



Rep. Justin Slaughter

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1 AMENDMENT TO HOUSE BILL 94

2 AMENDMENT NO. _____. Amend House Bill 94 by replacing
3 everything after the enacting clause with the following:

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

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

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

8 (a) (1) The Department of Corrections shall prescribe rules
9 and regulations for awarding and revoking sentence credit for
10 persons committed to the Department which shall be subject to
11 review by the Prisoner Review Board.

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

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

1 (B) compliance with the rules and regulations of the
2 Department; or

3 (C) service to the institution, service to a community,
4 or service to the State.

5 (2) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide, with respect to offenses listed in clause (i),
8 (ii), or (iii) of this paragraph (2) committed on or after June
9 19, 1998 or with respect to the offense listed in clause (iv)
10 of this paragraph (2) committed on or after June 23, 2005 (the
11 effective date of Public Act 94-71) or with respect to offense
12 listed in clause (vi) committed on or after June 1, 2008 (the
13 effective date of Public Act 95-625) or with respect to the
14 offense of being an armed habitual criminal committed on or
15 after August 2, 2005 (the effective date of Public Act 94-398)
16 or with respect to the offenses listed in clause (v) of this
17 paragraph (2) committed on or after August 13, 2007 (the
18 effective date of Public Act 95-134) or with respect to the
19 offense of aggravated domestic battery committed on or after
20 July 23, 2010 (the effective date of Public Act 96-1224) or
21 with respect to the offense of attempt to commit terrorism
22 committed on or after January 1, 2013 (the effective date of
23 Public Act 97-990), the following:

24 (i) that a prisoner who is serving a term of
25 imprisonment for first degree murder or for the offense of
26 terrorism shall receive no sentence credit and shall serve

1 the entire sentence imposed by the court;

2 (ii) that a prisoner serving a sentence for attempt to
3 commit terrorism, attempt to commit first degree murder,
4 solicitation of murder, solicitation of murder for hire,
5 intentional homicide of an unborn child, predatory
6 criminal sexual assault of a child, aggravated criminal
7 sexual assault, criminal sexual assault, aggravated
8 kidnapping, aggravated battery with a firearm as described
9 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
10 (e) (4) of Section 12-3.05, heinous battery as described in
11 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
12 being an armed habitual criminal, aggravated battery of a
13 senior citizen as described in Section 12-4.6 or
14 subdivision (a) (4) of Section 12-3.05, or aggravated
15 battery of a child as described in Section 12-4.3 or
16 subdivision (b) (1) of Section 12-3.05 shall receive no more
17 than 4.5 days of sentence credit for each month of his or
18 her sentence of imprisonment;

19 (iii) that a prisoner serving a sentence for home
20 invasion, armed robbery, aggravated vehicular hijacking,
21 aggravated discharge of a firearm, or armed violence with a
22 category I weapon or category II weapon, when the court has
23 made and entered a finding, pursuant to subsection (c-1) of
24 Section 5-4-1 of this Code, that the conduct leading to
25 conviction for the enumerated offense resulted in great
26 bodily harm to a victim, shall receive no more than 4.5

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

3 (iv) that a prisoner serving a sentence for aggravated
4 discharge of a firearm, whether or not the conduct leading
5 to conviction for the offense resulted in great bodily harm
6 to the victim, shall receive no more than 4.5 days of
7 sentence credit for each month of his or her sentence of
8 imprisonment;

9 (v) that a person serving a sentence for gunrunning,
10 narcotics racketeering, controlled substance trafficking,
11 methamphetamine trafficking, drug-induced homicide,
12 aggravated methamphetamine-related child endangerment,
13 money laundering pursuant to clause (c) (4) or (5) of
14 Section 29B-1 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, or a Class X felony conviction for delivery
16 of a controlled substance, possession of a controlled
17 substance with intent to manufacture or deliver,
18 calculated criminal drug conspiracy, criminal drug
19 conspiracy, street gang criminal drug conspiracy,
20 participation in methamphetamine manufacturing, aggravated
21 participation in methamphetamine manufacturing, delivery
22 of methamphetamine, possession with intent to deliver
23 methamphetamine, aggravated delivery of methamphetamine,
24 aggravated possession with intent to deliver
25 methamphetamine, methamphetamine conspiracy when the
26 substance containing the controlled substance or

1 methamphetamine is 100 grams or more shall receive no more
2 than 7.5 days sentence credit for each month of his or her
3 sentence of imprisonment;

4 (vi) that a prisoner serving a sentence for a second or
5 subsequent offense of luring a minor shall receive no more
6 than 4.5 days of sentence credit for each month of his or
7 her sentence of imprisonment; and

8 (vii) that a prisoner serving a sentence for aggravated
9 domestic battery shall receive no more than 4.5 days of
10 sentence credit for each month of his or her sentence of
11 imprisonment.

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

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

12 (2.2) A prisoner serving a term of natural life
13 imprisonment or a prisoner who has been sentenced to death
14 shall receive no sentence credit.

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

24 (2.4) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations on sentence credit
26 shall provide with respect to the offenses of aggravated

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

10 (2.5) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations on sentence credit
12 shall provide that a prisoner who is serving a sentence for
13 aggravated arson committed on or after July 27, 2001 (the
14 effective date of Public Act 92-176) shall receive no more than
15 4.5 days of sentence credit for each month of his or her
16 sentence of imprisonment.

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

1 imprisonment.

2 (3) In addition to the sentence credits earned under
3 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),
4 the rules and regulations shall also provide that the Director
5 may award up to 180 days of earned sentence credit for good
6 conduct in specific instances as the Director deems proper. The
7 good conduct may include, but is not limited to, compliance
8 with the rules and regulations of the Department, service to
9 the Department, service to a community, or service to the
10 State.

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

24 The Director shall not award sentence credit under this
25 paragraph (3) to an inmate unless the inmate has served a
26 minimum of 60 days of the sentence; except nothing in this

1 paragraph shall be construed to permit the Director to extend
2 an inmate's sentence beyond that which was imposed by the
3 court. Prior to awarding credit under this paragraph (3), the
4 Director shall make a written determination that the inmate:

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

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

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

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

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

15 (3.5) The Department shall provide annual written reports
16 to the Governor and the General Assembly on the award of earned
17 sentence credit no later than February 1 of each year. The
18 Department must publish both reports on its website within 48
19 hours of transmitting the reports to the Governor and the
20 General Assembly. The reports must include:

21 (A) the number of inmates awarded earned sentence
22 credit;

23 (B) the average amount of earned sentence credit
24 awarded;

25 (C) the holding offenses of inmates awarded earned
26 sentence credit; and

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

2 (4) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations shall also provide
4 that the sentence credit accumulated and retained under
5 paragraph (2.1) of subsection (a) of this Section by any inmate
6 during specific periods of time in which such inmate is engaged
7 full-time in substance abuse programs, correctional industry
8 assignments, educational programs, behavior modification
9 programs, life skills courses, or re-entry planning provided by
10 the Department under this paragraph (4) and satisfactorily
11 completes the assigned program as determined by the standards
12 of the Department, shall be multiplied by a factor of 1.25 for
13 program participation before August 11, 1993 and 1.50 for
14 program participation on or after that date. The rules and
15 regulations shall also provide that sentence credit, subject to
16 the same offense limits and multiplier provided in this
17 paragraph, may be provided to an inmate who was held in
18 pre-trial detention prior to his or her current commitment to
19 the Department of Corrections and successfully completed a
20 full-time, 60-day or longer substance abuse program,
21 educational program, behavior modification program, life
22 skills course, or re-entry planning provided by the county
23 department of corrections or county jail. Calculation of this
24 county program credit shall be done at sentencing as provided
25 in Section 5-4.5-100 of this Code and shall be included in the
26 sentencing order. However, no inmate shall be eligible for the

1 additional sentence credit under this paragraph (4) or (4.1) of
2 this subsection (a) while assigned to a boot camp or electronic
3 detention.

4 Except as provided in paragraph (4.7) of this subsection
5 (a), all inmates shall be eligible to receive sentence credits
6 under this paragraph (4). Any inmate currently serving a
7 sentence for an offense committed prior to June 19, 1998 shall
8 receive the sentence credit under this paragraph (4) if the
9 inmate satisfactorily completes an assigned program as
10 determined by the standards of the Department. All inmates
11 -serving a sentence for an offense committed prior to June 19,
12 1998 who were not provided sentence credit under this paragraph
13 (4) prior to the effective date of this amendatory Act of the
14 101st General Assembly shall be provided with sentence credit
15 under this paragraph (4) if the inmate engaged full-time in any
16 substance abuse programs, correctional industry assignments,
17 educational programs, behavior modification programs, life
18 skills courses, or re-entry planning provided by the Department
19 under this paragraph (4) and satisfactorily completed the
20 assigned program as determined by the standards of the
21 Department prior to the effective date of this amendatory Act
22 of the 101st General Assembly. The Department shall not apply
23 sentence credit under this paragraph (4) to current sentence
24 for participating in programming under this paragraph (4)
25 during a prior term of imprisonment served within the
26 Department. If the inmate has been convicted of a sex offense

1 as defined in Section 2 of the Sex Offender Registration Act,
2 sentence credits under this paragraph (4) shall be awarded by
3 the Department only if the conditions set forth in paragraph
4 (4.6) of subsection (a) are satisfied.

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

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

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 high school equivalency
13 certificate. 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.

21 Except as provided in paragraph (4.7) of this subsection
22 (a), the rules and regulations shall provide that an additional
23 180 days of sentence credit shall be awarded to any prisoner
24 who obtains a bachelor's degree while the prisoner is committed
25 to the Department of Corrections, regardless of the date that
26 the bachelor's degree was obtained, including if prior to the

1 effective date of this amendatory Act of the 101st General
2 Assembly. The sentence credit awarded under this paragraph
3 (4.1) shall be in addition to, and shall not affect, the award
4 of sentence credit under any other paragraph of this Section,
5 but shall also be under the guidelines and restrictions set
6 forth in paragraph (4) of subsection (a) of this Section. The
7 sentence credit provided for in this paragraph (4.1) shall be
8 available only to those prisoners who have not previously
9 earned a bachelor's degree prior to the current commitment to
10 the Department of Corrections. If, after an award of the
11 bachelor's degree sentence credit has been made and the
12 Department determines that the prisoner was not eligible, then
13 the award shall be revoked. The Department may also award 180
14 days of sentence credit to any committed person who earned a
15 bachelor's degree while he or she was held in pre-trial
16 detention prior to the current commitment to the Department of
17 Corrections.

18 Except as provided in paragraph (4.7) of this subsection
19 (a), the rules and regulations shall provide that an additional
20 180 days of sentence credit shall be awarded to any prisoner
21 who obtains a master's or professional degree while the
22 prisoner is committed to the Department of Corrections,
23 regardless of the date that the master's or professional degree
24 was obtained, including if prior to the effective date of this
25 amendatory Act of the 101st General Assembly. The sentence
26 credit awarded under this paragraph (4.1) shall be in addition

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

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 may waive the requirement to
24 participate in or complete a substance abuse treatment program
25 in specific instances if the prisoner is not a good candidate
26 for a substance abuse treatment program for medical,

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

15 (4.6) The rules and regulations on sentence credit shall
16 also provide that a prisoner who has been convicted of a sex
17 offense as defined in Section 2 of the Sex Offender
18 Registration Act shall receive no sentence credit unless he or
19 she either has successfully completed or is participating in
20 sex offender treatment as defined by the Sex Offender
21 Management Board. However, prisoners who are waiting to receive
22 treatment, but who are unable to do so due solely to the lack
23 of resources on the part of the Department, may, at the
24 Director's sole discretion, be awarded sentence credit at a
25 rate as the Director shall determine.

26 (4.7) On or after the effective date of this amendatory Act

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

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

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

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

17 ~~This paragraph (4.7) shall not apply to a prisoner serving~~
18 ~~a sentence for an offense described in subparagraph (i) of~~
19 ~~paragraph (2) of this subsection (a).~~

20 (5) Whenever the Department is to release any inmate
21 earlier than it otherwise would because of a grant of earned
22 sentence credit under paragraph (3) of subsection (a) of this
23 Section given at any time during the term, the Department shall
24 give reasonable notice of the impending release not less than
25 14 days prior to the date of the release to the State's
26 Attorney of the county where the prosecution of the inmate took

1 place, and if applicable, the State's Attorney of the county
2 into which the inmate will be released. The Department must
3 also make identification information and a recent photo of the
4 inmate being released accessible on the Internet by means of a
5 hyperlink labeled "Community Notification of Inmate Early
6 Release" on the Department's World Wide Web homepage. The
7 identification information shall include the inmate's: name,
8 any known alias, date of birth, physical characteristics,
9 commitment offense and county where conviction was imposed. The
10 identification information shall be placed on the website
11 within 3 days of the inmate's release and the information may
12 not be removed until either: completion of the first year of
13 mandatory supervised release or return of the inmate to custody
14 of the Department.

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

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

1 infraction.

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

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

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

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

19 For purposes of this subsection (d):

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

24 (A) it lacks an arguable basis either in law or in
25 fact;

26 (B) it is being presented for any improper purpose,

1 such as to harass or to cause unnecessary delay or
2 needless increase in the cost of litigation;

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

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

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

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

1 2-1401 of the Code of Civil Procedure.

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

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

12 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
13 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,
14 eff. 1-8-18.)".