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

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

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

23 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
24 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
25 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; 103-605,
26 eff. 7-1-24; 103-822, eff. 1-1-25.)