



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3212

by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Increases the threshold amount of theft not from the person and retail theft that enhances the offense from a misdemeanor to a felony to \$2,000 and if based on a prior conviction must only be for felony theft. Amends the Illinois Identification Card Act. Provides that the Secretary of State may, upon request of a person committed to the Department of Corrections, issue a limited period identification card to the committed person that shall be valid during the period of his or her incarceration. Amends the Code of Criminal Procedure of 1963 concerning the reduction or modification of a defendant's sentence. Amends the Unified Code of Corrections. Provides that not later than 2 years after the effective date of the amendatory Act, the Director of Corrections, in consultation with the Independent Review Committee created by the amendatory Act, shall develop and release publicly on the Department of Corrections website a risk and needs assessment system. Describes the system. Provides that a committed person shall be assigned to an institution or facility of the Department that is located within 200 miles of his or her residence immediately before the committed person's admission to the Department. Provides that a committed person who successfully completes evidence-based recidivism reduction programming or productive activities shall receive additional sentence credits. Prohibits handcuffs, shackles, or restraints of any kind to be used on new mothers for 3 months after delivery. Provides that a person at least 60 years of age who has served at least two-thirds of his or her sentence may petition the Department for participation in an atonement and restorative justice program prepared by the Department. Amends the County Jail Act to make conforming changes.

LRB101 07501 RLC 56420 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 1. This Act may be referred to as the Illinois  
5 First Step Act.

6 Section 5. The Illinois Identification Card Act is amended  
7 by changing Section 4 as follows:

8 (15 ILCS 335/4) (from Ch. 124, par. 24)

9 (Text of Section before amendment by P.A. 100-717)

10 Sec. 4. Identification card.

11 (a) The Secretary of State shall issue a standard Illinois  
12 Identification Card to any natural person who is a resident of  
13 the State of Illinois who applies for such card, or renewal  
14 thereof. No identification card shall be issued to any person  
15 who holds a valid foreign state identification card, license,  
16 or permit unless the person first surrenders to the Secretary  
17 of State the valid foreign state identification card, license,  
18 or permit. The card shall be prepared and supplied by the  
19 Secretary of State and shall include a photograph and signature  
20 or mark of the applicant. However, the Secretary of State may  
21 provide by rule for the issuance of Illinois Identification  
22 Cards without photographs if the applicant has a bona fide

1 religious objection to being photographed or to the display of  
2 his or her photograph. The Illinois Identification Card may be  
3 used for identification purposes in any lawful situation only  
4 by the person to whom it was issued. As used in this Act,  
5 "photograph" means any color photograph or digitally produced  
6 and captured image of an applicant for an identification card.  
7 As used in this Act, "signature" means the name of a person as  
8 written by that person and captured in a manner acceptable to  
9 the Secretary of State.

10 (a-5) If an applicant for an identification card has a  
11 current driver's license or instruction permit issued by the  
12 Secretary of State, the Secretary may require the applicant to  
13 utilize the same residence address and name on the  
14 identification card, driver's license, and instruction permit  
15 records maintained by the Secretary. The Secretary may  
16 promulgate rules to implement this provision.

17 (a-10) If the applicant is a judicial officer as defined in  
18 Section 1-10 of the Judicial Privacy Act or a peace officer,  
19 the applicant may elect to have his or her office or work  
20 address listed on the card instead of the applicant's residence  
21 or mailing address. The Secretary may promulgate rules to  
22 implement this provision. For the purposes of this subsection  
23 (a-10), "peace officer" means any person who by virtue of his  
24 or her office or public employment is vested by law with a duty  
25 to maintain public order or to make arrests for a violation of  
26 any penal statute of this State, whether that duty extends to

1 all violations or is limited to specific violations.

2 (a-15) The Secretary of State may provide for an expedited  
3 process for the issuance of an Illinois Identification Card.  
4 The Secretary shall charge an additional fee for the expedited  
5 issuance of an Illinois Identification Card, to be set by rule,  
6 not to exceed \$75. All fees collected by the Secretary for  
7 expedited Illinois Identification Card service shall be  
8 deposited into the Secretary of State Special Services Fund.  
9 The Secretary may adopt rules regarding the eligibility,  
10 process, and fee for an expedited Illinois Identification Card.  
11 If the Secretary of State determines that the volume of  
12 expedited identification card requests received on a given day  
13 exceeds the ability of the Secretary to process those requests  
14 in an expedited manner, the Secretary may decline to provide  
15 expedited services, and the additional fee for the expedited  
16 service shall be refunded to the applicant.

17 (a-20) The Secretary of State shall issue a standard  
18 Illinois Identification Card to a committed person upon release  
19 on parole, mandatory supervised release, aftercare release,  
20 final discharge, or pardon from the Department of Corrections  
21 or Department of Juvenile Justice, if the released person  
22 presents a certified copy of his or her birth certificate,  
23 social security card or other documents authorized by the  
24 Secretary, and 2 documents proving his or her Illinois  
25 residence address. Documents proving residence address may  
26 include any official document of the Department of Corrections

1 or the Department of Juvenile Justice showing the released  
2 person's address after release and a Secretary of State  
3 prescribed certificate of residency form, which may be executed  
4 by Department of Corrections or Department of Juvenile Justice  
5 personnel.

6 (a-25) The Secretary of State shall issue a limited-term  
7 Illinois Identification Card valid for 90 days to a committed  
8 person upon release on parole, mandatory supervised release,  
9 aftercare release, final discharge, or pardon from the  
10 Department of Corrections or Department of Juvenile Justice, if  
11 the released person is unable to present a certified copy of  
12 his or her birth certificate and social security card or other  
13 documents authorized by the Secretary, but does present a  
14 Secretary of State prescribed verification form completed by  
15 the Department of Corrections or Department of Juvenile  
16 Justice, verifying the released person's date of birth and  
17 social security number and 2 documents proving his or her  
18 Illinois residence address. The verification form must have  
19 been completed no more than 30 days prior to the date of  
20 application for the Illinois Identification Card. Documents  
21 proving residence address shall include any official document  
22 of the Department of Corrections or the Department of Juvenile  
23 Justice showing the person's address after release and a  
24 Secretary of State prescribed certificate of residency, which  
25 may be executed by Department of Corrections or Department of  
26 Juvenile Justice personnel.

1 Prior to the expiration of the 90-day period of the  
2 limited-term Illinois Identification Card, if the released  
3 person submits to the Secretary of State a certified copy of  
4 his or her birth certificate and his or her social security  
5 card or other documents authorized by the Secretary, a standard  
6 Illinois Identification Card shall be issued. A limited-term  
7 Illinois Identification Card may not be renewed.

8 (b) The Secretary of State shall issue a special Illinois  
9 Identification Card, which shall be known as an Illinois Person  
10 with a Disability Identification Card, to any natural person  
11 who is a resident of the State of Illinois, who is a person  
12 with a disability as defined in Section 4A of this Act, who  
13 applies for such card, or renewal thereof. No Illinois Person  
14 with a Disability Identification Card shall be issued to any  
15 person who holds a valid foreign state identification card,  
16 license, or permit unless the person first surrenders to the  
17 Secretary of State the valid foreign state identification card,  
18 license, or permit. The Secretary of State shall charge no fee  
19 to issue such card. The card shall be prepared and supplied by  
20 the Secretary of State, and shall include a photograph and  
21 signature or mark of the applicant, a designation indicating  
22 that the card is an Illinois Person with a Disability  
23 Identification Card, and shall include a comprehensible  
24 designation of the type and classification of the applicant's  
25 disability as set out in Section 4A of this Act. However, the  
26 Secretary of State may provide by rule for the issuance of

1 Illinois Person with a Disability Identification Cards without  
2 photographs if the applicant has a bona fide religious  
3 objection to being photographed or to the display of his or her  
4 photograph. If the applicant so requests, the card shall  
5 include a description of the applicant's disability and any  
6 information about the applicant's disability or medical  
7 history which the Secretary determines would be helpful to the  
8 applicant in securing emergency medical care. If a mark is used  
9 in lieu of a signature, such mark shall be affixed to the card  
10 in the presence of two witnesses who attest to the authenticity  
11 of the mark. The Illinois Person with a Disability  
12 Identification Card may be used for identification purposes in  
13 any lawful situation by the person to whom it was issued.

14 The Illinois Person with a Disability Identification Card  
15 may be used as adequate documentation of disability in lieu of  
16 a physician's determination of disability, a determination of  
17 disability from a physician assistant, a determination of  
18 disability from an advanced practice registered nurse, or any  
19 other documentation of disability whenever any State law  
20 requires that a person with a disability provide such  
21 documentation of disability, however an Illinois Person with a  
22 Disability Identification Card shall not qualify the  
23 cardholder to participate in any program or to receive any  
24 benefit which is not available to all persons with like  
25 disabilities. Notwithstanding any other provisions of law, an  
26 Illinois Person with a Disability Identification Card, or

1 evidence that the Secretary of State has issued an Illinois  
2 Person with a Disability Identification Card, shall not be used  
3 by any person other than the person named on such card to prove  
4 that the person named on such card is a person with a  
5 disability or for any other purpose unless the card is used for  
6 the benefit of the person named on such card, and the person  
7 named on such card consents to such use at the time the card is  
8 so used.

9 An optometrist's determination of a visual disability  
10 under Section 4A of this Act is acceptable as documentation for  
11 the purpose of issuing an Illinois Person with a Disability  
12 Identification Card.

13 When medical information is contained on an Illinois Person  
14 with a Disability Identification Card, the Office of the  
15 Secretary of State shall not be liable for any actions taken  
16 based upon that medical information.

17 (c) The Secretary of State shall provide that each original  
18 or renewal Illinois Identification Card or Illinois Person with  
19 a Disability Identification Card issued to a person under the  
20 age of 21 shall be of a distinct nature from those Illinois  
21 Identification Cards or Illinois Person with a Disability  
22 Identification Cards issued to individuals 21 years of age or  
23 older. The color designated for Illinois Identification Cards  
24 or Illinois Person with a Disability Identification Cards for  
25 persons under the age of 21 shall be at the discretion of the  
26 Secretary of State.



1           (c-1) Each original or renewal Illinois Identification  
2 Card or Illinois Person with a Disability Identification Card  
3 issued to a person under the age of 21 shall display the date  
4 upon which the person becomes 18 years of age and the date upon  
5 which the person becomes 21 years of age.

6           (c-3) The General Assembly recognizes the need to identify  
7 military veterans living in this State for the purpose of  
8 ensuring that they receive all of the services and benefits to  
9 which they are legally entitled, including healthcare,  
10 education assistance, and job placement. To assist the State in  
11 identifying these veterans and delivering these vital services  
12 and benefits, the Secretary of State is authorized to issue  
13 Illinois Identification Cards and Illinois Person with a  
14 Disability Identification Cards with the word "veteran"  
15 appearing on the face of the cards. This authorization is  
16 predicated on the unique status of veterans. The Secretary may  
17 not issue any other identification card which identifies an  
18 occupation, status, affiliation, hobby, or other unique  
19 characteristics of the identification card holder which is  
20 unrelated to the purpose of the identification card.

21           (c-5) Beginning on or before July 1, 2015, the Secretary of  
22 State shall designate a space on each original or renewal  
23 identification card where, at the request of the applicant, the  
24 word "veteran" shall be placed. The veteran designation shall  
25 be available to a person identified as a veteran under  
26 subsection (b) of Section 5 of this Act who was discharged or

1 separated under honorable conditions.

2 (d) The Secretary of State may issue a Senior Citizen  
3 discount card, to any natural person who is a resident of the  
4 State of Illinois who is 60 years of age or older and who  
5 applies for such a card or renewal thereof. The Secretary of  
6 State shall charge no fee to issue such card. The card shall be  
7 issued in every county and applications shall be made available  
8 at, but not limited to, nutrition sites, senior citizen centers  
9 and Area Agencies on Aging. The applicant, upon receipt of such  
10 card and prior to its use for any purpose, shall have affixed  
11 thereon in the space provided therefor his signature or mark.

12 (e) The Secretary of State, in his or her discretion, may  
13 designate on each Illinois Identification Card or Illinois  
14 Person with a Disability Identification Card a space where the  
15 card holder may place a sticker or decal, issued by the  
16 Secretary of State, of uniform size as the Secretary may  
17 specify, that shall indicate in appropriate language that the  
18 card holder has renewed his or her Illinois Identification Card  
19 or Illinois Person with a Disability Identification Card.

20 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;  
21 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff. 7-1-17;  
22 100-513, eff. 1-1-18.)

23 (Text of Section after amendment by P.A. 100-717)

24 Sec. 4. Identification card.

25 (a) The Secretary of State shall issue a standard Illinois

1 Identification Card to any natural person who is a resident of  
2 the State of Illinois who applies for such card, or renewal  
3 thereof. No identification card shall be issued to any person  
4 who holds a valid foreign state identification card, license,  
5 or permit unless the person first surrenders to the Secretary  
6 of State the valid foreign state identification card, license,  
7 or permit. The card shall be prepared and supplied by the  
8 Secretary of State and shall include a photograph and signature  
9 or mark of the applicant. However, the Secretary of State may  
10 provide by rule for the issuance of Illinois Identification  
11 Cards without photographs if the applicant has a bona fide  
12 religious objection to being photographed or to the display of  
13 his or her photograph. The Illinois Identification Card may be  
14 used for identification purposes in any lawful situation only  
15 by the person to whom it was issued. As used in this Act,  
16 "photograph" means any color photograph or digitally produced  
17 and captured image of an applicant for an identification card.  
18 As used in this Act, "signature" means the name of a person as  
19 written by that person and captured in a manner acceptable to  
20 the Secretary of State.

21 (a-5) If an applicant for an identification card has a  
22 current driver's license or instruction permit issued by the  
23 Secretary of State, the Secretary may require the applicant to  
24 utilize the same residence address and name on the  
25 identification card, driver's license, and instruction permit  
26 records maintained by the Secretary. The Secretary may

1 promulgate rules to implement this provision.

2 (a-10) If the applicant is a judicial officer as defined in  
3 Section 1-10 of the Judicial Privacy Act or a peace officer,  
4 the applicant may elect to have his or her office or work  
5 address listed on the card instead of the applicant's residence  
6 or mailing address. The Secretary may promulgate rules to  
7 implement this provision. For the purposes of this subsection  
8 (a-10), "peace officer" means any person who by virtue of his  
9 or her office or public employment is vested by law with a duty  
10 to maintain public order or to make arrests for a violation of  
11 any penal statute of this State, whether that duty extends to  
12 all violations or is limited to specific violations.

13 (a-15) The Secretary of State may provide for an expedited  
14 process for the issuance of an Illinois Identification Card.  
15 The Secretary shall charge an additional fee for the expedited  
16 issuance of an Illinois Identification Card, to be set by rule,  
17 not to exceed \$75. All fees collected by the Secretary for  
18 expedited Illinois Identification Card service shall be  
19 deposited into the Secretary of State Special Services Fund.  
20 The Secretary may adopt rules regarding the eligibility,  
21 process, and fee for an expedited Illinois Identification Card.  
22 If the Secretary of State determines that the volume of  
23 expedited identification card requests received on a given day  
24 exceeds the ability of the Secretary to process those requests  
25 in an expedited manner, the Secretary may decline to provide  
26 expedited services, and the additional fee for the expedited

1 service shall be refunded to the applicant.

2 (a-20) The Secretary of State shall issue a standard  
3 Illinois Identification Card to a committed person upon release  
4 on parole, mandatory supervised release, aftercare release,  
5 final discharge, or pardon from the Department of Corrections  
6 or Department of Juvenile Justice, if the released person  
7 presents a certified copy of his or her birth certificate,  
8 social security card or other documents authorized by the  
9 Secretary, and 2 documents proving his or her Illinois  
10 residence address. Documents proving residence address may  
11 include any official document of the Department of Corrections  
12 or the Department of Juvenile Justice showing the released  
13 person's address after release and a Secretary of State  
14 prescribed certificate of residency form, which may be executed  
15 by Department of Corrections or Department of Juvenile Justice  
16 personnel.

17 (a-25) Upon request of a person incarcerated in a  
18 Department of Corrections facility, the Secretary of State may  
19 issue a limited-term Illinois Identification Card valid during  
20 the period of incarceration of the committed person in a  
21 Department of Corrections institution or facility. The  
22 Secretary of State shall issue a limited-term Illinois  
23 Identification Card valid for 90 days to a committed person  
24 upon release on parole, mandatory supervised release,  
25 aftercare release, final discharge, or pardon from the  
26 Department of Corrections or Department of Juvenile Justice, if

1 the released person is unable to present a certified copy of  
2 his or her birth certificate and social security card or other  
3 documents authorized by the Secretary, but does present a  
4 Secretary of State prescribed verification form completed by  
5 the Department of Corrections or Department of Juvenile  
6 Justice, verifying the released person's date of birth and  
7 social security number and 2 documents proving his or her  
8 Illinois residence address. The verification form must have  
9 been completed no more than 30 days prior to the date of  
10 application for the Illinois Identification Card. Documents  
11 proving residence address shall include any official document  
12 of the Department of Corrections or the Department of Juvenile  
13 Justice showing the person's address after release and a  
14 Secretary of State prescribed certificate of residency, which  
15 may be executed by Department of Corrections or Department of  
16 Juvenile Justice personnel.

17 Prior to the expiration of the 90-day period of the  
18 limited-term Illinois Identification Card, if the released  
19 person submits to the Secretary of State a certified copy of  
20 his or her birth certificate and his or her social security  
21 card or other documents authorized by the Secretary, a standard  
22 Illinois Identification Card shall be issued. A limited-term  
23 Illinois Identification Card may not be renewed.

24 (a-30) The Secretary of State shall issue a standard  
25 Illinois Identification Card to a person upon conditional  
26 release or absolute discharge from the custody of the

1 Department of Human Services, if the person presents a  
2 certified copy of his or her birth certificate, social security  
3 card, or other documents authorized by the Secretary, and a  
4 document proving his or her Illinois residence address. The  
5 Secretary of State shall issue a standard Illinois  
6 Identification Card to a person no sooner than 14 days prior to  
7 his or her conditional release or absolute discharge if  
8 personnel from the Department of Human Services bring the  
9 person to a Secretary of State location with the required  
10 documents. Documents proving residence address may include any  
11 official document of the Department of Human Services showing  
12 the person's address after release and a Secretary of State  
13 prescribed verification form, which may be executed by  
14 personnel of the Department of Human Services.

15 (a-35) The Secretary of State shall issue a limited-term  
16 Illinois Identification Card valid for 90 days to a person upon  
17 conditional release or absolute discharge from the custody of  
18 the Department of Human Services, if the person is unable to  
19 present a certified copy of his or her birth certificate and  
20 social security card or other documents authorized by the  
21 Secretary, but does present a Secretary of State prescribed  
22 verification form completed by the Department of Human  
23 Services, verifying the person's date of birth and social  
24 security number, and a document proving his or her Illinois  
25 residence address. The verification form must have been  
26 completed no more than 30 days prior to the date of application

1 for the Illinois Identification Card. The Secretary of State  
2 shall issue a limited-term Illinois Identification Card to a  
3 person no sooner than 14 days prior to his or her conditional  
4 release or absolute discharge if personnel from the Department  
5 of Human Services bring the person to a Secretary of State  
6 location with the required documents. Documents proving  
7 residence address shall include any official document of the  
8 Department of Human Services showing the person's address after  
9 release and a Secretary of State prescribed verification form,  
10 which may be executed by personnel of the Department of Human  
11 Services.

12 (b) The Secretary of State shall issue a special Illinois  
13 Identification Card, which shall be known as an Illinois Person  
14 with a Disability Identification Card, to any natural person  
15 who is a resident of the State of Illinois, who is a person  
16 with a disability as defined in Section 4A of this Act, who  
17 applies for such card, or renewal thereof. No Illinois Person  
18 with a Disability Identification Card shall be issued to any  
19 person who holds a valid foreign state identification card,  
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21 Secretary of State the valid foreign state identification card,  
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23 to issue such card. The card shall be prepared and supplied by  
24 the Secretary of State, and shall include a photograph and  
25 signature or mark of the applicant, a designation indicating  
26 that the card is an Illinois Person with a Disability



1 Identification Card, and shall include a comprehensible  
2 designation of the type and classification of the applicant's  
3 disability as set out in Section 4A of this Act. However, the  
4 Secretary of State may provide by rule for the issuance of  
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13 in lieu of a signature, such mark shall be affixed to the card  
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20 a physician's determination of disability, a determination of  
21 disability from a physician assistant, a determination of  
22 disability from an advanced practice registered nurse, or any  
23 other documentation of disability whenever any State law  
24 requires that a person with a disability provide such  
25 documentation of disability, however an Illinois Person with a  
26 Disability Identification Card shall not qualify the

1 cardholder to participate in any program or to receive any  
2 benefit which is not available to all persons with like  
3 disabilities. Notwithstanding any other provisions of law, an  
4 Illinois Person with a Disability Identification Card, or  
5 evidence that the Secretary of State has issued an Illinois  
6 Person with a Disability Identification Card, shall not be used  
7 by any person other than the person named on such card to prove  
8 that the person named on such card is a person with a  
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10 the benefit of the person named on such card, and the person  
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16 Identification Card.

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21 (c) The Secretary of State shall provide that each original  
22 or renewal Illinois Identification Card or Illinois Person with  
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26 Identification Cards issued to individuals 21 years of age or

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3 persons under the age of 21 shall be at the discretion of the  
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5 (c-1) Each original or renewal Illinois Identification  
6 Card or Illinois Person with a Disability Identification Card  
7 issued to a person under the age of 21 shall display the date  
8 upon which the person becomes 18 years of age and the date upon  
9 which the person becomes 21 years of age.

10 (c-3) The General Assembly recognizes the need to identify  
11 military veterans living in this State for the purpose of  
12 ensuring that they receive all of the services and benefits to  
13 which they are legally entitled, including healthcare,  
14 education assistance, and job placement. To assist the State in  
15 identifying these veterans and delivering these vital services  
16 and benefits, the Secretary of State is authorized to issue  
17 Illinois Identification Cards and Illinois Person with a  
18 Disability Identification Cards with the word "veteran"  
19 appearing on the face of the cards. This authorization is  
20 predicated on the unique status of veterans. The Secretary may  
21 not issue any other identification card which identifies an  
22 occupation, status, affiliation, hobby, or other unique  
23 characteristics of the identification card holder which is  
24 unrelated to the purpose of the identification card.

25 (c-5) Beginning on or before July 1, 2015, the Secretary of  
26 State shall designate a space on each original or renewal

1 identification card where, at the request of the applicant, the  
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3 be available to a person identified as a veteran under  
4 subsection (b) of Section 5 of this Act who was discharged or  
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11 issued in every county and applications shall be made available  
12 at, but not limited to, nutrition sites, senior citizen centers  
13 and Area Agencies on Aging. The applicant, upon receipt of such  
14 card and prior to its use for any purpose, shall have affixed  
15 thereon in the space provided therefor his signature or mark.

16 (e) The Secretary of State, in his or her discretion, may  
17 designate on each Illinois Identification Card or Illinois  
18 Person with a Disability Identification Card a space where the  
19 card holder may place a sticker or decal, issued by the  
20 Secretary of State, of uniform size as the Secretary may  
21 specify, that shall indicate in appropriate language that the  
22 card holder has renewed his or her Illinois Identification Card  
23 or Illinois Person with a Disability Identification Card.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;  
25 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff. 7-1-17;  
26 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

1           Section 10. The Criminal Code of 2012 is amended by  
2 changing Sections 16-1 and 16-25 as follows:

3           (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

4           Sec. 16-1. Theft.

5           (a) A person commits theft when he or she knowingly:

6                 (1) Obtains or exerts unauthorized control over  
7 property of the owner; or

8                 (2) Obtains by deception control over property of the  
9 owner; or

10                (3) Obtains by threat control over property of the  
11 owner; or

12                (4) Obtains control over stolen property knowing the  
13 property to have been stolen or under such circumstances as  
14 would reasonably induce him or her to believe that the  
15 property was stolen; or

16                (5) Obtains or exerts control over property in the  
17 custody of any law enforcement agency which any law  
18 enforcement officer or any individual acting in behalf of a  
19 law enforcement agency explicitly represents to the person  
20 as being stolen or represents to the person such  
21 circumstances as would reasonably induce the person to  
22 believe that the property was stolen, and

23                         (A) Intends to deprive the owner permanently of the  
24 use or benefit of the property; or

1 (B) Knowingly uses, conceals or abandons the  
2 property in such manner as to deprive the owner  
3 permanently of such use or benefit; or

4 (C) Uses, conceals, or abandons the property  
5 knowing such use, concealment or abandonment probably  
6 will deprive the owner permanently of such use or  
7 benefit.

8 (b) Sentence.

9 (1) Theft of property not from the person and not  
10 exceeding \$2,000 ~~\$500~~ in value is a Class A misdemeanor.

11 (1.1) Theft of property not from the person and not  
12 exceeding \$2,000 ~~\$500~~ in value is a Class 4 felony if the  
13 theft was committed in a school or place of worship or if  
14 the theft was of governmental property.

15 (2) A person who has been convicted of theft of  
16 property not from the person and not exceeding \$2,000 ~~\$500~~  
17 in value who has been previously convicted of felony ~~any~~  
18 ~~type of theft, robbery, armed robbery, burglary,~~  
19 ~~residential burglary, possession of burglary tools, home~~  
20 ~~invasion, forgery, a violation of Section 4-103, 4-103.1,~~  
21 ~~4-103.2, or 4-103.3 of the Illinois Vehicle Code relating~~  
22 ~~to the possession of a stolen or converted motor vehicle,~~  
23 ~~or a violation of Section 17-36 of the Criminal Code of~~  
24 ~~1961 or the Criminal Code of 2012, or Section 8 of the~~  
25 ~~Illinois Credit Card and Debit Card Act~~ is guilty of a  
26 Class 4 felony.

1 (3) (Blank).

2 (4) Theft of property from the person not exceeding  
3 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~  
4 and not exceeding \$10,000 in value, is a Class 3 felony.

5 (4.1) Theft of property from the person not exceeding  
6 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~  
7 and not exceeding \$10,000 in value, is a Class 2 felony if  
8 the theft was committed in a school or place of worship or  
9 if the theft was of governmental property.

10 (5) Theft of property exceeding \$10,000 and not  
11 exceeding \$100,000 in value is a Class 2 felony.

12 (5.1) Theft of property exceeding \$10,000 and not  
13 exceeding \$100,000 in value is a Class 1 felony if the  
14 theft was committed in a school or place of worship or if  
15 the theft was of governmental property.

16 (6) Theft of property exceeding \$100,000 and not  
17 exceeding \$500,000 in value is a Class 1 felony.

18 (6.1) Theft of property exceeding \$100,000 in value is  
19 a Class X felony if the theft was committed in a school or  
20 place of worship or if the theft was of governmental  
21 property.

22 (6.2) Theft of property exceeding \$500,000 and not  
23 exceeding \$1,000,000 in value is a Class 1  
24 non-probationable felony.

25 (6.3) Theft of property exceeding \$1,000,000 in value  
26 is a Class X felony.

1           (7) Theft by deception, as described by paragraph (2)  
2 of subsection (a) of this Section, in which the offender  
3 obtained money or property valued at \$5,000 or more from a  
4 victim 60 years of age or older is a Class 2 felony.

5           (8) Theft by deception, as described by paragraph (2)  
6 of subsection (a) of this Section, in which the offender  
7 falsely poses as a landlord or agent or employee of the  
8 landlord and obtains a rent payment or a security deposit  
9 from a tenant is a Class 3 felony if the rent payment or  
10 security deposit obtained does not exceed \$500.

11           (9) Theft by deception, as described by paragraph (2)  
12 of subsection (a) of this Section, in which the offender  
13 falsely poses as a landlord or agent or employee of the  
14 landlord and obtains a rent payment or a security deposit  
15 from a tenant is a Class 2 felony if the rent payment or  
16 security deposit obtained exceeds \$500 and does not exceed  
17 \$10,000.

18           (10) Theft by deception, as described by paragraph (2)  
19 of subsection (a) of this Section, in which the offender  
20 falsely poses as a landlord or agent or employee of the  
21 landlord and obtains a rent payment or a security deposit  
22 from a tenant is a Class 1 felony if the rent payment or  
23 security deposit obtained exceeds \$10,000 and does not  
24 exceed \$100,000.

25           (11) Theft by deception, as described by paragraph (2)  
26 of subsection (a) of this Section, in which the offender



1           falsely poses as a landlord or agent or employee of the  
2           landlord and obtains a rent payment or a security deposit  
3           from a tenant is a Class X felony if the rent payment or  
4           security deposit obtained exceeds \$100,000.

5           (c) When a charge of theft of property exceeding a  
6           specified value is brought, the value of the property involved  
7           is an element of the offense to be resolved by the trier of  
8           fact as either exceeding or not exceeding the specified value.

9           (d) Theft by lessee; permissive inference. The trier of  
10          fact may infer evidence that a person intends to deprive the  
11          owner permanently of the use or benefit of the property (1) if  
12          a lessee of the personal property of another fails to return it  
13          to the owner within 10 days after written demand from the owner  
14          for its return or (2) if a lessee of the personal property of  
15          another fails to return it to the owner within 24 hours after  
16          written demand from the owner for its return and the lessee had  
17          presented identification to the owner that contained a  
18          materially fictitious name, address, or telephone number. A  
19          notice in writing, given after the expiration of the leasing  
20          agreement, addressed and mailed, by registered mail, to the  
21          lessee at the address given by him and shown on the leasing  
22          agreement shall constitute proper demand.

23          (e) Permissive inference; evidence of intent that a person  
24          obtains by deception control over property. The trier of fact  
25          may infer that a person "knowingly obtains by deception control  
26          over property of the owner" when he or she fails to return,

1 within 45 days after written demand from the owner, the  
2 downpayment and any additional payments accepted under a  
3 promise, oral or in writing, to perform services for the owner  
4 for consideration of \$3,000 or more, and the promisor knowingly  
5 without good cause failed to substantially perform pursuant to  
6 the agreement after taking a down payment of 10% or more of the  
7 agreed upon consideration. This provision shall not apply where  
8 the owner initiated the suspension of performance under the  
9 agreement, or where the promisor responds to the notice within  
10 the 45-day notice period. A notice in writing, addressed and  
11 mailed, by registered mail, to the promisor at the last known  
12 address of the promisor, shall constitute proper demand.

13 (f) Offender's interest in the property.

14 (1) It is no defense to a charge of theft of property  
15 that the offender has an interest therein, when the owner  
16 also has an interest to which the offender is not entitled.

17 (2) Where the property involved is that of the  
18 offender's spouse, no prosecution for theft may be  
19 maintained unless the parties were not living together as  
20 man and wife and were living in separate abodes at the time  
21 of the alleged theft.

22 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
23 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.  
24 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,  
25 eff. 1-25-13.)

1 (720 ILCS 5/16-25)

2 Sec. 16-25. Retail theft.

3 (a) A person commits retail theft when he or she knowingly:

4 (1) Takes possession of, carries away, transfers or  
5 causes to be carried away or transferred any merchandise  
6 displayed, held, stored or offered for sale in a retail  
7 mercantile establishment with the intention of retaining  
8 such merchandise or with the intention of depriving the  
9 merchant permanently of the possession, use or benefit of  
10 such merchandise without paying the full retail value of  
11 such merchandise; or

12 (2) Alters, transfers, or removes any label, price tag,  
13 marking, indicia of value or any other markings which aid  
14 in determining value affixed to any merchandise displayed,  
15 held, stored or offered for sale in a retail mercantile  
16 establishment and attempts to purchase such merchandise at  
17 less than the full retail value with the intention of  
18 depriving the merchant of the full retail value of such  
19 merchandise; or

20 (3) Transfers any merchandise displayed, held, stored  
21 or offered for sale in a retail mercantile establishment  
22 from the container in or on which such merchandise is  
23 displayed to any other container with the intention of  
24 depriving the merchant of the full retail value of such  
25 merchandise; or

26 (4) Under-rings with the intention of depriving the

1 merchant of the full retail value of the merchandise; or

2 (5) Removes a shopping cart from the premises of a  
3 retail mercantile establishment without the consent of the  
4 merchant given at the time of such removal with the  
5 intention of depriving the merchant permanently of the  
6 possession, use or benefit of such cart; or

7 (6) Represents to a merchant that he, she, or another  
8 is the lawful owner of property, knowing that such  
9 representation is false, and conveys or attempts to convey  
10 that property to a merchant who is the owner of the  
11 property in exchange for money, merchandise credit or other  
12 property of the merchant; or

13 (7) Uses or possesses any theft detection shielding  
14 device or theft detection device remover with the intention  
15 of using such device to deprive the merchant permanently of  
16 the possession, use or benefit of any merchandise  
17 displayed, held, stored or offered for sale in a retail  
18 mercantile establishment without paying the full retail  
19 value of such merchandise; or

20 (8) Obtains or exerts unauthorized control over  
21 property of the owner and thereby intends to deprive the  
22 owner permanently of the use or benefit of the property  
23 when a lessee of the personal property of another fails to  
24 return it to the owner, or if the lessee fails to pay the  
25 full retail value of such property to the lessor in  
26 satisfaction of any contractual provision requiring such,

1           within 10 days after written demand from the owner for its  
2           return. A notice in writing, given after the expiration of  
3           the leasing agreement, by registered mail, to the lessee at  
4           the address given by the lessee and shown on the leasing  
5           agreement shall constitute proper demand.

6           (b) Theft by emergency exit. A person commits theft by  
7           emergency exit when he or she commits a retail theft as defined  
8           in subdivisions (a)(1) through (a)(8) of this Section and to  
9           facilitate the theft he or she leaves the retail mercantile  
10          establishment by use of a designated emergency exit.

11          (c) Permissive inference. If any person:

12           (1) conceals upon his or her person or among his or her  
13           belongings unpurchased merchandise displayed, held, stored  
14           or offered for sale in a retail mercantile establishment;  
15           and

16           (2) removes that merchandise beyond the last known  
17           station for receiving payments for that merchandise in that  
18           retail mercantile establishment,

19          then the trier of fact may infer that the person possessed,  
20          carried away or transferred such merchandise with the intention  
21          of retaining it or with the intention of depriving the merchant  
22          permanently of the possession, use or benefit of such  
23          merchandise without paying the full retail value of such  
24          merchandise.

25          To "conceal" merchandise means that, although there may be  
26          some notice of its presence, that merchandise is not visible

1 through ordinary observation.

2 (d) Venue. Multiple thefts committed by the same person as  
3 part of a continuing course of conduct in different  
4 jurisdictions that have been aggregated in one jurisdiction may  
5 be prosecuted in any jurisdiction in which one or more of the  
6 thefts occurred.

7 (e) For the purposes of this Section, "theft detection  
8 shielding device" means any laminated or coated bag or device  
9 designed and intended to shield merchandise from detection by  
10 an electronic or magnetic theft alarm sensor.

11 (f) Sentence.

12 (1) A violation of any of subdivisions (a)(1) through  
13 (a)(6) and (a)(8) of this Section, the full retail value of  
14 which does not exceed \$2,000 ~~\$300~~ for property other than  
15 motor fuel or \$150 for motor fuel, is a Class A  
16 misdemeanor. A violation of subdivision (a)(7) of this  
17 Section is a Class A misdemeanor for a first offense and a  
18 Class 4 felony for a second or subsequent offense. Theft by  
19 emergency exit of property, the full retail value of which  
20 does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

21 (2) A person who has been convicted of retail theft of  
22 property under any of subdivisions (a)(1) through (a)(6)  
23 and (a)(8) of this Section, the full retail value of which  
24 does not exceed \$2,000 ~~\$300~~ for property other than motor  
25 fuel or \$150 for motor fuel, and who has been previously  
26 convicted of any type of theft, robbery, armed robbery,

1 burglary, residential burglary, possession of burglary  
2 tools, home invasion, unlawful use of a credit card, or  
3 forgery is guilty of a Class 4 felony. A person who has  
4 been convicted of theft by emergency exit of property, the  
5 full retail value of which does not exceed \$2,000 ~~\$300~~, and  
6 who has been previously convicted of felony ~~any type of~~  
7 ~~theft, robbery, armed robbery, burglary, residential~~  
8 ~~burglary, possession of burglary tools, home invasion,~~  
9 ~~unlawful use of a credit card, or forgery~~ is guilty of a  
10 Class 3 felony.

11 (3) Any retail theft of property under any of  
12 subdivisions (a)(1) through (a)(6) and (a)(8) of this  
13 Section, the full retail value of which exceeds \$2,000 ~~\$300~~  
14 for property other than motor fuel or \$150 for motor fuel  
15 in a single transaction, or in separate transactions  
16 committed by the same person as part of a continuing course  
17 of conduct from one or more mercantile establishments over  
18 a period of one year, is a Class 3 felony. Theft by  
19 emergency exit of property, the full retail value of which  
20 exceeds \$2,000 ~~\$300~~ in a single transaction, or in separate  
21 transactions committed by the same person as part of a  
22 continuing course of conduct from one or more mercantile  
23 establishments over a period of one year, is a Class 2  
24 felony. When a charge of retail theft of property or theft  
25 by emergency exit of property, the full value of which  
26 exceeds \$2,000 ~~\$300~~, is brought, the value of the property

1 involved is an element of the offense to be resolved by the  
2 trier of fact as either exceeding or not exceeding \$2,000  
3 \$300.

4 (Source: P.A. 97-597, eff. 1-1-12.)

5 Section 11. The Code of Criminal Procedure of 1963 is  
6 amended by adding Section 116-2.2 as follows:

7 (725 ILCS 5/116-2.2 new)

8 Sec. 116-2.2. Motion to resentence; statutory penalty  
9 reduction.

10 (a) A motion may be filed with the trial court that entered  
11 the judgment of conviction in a defendant's case at any time  
12 following the entry of a guilty verdict or a finding of guilt  
13 for any offense under the Criminal Code of 1961 or the Criminal  
14 Code of 2012 or a similar local ordinance by the defendant  
15 provided:

16 (1) the motion clearly states the penalty for the  
17 offense for which the defendant was found guilty or  
18 convicted has been amended or changed and became effective  
19 after his or her plea of guilty or conviction, which  
20 includes but is not limited to:

21 (A) reduces the minimum or maximum sentence for the  
22 offense;

23 (B) grants the court more discretion over the range  
24 of penalties available for the offense;



1           (C) the underlying conduct relating to the offense  
2           was decriminalized; or

3           (D) other instances in which the penalties  
4           associated with the offense or conduct underlying the  
5           offense were reduced in any way; and

6           (2) reasonable notice of the motion shall be served  
7           upon the State.

8           (b) If the petitioner's motion under this Section  
9           accurately reflects that the conditions described in paragraph  
10           (1) of subsection (a) are present at the time of the hearing on  
11           the motion by the court, the court must reduce the penalty  
12           imposed on the defendant so that it is consistent with the  
13           penalty the defendant would have received if the law in effect  
14           at the time of the hearing on the motion by the court was in  
15           effect at the time the offense was committed. The court may  
16           take any additional action it deems appropriate under the  
17           circumstances.

18           Section 15. The Unified Code of Corrections is amended by  
19           changing Sections 3-1-2, 3-4-3, 3-6-1, 3-6-3, 3-6-7, 3-7-2,  
20           3-7-2a, 3-8-4, 3-14-4, and 5-4-1 and by adding Sections  
21           3-2-2.5, 3-2-2.6, 3-2-2.7, 3-2-2.8, and 3-14-1.1 and Article 8B  
22           of Chapter V as follows:

23           (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

24           Sec. 3-1-2. Definitions.

1           (a) "Chief Administrative Officer" means the person  
2 designated by the Director to exercise the powers and duties of  
3 the Department of Corrections in regard to committed persons  
4 within a correctional institution or facility, and includes the  
5 superintendent of any juvenile institution or facility.

6           (a-3) "Aftercare release" means the conditional and  
7 revocable release of a person committed to the Department of  
8 Juvenile Justice under the Juvenile Court Act of 1987, under  
9 the supervision of the Department of Juvenile Justice.

10          (a-5) "Sex offense" for the purposes of paragraph (16) of  
11 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
12 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
13 Section 5-6-3.1 only means:

14           (i) A violation of any of the following Sections of the  
15 Criminal Code of 1961 or the Criminal Code of 2012: 10-7  
16 (aiding or abetting child abduction under Section  
17 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
18 solicitation of a child), 11-6.5 (indecent solicitation of  
19 an adult), 11-14.4 (promoting juvenile prostitution),  
20 11-15.1 (soliciting for a juvenile prostitute), 11-17.1  
21 (keeping a place of juvenile prostitution), 11-18.1  
22 (patronizing a juvenile prostitute), 11-19.1 (juvenile  
23 pimping), 11-19.2 (exploitation of a child), 11-20.1  
24 (child pornography), 11-20.1B or 11-20.3 (aggravated child  
25 pornography), 11-1.40 or 12-14.1 (predatory criminal  
26 sexual assault of a child), or 12-33 (ritualized abuse of a

1 child). An attempt to commit any of these offenses.

2 (ii) A violation of any of the following Sections of  
3 the Criminal Code of 1961 or the Criminal Code of 2012:  
4 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or  
5 12-14 (aggravated criminal sexual assault), 11-1.60 or  
6 12-16 (aggravated criminal sexual abuse), and subsection  
7 (a) of Section 11-1.50 or subsection (a) of Section 12-15  
8 (criminal sexual abuse). An attempt to commit any of these  
9 offenses.

10 (iii) A violation of any of the following Sections of  
11 the Criminal Code of 1961 or the Criminal Code of 2012 when  
12 the defendant is not a parent of the victim:

13 10-1 (kidnapping),  
14 10-2 (aggravated kidnapping),  
15 10-3 (unlawful restraint),  
16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this State  
19 substantially equivalent to any offense listed in this  
20 subsection (a-5).

21 An offense violating federal law or the law of another  
22 state that is substantially equivalent to any offense listed in  
23 this subsection (a-5) shall constitute a sex offense for the  
24 purpose of this subsection (a-5). A finding or adjudication as  
25 a sexually dangerous person under any federal law or law of  
26 another state that is substantially equivalent to the Sexually

1 Dangerous Persons Act shall constitute an adjudication for a  
2 sex offense for the purposes of this subsection (a-5).

3 (b) "Commitment" means a judicially determined placement  
4 in the custody of the Department of Corrections on the basis of  
5 delinquency or conviction.

6 (c) "Committed person" is a person committed to the  
7 Department, however a committed person shall not be considered  
8 to be an employee of the Department of Corrections for any  
9 purpose, including eligibility for a pension, benefits, or any  
10 other compensation or rights or privileges which may be  
11 provided to employees of the Department.

12 (c-5) "Computer scrub software" means any third-party  
13 added software, designed to delete information from the  
14 computer unit, the hard drive, or other software, which would  
15 eliminate and prevent discovery of browser activity, including  
16 but not limited to Internet history, address bar or bars, cache  
17 or caches, and/or cookies, and which would over-write files in  
18 a way so as to make previous computer activity, including but  
19 not limited to website access, more difficult to discover.

20 (c-10) "Content-controlled tablet" means any device that  
21 can only access visitation applications or content relating to  
22 educational or personal development.

23 (d) "Correctional institution or facility" means any  
24 building or part of a building where committed persons are kept  
25 in a secured manner.

26 (e) "Department" means both the Department of Corrections

1 and the Department of Juvenile Justice of this State, unless  
2 the context is specific to either the Department of Corrections  
3 or the Department of Juvenile Justice.

4 (f) "Director" means both the Director of Corrections and  
5 the Director of Juvenile Justice, unless the context is  
6 specific to either the Director of Corrections or the Director  
7 of Juvenile Justice.

8 (f-5) (Blank).

9 (g) "Discharge" means the final termination of a commitment  
10 to the Department of Corrections.

11 (h) "Discipline" means the rules and regulations for the  
12 maintenance of order and the protection of persons and property  
13 within the institutions and facilities of the Department and  
14 their enforcement.

15 (h-5) "Dyslexia" means an unexpected difficulty in reading  
16 for an individual who has the intelligence to be a much better  
17 reader, most commonly caused by a difficulty in the  
18 phonological processing (the appreciation of the individual  
19 sounds of spoken language), which affects the ability of an  
20 individual to speak, read, and spell.

21 (h-10) "Dyslexia screening program" means a screening  
22 program for dyslexia that is:

23 (1) evidence-based (as defined in Section 8101(21) of  
24 the Elementary and Secondary Education Act of 1965 with  
25 proven psychometrics for validity;

26 (2) efficient and low-cost; and

1           (3) readily available.

2           (i) "Escape" means the intentional and unauthorized  
3 absence of a committed person from the custody of the  
4 Department.

5           (i-5) "Evidence-based recidivism reduction program" means  
6 either a group or individual activity that:

7           (1) has been shown by empirical evidence to reduce  
8 recidivism or is based on research indicating that it is  
9 likely to be effective in reducing recidivism;

10           (2) is designed to help committed persons succeed in  
11 their communities upon release from a Department  
12 institution or facility; and

13           (3) may include:

14           (A) social learning and communication,  
15 interpersonal, anti-bullying, rejection response, and  
16 other life skills;

17           (B) family relationship building, structured  
18 parent-child interaction, and parenting skills;

19           (C) classes on morals or ethics;

20           (D) academic classes;

21           (E) cognitive behavioral treatment;

22           (F) mentoring;

23           (G) substance abuse treatment;

24           (H) vocational training;

25           (I) faith-based classes or services;

26           (J) civic engagement and re-integrative community

1           services;

2           (K) a correctional institution job, including  
3           through an Illinois Correctional Industries program;

4           (L) victim impact classes or other restorative  
5           justice programs; and

6           (M) trauma counseling and trauma-informed support  
7           programs.

8           (j) "Furlough" means an authorized leave of absence from  
9           the Department of Corrections for a designated purpose and  
10          period of time.

11          (j-5) "Mentoring, reentry, and spiritual services" means a  
12          prerelease custody into which a committed person is placed and  
13          may not include a condition prohibiting the committed person  
14          from receiving mentoring, reentry, or spiritual services from a  
15          person who provided those services to the committed person  
16          while the committed person was incarcerated, except that the  
17          chief administrative officer of the correctional institution  
18          or facility at which the committed person was incarcerated may  
19          wave the requirement under this paragraph if the chief  
20          administrative officer finds that the provision of such  
21          services would pose a significant security risk to the  
22          committed person, persons who provide such services, or any  
23          other person. The chief administrative officer shall provide  
24          written notice of any such waiver to the person providing such  
25          services and to the committed person.

26          (k) "Parole" means the conditional and revocable release of

1 a person committed to the Department of Corrections under the  
2 supervision of a parole officer.

3 (1) "Prisoner Review Board" means the Board established in  
4 Section 3-3-1(a), independent of the Department, to review  
5 rules and regulations with respect to good time credits, to  
6 hear charges brought by the Department against certain  
7 prisoners alleged to have violated Department rules with  
8 respect to good time credits, to set release dates for certain  
9 prisoners sentenced under the law in effect prior to the  
10 effective date of this Amendatory Act of 1977, to hear and  
11 decide the time of aftercare release for persons committed to  
12 the Department of Juvenile Justice under the Juvenile Court Act  
13 of 1987 to hear requests and make recommendations to the  
14 Governor with respect to pardon, reprieve or commutation, to  
15 set conditions for parole, aftercare release, and mandatory  
16 supervised release and determine whether violations of those  
17 conditions justify revocation of parole or release, and to  
18 assume all other functions previously exercised by the Illinois  
19 Parole and Pardon Board.

20 (1-5) "Productive activity" means either a group or  
21 individual activity that is designed to allow committed persons  
22 determined as having a minimum or low risk of recidivating to  
23 remain productive and thereby maintain a minimum or low risk of  
24 recidivating, and may include the delivery of the programs  
25 described in subsection (i-5) to other committed persons.

26 (1-10) "Risk and needs assessment tool" means an objective



1 and statistically validated method through which information  
2 is collected and evaluated to determine:

3 (1) as part of the intake process, the risk that a  
4 committed person will recidivate upon release from the  
5 correctional institution or facility;

6 (2) the recidivism reduction programs that will best  
7 minimize the risk that the committed person will recidivate  
8 upon release from the correctional institution or  
9 facility; and

10 (3) the periodic reassessment of risk that a committed  
11 person will recidivate upon release from the correctional  
12 institution or facility, based on factors including  
13 indicators of progress and of regression, that are dynamic  
14 and that can reasonably be expected to change while in the  
15 correctional institution or facility.

16 (1-15) "System" means the risks and needs assessment system  
17 established by this amendatory Act of the 101st General  
18 Assembly.

19 (m) Whenever medical treatment, service, counseling, or  
20 care is referred to in this Unified Code of Corrections, such  
21 term may be construed by the Department or Court, within its  
22 discretion, to include treatment, service or counseling by a  
23 Christian Science practitioner or nursing care appropriate  
24 therewith whenever request therefor is made by a person subject  
25 to the provisions of this Act.

26 (n) "Victim" shall have the meaning ascribed to it in

1 subsection (a) of Section 3 of the Bill of Rights for Victims  
2 and Witnesses of Violent Crime Act.

3 (o) "Wrongfully imprisoned person" means a person who has  
4 been discharged from a prison of this State and has received:

5 (1) a pardon from the Governor stating that such pardon  
6 is issued on the ground of innocence of the crime for which  
7 he or she was imprisoned; or

8 (2) a certificate of innocence from the Circuit Court  
9 as provided in Section 2-702 of the Code of Civil  
10 Procedure.

11 (Source: P.A. 100-198, eff. 1-1-18.)

12 (730 ILCS 5/3-2-2.5 new)

13 Sec. 3-2-2.5. Duties of the Director of Corrections;  
14 reduction of recidivism.

15 (a) The Director of Corrections shall carry out this  
16 Section in consultation with:

17 (1) the Director of Juvenile Justice;

18 (2) the Director of the Administrative Office of the  
19 Illinois Courts;

20 (3) the Executive Director of the Illinois Sentencing  
21 Policy Advisory Council;

22 (4) the Executive Director of the Illinois Criminal  
23 Justice Information Authority; and

24 (5) the Independent Review Committee authorized by  
25 Section 3-2-2.7.

1       (b) The Director of Corrections shall:

2           (1) conduct a review of the existing committed person  
3       risk and needs assessment systems in operation on the  
4       effective date of this amendatory Act of the 101st General  
5       Assembly;

6           (2) develop recommendations regarding evidence-based  
7       recidivism reduction programs and productive activities in  
8       accordance with Section 3-2-2.6;

9           (3) conduct ongoing research and data analysis on:

10          (A) evidence-based recidivism reduction programs  
11       relating to the use of committed person risk and needs  
12       assessment tools;

13          (B) the most effective and efficient uses of those  
14       programs;

15          (C) which evidence-based recidivism reduction  
16       programs are the most effective at reducing  
17       recidivism, and the type, amount, and intensity of  
18       programming that most effectively reduces the risk of  
19       recidivism; and

20          (D) products purchased by State agencies that are  
21       manufactured in other states or foreign countries and  
22       could be manufactured by committed persons  
23       participating in a correctional institution or  
24       facility work program without reducing job  
25       opportunities for other workers in this State;

26       (4) on an annual basis, review and validate the risk

1 and needs assessment system, which review shall include:

2 (A) any subsequent changes to the risk and needs  
3 assessment system made after the effective date of this  
4 amendatory Act of the 101st General Assembly General  
5 Assembly;

6 (B) the recommendations developed under paragraph  
7 (2), using the research conducted under paragraph (3);

8 (C) an evaluation to ensure that the risk and needs  
9 assessment system bases the assessment of each  
10 committed person's risk of recidivism on indicators of  
11 progress, and of regression that are dynamic and that  
12 can reasonably be expected to change while in the  
13 correctional institution or facility;

14 (D) statistical validation of any tools that the  
15 risk and needs assessment system uses; and

16 (E) an evaluation of the rates of recidivism among  
17 similarly classified committed persons to identify any  
18 unwarranted disparities, including disparities among  
19 similarly classified committed persons of different  
20 demographic groups, in such rates;

21 (5) make any revisions or updates to the risk and needs  
22 assessment system that the Director of Corrections  
23 determines appropriate under the review under paragraph  
24 (4), including updates to ensure that any disparities  
25 identified in paragraph (4) (E) are reduced to the greatest  
26 extent possible; and

1           (6) report to the General Assembly in accordance with  
2           Section 3-2-2.8.

3  
4           (730 ILCS 5/3-2-2.6 new)

5           Sec. 3-2-2.6. Development of risk and needs assessment  
6           system.

7           (a) Not later than 2 years after the effective date of this  
8           amendatory Act of the 101st General Assembly, the Director of  
9           Corrections, in consultation with the Independent Review  
10           Committee created in Section 3-2-2.7, shall develop and release  
11           publicly on the Department of Corrections website a risk and  
12           needs assessment system, which shall be used to:

13           (1) determine the recidivism risk of each committed  
14           person as part of the intake process, and classify each  
15           committed person as having minimum, low, medium, or high  
16           risk for recidivism;

17           (2) assess and determine, to the extent practicable,  
18           the risk of violent or serious misconduct of each committed  
19           person;

20           (3) determine the type and amount of evidence-based  
21           recidivism reduction programming that is appropriate for  
22           each committed person and assign each committed person to  
23           such programming accordingly, based on the committed  
24           person's specific criminogenic needs, and in accordance  
25           with subsection (b);

1           (4) reassess the recidivism risk of each committed  
2 person periodically, based on factors including indicators  
3 of progress, and of regression, that are dynamic and that  
4 can reasonably be expected to change while in the  
5 correctional institution or facility;

6           (5) reassign the committed person to appropriate  
7 evidence-based recidivism reduction programs or productive  
8 activities based on the revised determination to ensure  
9 that:

10           (A) all committed persons at each risk level have a  
11 meaningful opportunity to reduce their classification  
12 during the period of incarceration;

13           (B) to address the specific criminogenic needs of  
14 the committed person; and

15           (C) all committed persons are able to successfully  
16 participate in those programs;

17           (6) determine when to provide incentives and rewards  
18 for successful participation in evidence-based recidivism  
19 reduction programs or productive activities in accordance  
20 with subsection (e);

21           (7) determine when a committed person is ready to  
22 transfer into prerelease custody or supervised release  
23 under Section; and

24           (8) determine the appropriate use of audio technology  
25 for program course materials with an understanding of  
26 dyslexia. In carrying out this paragraph, the Director of

1 Corrections may use existing risk and needs assessment  
2 tools, as appropriate.

3 (b) The system shall provide guidance on the type, amount, and  
4 intensity of evidence-based recidivism reduction  
5 programming and productive activities that shall be  
6 assigned for each committed person, including:

7 (1) programs in which the Department of Corrections  
8 shall assign the committed person to participate,  
9 according to the committed person's specific criminogenic  
10 needs; and

11 (2) information on the best ways that the Department of  
12 Corrections can tailor the programs to the specific  
13 criminogenic needs of each committed person so as to most  
14 effectively lower each committed person's risk of  
15 recidivism.

16 (c) The system shall provide guidance on program grouping  
17 and housing assignment determinations and, after accounting  
18 for the safety of each committed person and other individuals  
19 at the correctional institution or facility, provide that  
20 committed persons with a similar risk level be grouped together  
21 in housing and assignment decisions to the extent practicable.

22 (d) The system shall provide incentives and rewards for  
23 committed persons to participate in and complete  
24 evidence-based recidivism reduction programs as follows:

25 (1) A committed person who is successfully  
26 participating in an evidence-based recidivism reduction

1 program shall receive:

2 (A) phone privileges, or, if available, video  
3 conferencing privileges, for up to 30 minutes per day,  
4 and up to 510 minutes per month; and

5 (B) additional time for visitation at the  
6 correctional institution or facility, as determined by  
7 the chief administrative officer of the correctional  
8 institution or facility.

9 (2) A committed person who is successfully  
10 participating in an evidence-based recidivism reduction  
11 program shall be considered by the Department of  
12 Corrections for placement in a correctional institution or  
13 facility closer to the committed person's release  
14 residence upon request from the committed person and  
15 subject to:

16 (A) bed availability at the transfer correctional  
17 institution or facility;

18 (B) the committed person's security designation;  
19 and

20 (C) the recommendation from the chief  
21 administrative officer of the correctional institution  
22 or facility at which the committed person is  
23 incarcerated at the time of making the request.

24 (3) The Director of Corrections shall develop  
25 additional policies to provide appropriate incentives for  
26 successful participation and completion of evidence-based



1 recidivism reduction programming. The incentives shall  
2 include not less than 2 of the following:

3 (A) Increased commissary spending limits and  
4 product offerings.

5 (B) Extended opportunities to access the email  
6 system.

7 (C) Consideration of transfer to preferred housing  
8 units (including transfer to different prison  
9 facilities).

10 (D) Other incentives solicited from committed  
11 persons and determined appropriate by the Director.

12 (4) A committed person who successfully participates  
13 in evidence-based recidivism reduction programming or  
14 productive activities shall receive periodic risk  
15 reassessments not less often than annually, and a committed  
16 person determined to be at a medium or high risk of  
17 recidivating and who has less than 5 years until his or her  
18 projected release date shall receive more frequent risk  
19 reassessments. If the reassessment shows that the  
20 committed person's risk of recidivating or specific needs  
21 have changed, the Department of Corrections shall update  
22 the determination of the committed person's risk of  
23 recidivating or information regarding the committed  
24 person's specific needs and reassign the committed person  
25 to appropriate evidence-based recidivism reduction  
26 programming or productive activities based on such

1 changes.

2 (5) The incentives described in this subsection (d)  
3 shall be in addition to any other rewards or incentives for  
4 which a committed person may be eligible.

5 (e) The Director of Corrections shall develop guidelines  
6 for the reduction of rewards and incentives earned under  
7 subsection (d) for committed persons who violate correctional  
8 institution or facility rules or evidence-based recidivism  
9 reduction program or productive activity rules, which shall  
10 provide:

11 (1) general levels of violations and resulting  
12 reductions;

13 (2) that any reduction that includes the loss of  
14 sentence credits shall require written notice to the  
15 committed person, shall be limited to sentence credits that  
16 a committed person earned as of the date of the committed  
17 person's rule violation, and shall not include any future  
18 sentence credits that the committed person may earn; and

19 (3) for a procedure to restore sentence credits that a  
20 committed person lost as a result of a rule violation,  
21 based on the committed person's individual progress after  
22 the date of the rule violation.

23 (f) The Director of Corrections shall develop and implement  
24 training programs for Department of Corrections officers and  
25 employees responsible for administering the system, which  
26 shall include:

1           (1) initial training to educate officers and employees  
2           on how to use the system in an appropriate and consistent  
3           manner, as well as the reasons for using the system;

4           (2) continuing education;

5           (3) periodic training updates; and

6           (4) a requirement that such officers and employees  
7           demonstrate competence in administering the system,  
8           including interrater reliability, on a biannual basis.

9           (g) In order to ensure that the Department of Corrections  
10          is using the system in an appropriate and consistent manner,  
11          the Director of Corrections shall monitor and assess the use of  
12          the system, which shall include conducting annual audits of the  
13          Department of Corrections regarding the use of the system.

14          (h) The Director of Corrections shall incorporate a  
15          dyslexia screening program into the system, including by  
16          screening for dyslexia during:

17           (1) the intake process; and

18           (2) each periodic risk reassessment of a committed  
19          person.

20          The Director of Corrections shall incorporate programs  
21          designed to treat dyslexia into the evidence-based recidivism  
22          reduction programs or productive activities required to be  
23          implemented under this Section. he Director of Corrections may  
24          also incorporate programs designed to treat other learning  
25          disabilities.

26          (i) Beginning on the date that is 2 years after the

1 effective date of this amendatory Act of the 101st General  
2 Assembly and annually thereafter for a period of 5 years, the  
3 Director of Corrections shall submit a report to the General  
4 Assembly that contains the following:

5 (1) A summary of the activities and accomplishments of  
6 the Director of Corrections in carrying out this amendatory  
7 Act of the 101st General Assembly.

8 (2) A summary and assessment of the types and  
9 effectiveness of the evidence-based recidivism reduction  
10 programs and productive activities in institutions and  
11 facilities operated by the Department of Corrections,  
12 including:

13 (A) evidence about which programs have been shown  
14 to reduce recidivism;

15 (B) the capacity of each program and activity at  
16 each correctional institution or facility, including  
17 the number of committed persons along with the  
18 recidivism risk of each committed person enrolled in  
19 each program; and

20 (C) identification of any gaps or shortages in  
21 capacity of those programs and activities.

22 (3) Rates of recidivism among individuals who have been  
23 released from a correctional institution or facility,  
24 based on the following criteria:

25 (A) the primary offense of conviction;

26 (B) the length of the sentence imposed and served;

1           (C) the Department of Corrections correctional  
2           institution or facility in which the committed  
3           person's sentence was served;

4           (D) the evidence-based recidivism reduction  
5           programming that the committed person successfully  
6           completed, if any;

7           (E) the committed person's assessed and reassessed  
8           risk of recidivism; and

9           (F) the productive activities that the committed  
10           person successfully completed, if any.

11           (4) The status of correctional industries programs at  
12           facilities operated by the Department of Corrections,  
13           including:

14           (A) a strategy to expand the availability of those  
15           programs without reducing job opportunities for  
16           workers in this State who are not in the custody of the  
17           Department of Corrections, including the feasibility  
18           of committed persons manufacturing products purchased  
19           by State agencies that are manufactured in other  
20           states;

21           (B) an assessment of the feasibility of expanding  
22           such programs, consistent with the strategy required  
23           under subparagraph (A), with the goal that 5 years  
24           after the effective date of this amendatory Act of the  
25           101st General Assembly, not less than 75% of eligible  
26           minimum-risk and low-risk offenders have the

1 opportunity to participate in a correctional  
2 industries program for not less than 20 hours per week;  
3 and

4 (C) a detailed discussion of legal authorities  
5 that would be useful or necessary to achieve the goals  
6 described in subparagraphs (A) and (B).

7 (5) An assessment of the Department of Corrections'  
8 compliance with this Section.

9 (6) An assessment of progress made toward carrying out  
10 the purposes of this amendatory Act of the 101st General  
11 Assembly, including any savings associated with:

12 (A) the transfer of committed persons into  
13 prerelease custody or supervised release under Article  
14 8B of Chapter V, including savings resulting from the  
15 avoidance or deferral of future construction,  
16 acquisition, and operations costs; and

17 (B) any decrease in recidivism that may be  
18 attributed to the system or the increase in  
19 evidence-based recidivism reduction programs required  
20 under this Section.

21 (7) An assessment of budgetary savings resulting from  
22 this Section, including:

23 (A) a summary of the amount of savings resulting  
24 from the transfer of committed persons into prerelease  
25 custody under Article 8B of Chapter V, including  
26 savings resulting from the avoidance or deferral of

1 future construction, acquisition, or operations costs;

2 (B) a summary of the amount of savings resulting  
3 from any decrease in recidivism that may be attributed  
4 to the implementation of the risk and needs assessment  
5 system or the increase in recidivism reduction  
6 programs and productive activities required by Article  
7 8B of Chapter V;

8 (C) a strategy to reinvest the savings described in  
9 subparagraphs (A) and (B) in other:

10 (i) State and local law enforcement  
11 activities; and

12 (ii) expansions of recidivism reduction  
13 programs and productive activities in the  
14 Department of Corrections; and

15 (D) a description of how the reduced expenditures  
16 on State corrections and the budgetary savings  
17 resulting from the implementation of Article 8B of  
18 Chapter V are currently being used and will be used  
19 to:

20 (i) increase investment in law enforcement and  
21 crime prevention to combat gangs of national  
22 significance and high-level drug traffickers  
23 through drug task forces;

24 (ii) hire, train, and equip law enforcement  
25 officers and prosecutors; and

26 (iii) promote crime reduction programs using

1 evidence-based practices and strategic planning to  
2 help reduce crime and criminal recidivism.

3 (8) Statistics on:

4 (A) the prevalence of dyslexia among committed  
5 persons in correctional institutions and facilities  
6 operated by the Department of Corrections; and

7 (B) any change in the effectiveness of dyslexia  
8 mitigation programs among such committed persons that  
9 may be attributed to the incorporation of dyslexia  
10 screening into the system and of dyslexia treatment  
11 into the evidence-based recidivism reduction programs,  
12 as required under this Section.

13 (j) In order to expand evidence-based recidivism reduction  
14 programs and productive activities, the Director of  
15 Corrections shall develop policies for the chief  
16 administrative officer of each correctional institution or  
17 facility of the Department of Corrections to enter into  
18 partnerships, subject to the availability of appropriations,  
19 with any of the following:

20 (1) Nonprofit and other private organizations,  
21 including faith-based, art, and community-based  
22 organizations that will deliver recidivism reduction  
23 programming on a paid or volunteer basis.

24 (2) Public institutions of higher education as defined  
25 in Section 1 of the Board of Higher Education Act that will  
26 deliver instruction on a paid or volunteer basis.



1           (3) Private entities that:

2                   (A) deliver vocational training and  
3                   certifications;

4                   (B) provide equipment to facilitate vocational  
5                   training or employment opportunities for committed  
6                   persons;

7                   (C) employ committed persons; or

8                   (D) assist committed persons in prerelease custody  
9                   or supervised release in finding employment.

10           (k) The Director of Corrections shall provide each  
11           committed persons with the opportunity to actively participate  
12           in evidence-based recidivism reduction programs or productive  
13           activities, according to his or her specific criminogenic  
14           needs, throughout his or her entire term of incarceration.  
15           Priority for participation in recidivism reduction programs  
16           shall be given to medium-risk and high-risk committed persons,  
17           with access to productive activities given to minimum-risk and  
18           low-risk committed persons.

19           (l) The Director of Corrections shall ensure there is  
20           sufficient prerelease custody capacity to accommodate all  
21           eligible committed persons.

22           (730 ILCS 5/3-2-2.7 new)

23           Sec. 3-2-2.7. Independent Review Committee.

24           (a) The Director of Corrections shall consult with an  
25           Independent Review Committee in carrying out the Director of

1 Corrections's duties under Sections 3-2-2.5 through 3-2-2.8.  
2 The Illinois Sentencing Policy Advisory Council shall select a  
3 nonpartisan and nonprofit organization with expertise in the  
4 study and development of risk and needs assessment tools to  
5 host the Independent Review Committee.

6 (b) The Independent Review Committee shall be established  
7 not later than 30 days after the effective date of this  
8 amendatory Act of the 101st General Assembly.

9 (c) The organization selected by the Illinois Sentencing  
10 Policy Advisory Council shall appoint not fewer than 6 members  
11 to the Independent Review Committee.

12 (d) The members of the Independent Review Committee shall  
13 all have expertise in risk and needs assessment systems and  
14 shall include:

15 (1) 2 individuals who have published peer-reviewed  
16 scholarship about risk and needs assessments in both  
17 corrections and community settings;

18 (2) 2 corrections practitioners who have developed and  
19 implemented a risk assessment tool in a corrections system  
20 or in a community supervision setting, including one with  
21 prior experience working within the Department of  
22 Corrections; and

23 (3) one individual with expertise in assessing risk  
24 assessment implementation.

25 (e) The Independent Review Committee shall assist the  
26 Director of Corrections in carrying out the Director of

1 Corrections's duties under Sections 3-2-2.5 through 3-2-2.8,  
2 including by assisting in:

3 (1) conducting a review of the existing committed  
4 person risk and needs assessment systems in operation on  
5 the effective date of this amendatory Act of the 101st  
6 General Assembly;

7 (2) developing recommendations regarding  
8 evidence-based recidivism reduction programs and  
9 productive activities;

10 (3) conducting research and data analysis on:

11 (A) evidence-based recidivism reduction programs  
12 relating to the use of committed person risk and needs  
13 assessment tools;

14 (B) the most effective and efficient uses of such  
15 programs; and

16 (C) which evidence-based recidivism reduction  
17 programs are the most effective at reducing  
18 recidivism, and the type, amount, and intensity of  
19 programming that most effectively reduces the risk of  
20 recidivism; and

21 (4) reviewing and validating the risk and needs  
22 assessment system.

23 Each member of the Independent Review Committee shall serve  
24 for a period of 3 years or until the risk and needs assessment  
25 tools are implemented by the Department of Corrections,  
26 whichever occurs first.

1       (f) The Director of Corrections shall assist the  
2 Independent Review Committee in performing the Committee's  
3 duties and promptly respond to requests from the Committee for  
4 access to Department of Corrections facilities, personnel, and  
5 information.

6       (g) The risk and needs assessment tools shall be developed  
7 and implemented within 2 years after the effective date of this  
8 amendatory Act of the 101st General Assembly. One year after  
9 the implementation of the needs and risk assessment tools for  
10 the Department of Corrections, the Independent Review  
11 Committee shall be dissolved.

12       (730 ILCS 5/3-2-2.8 new)

13       Sec. 3-2-2.8. Evidence-based recidivism reduction program  
14 and recommendations.

15       (a) Prior to releasing the system, in consultation with the  
16 Independent Review Committee, the Director of Corrections  
17 shall:

18       (1) review the effectiveness of evidence-based  
19 recidivism reduction programs that exist as of the  
20 effective date of this amendatory Act of the 101st General  
21 Assembly in correctional institutions or facilities  
22 operated by the Department of Corrections;

23       (2) review available information regarding the  
24 effectiveness of evidence-based recidivism reduction  
25 programs and productive activities that exist in

1 State-operated correctional institutions or facilities  
2 throughout this State;

3 (3) identify the most effective evidence-based  
4 recidivism reduction programs;

5 (4) review the policies for entering into  
6 evidence-based recidivism reduction partnerships; and

7 (5) direct the Department of Corrections regarding:

8 (A) evidence-based recidivism reduction programs;

9 (B) the ability for faith-based organizations to  
10 function as a provider of educational evidence-based  
11 programs outside of the religious classes and services  
12 provided through the Chaplaincy; and

13 (C) the addition of any new effective  
14 evidence-based recidivism reduction programs that the  
15 Director of Corrections finds.

16 (b) In carrying out subsection (a), the Director of  
17 Corrections shall consider the prevalence and mitigation of  
18 dyslexia in correctional institutions and facilities of the  
19 Department, including by:

20 (1) reviewing statistics on the prevalence of  
21 dyslexia, and the effectiveness of any programs  
22 implemented to mitigate the effects of dyslexia, in  
23 correctional institutions and facilities operated by the  
24 Department of Corrections; and

25 (2) incorporating the findings of the Director of  
26 Corrections under paragraph (1) of this subsection (b) into

1           any directives given to the Department of Corrections under  
2           paragraph (5) of subsection (a).

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

4           Sec. 3-4-3. Funds and Property of Persons Committed.

5           (a) The Department of Corrections and the Department of  
6           Juvenile Justice shall establish accounting records with  
7           accounts for each person who has or receives money while in an  
8           institution or facility of that Department and it shall allow  
9           the withdrawal and disbursement of money by the person under  
10          rules and regulations of that Department. Any interest or other  
11          income from moneys deposited with the Department by a resident  
12          of the Department of Juvenile Justice in excess of \$200 shall  
13          accrue to the individual's account, or in balances up to \$200  
14          shall accrue to the Residents' Benefit Fund. For an individual  
15          in an institution or facility of the Department of Corrections  
16          the interest shall accrue to the Residents' Benefit Fund. The  
17          Department shall disburse all moneys so held no later than the  
18          person's final discharge from the Department. Moneys in the  
19          account of a committed person who files a lawsuit determined  
20          frivolous under Article XXII of the Code of Civil Procedure  
21          shall be deducted to pay for the filing fees and cost of the  
22          suit as provided in that Article. The Department shall under  
23          rules and regulations record and receipt all personal property  
24          not allowed to committed persons. The Department shall return  
25          such property to the individual no later than the person's

1 release on parole or aftercare.

2 (b) Any money held in accounts of committed persons  
3 separated from the Department by death, discharge, or  
4 unauthorized absence and unclaimed for a period of 1 year  
5 thereafter by the person or his legal representative shall be  
6 transmitted to the State Treasurer who shall deposit it into  
7 the General Revenue Fund. Articles of personal property of  
8 persons so separated may be sold or used by the Department if  
9 unclaimed for a period of 1 year for the same purpose.  
10 Clothing, if unclaimed within 30 days, may be used or disposed  
11 of as determined by the Department.

12 (b-5) The Department of Corrections shall establish a  
13 savings account for each committed person participating in the  
14 correctional industries program under Article 12 of this  
15 Chapter. The savings account shall be equal to 15% of the  
16 compensation received by the committed person from  
17 participating in the program.

18 (c) Forty percent of the profits on sales from commissary  
19 stores shall be expended by the Department for the special  
20 benefit of committed persons which shall include but not be  
21 limited to the advancement of inmate payrolls, for the special  
22 benefit of employees, and for the advancement or reimbursement  
23 of employee travel, provided that amounts expended for  
24 employees shall not exceed the amount of profits derived from  
25 sales made to employees by such commissaries, as determined by  
26 the Department. The remainder of the profits from sales from

1 commissary stores must be used first to pay for wages and  
2 benefits of employees covered under a collective bargaining  
3 agreement who are employed at commissary facilities of the  
4 Department and then to pay the costs of dietary staff.

5 (d) The Department shall confiscate any unauthorized  
6 currency found in the possession of a committed person. The  
7 Department shall transmit the confiscated currency to the State  
8 Treasurer who shall deposit it into the General Revenue Fund.

9 (Source: P.A. 97-1083, eff. 8-24-12; 98-558, eff. 1-1-14.)

10 (730 ILCS 5/3-6-1) (from Ch. 38, par. 1003-6-1)

11 Sec. 3-6-1. Institutions; Facilities; and Programs.

12 (a) The Department shall designate those institutions and  
13 facilities which shall be maintained for persons assigned as  
14 adults and as juveniles.

15 (b) The types, number and population of institutions and  
16 facilities shall be determined by the needs of committed  
17 persons for treatment and the public for protection. A  
18 committed person shall be assigned to an institution or  
19 facility of the Department that is located within 200 miles of  
20 his or her residence immediately before the committed person's  
21 admission to the Department. All institutions and programs  
22 shall conform to the minimum standards under this Chapter.

23 (Source: P.A. 77-2097.)

24 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)



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

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

6           (1.5) As otherwise provided by law, sentence credit may be  
7 awarded for the following:

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

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

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

15           (2) Except as provided in paragraph (4.7) of this  
16 subsection (a), the rules and regulations on sentence credit  
17 shall provide, with respect to offenses listed in clause (i),  
18 (ii), or (iii) of this paragraph (2) committed on or after June  
19 19, 1998 or with respect to the offense listed in clause (iv)  
20 of this paragraph (2) committed on or after June 23, 2005 (the  
21 effective date of Public Act 94-71) or with respect to offense  
22 listed in clause (vi) committed on or after June 1, 2008 (the  
23 effective date of Public Act 95-625) or with respect to the  
24 offense of being an armed habitual criminal committed on or  
25 after August 2, 2005 (the effective date of Public Act 94-398)  
26 or with respect to the offenses listed in clause (v) of this

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

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

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

1 than 4.5 days of sentence credit for each month of his or  
2 her sentence of 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 a  
6 category I weapon or category II weapon, when the court has  
7 made and entered a finding, pursuant to subsection (c-1) of  
8 Section 5-4-1 of this Code, that the conduct leading to  
9 conviction for the enumerated offense resulted in great  
10 bodily harm to a victim, shall receive no more than 4.5  
11 days of sentence credit for each month of his or her  
12 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 harm  
16 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, aggravated  
5 participation in methamphetamine manufacturing, delivery  
6 of methamphetamine, possession with intent to deliver  
7 methamphetamine, aggravated delivery of methamphetamine,  
8 aggravated possession with intent to deliver  
9 methamphetamine, methamphetamine conspiracy when the  
10 substance containing the controlled substance or  
11 methamphetamine is 100 grams or more shall receive no more  
12 than 7.5 days sentence credit for each month of his or her  
13 sentence of imprisonment;

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

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

22 (2.1) For all offenses, other than those enumerated in  
23 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
24 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
25 June 23, 2005 (the effective date of Public Act 94-71) or  
26 subdivision (a)(2)(v) committed on or after August 13, 2007

1 (the effective date of Public Act 95-134) or subdivision  
2 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
3 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
4 on or after July 23, 2010 (the effective date of Public Act  
5 96-1224), and other than the offense of aggravated driving  
6 under the influence of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination thereof  
8 as defined in subparagraph (F) of paragraph (1) of subsection  
9 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
10 than the offense 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 Section  
14 11-501 of the Illinois Vehicle Code committed on or after  
15 January 1, 2011 (the effective date of Public Act 96-1230), the  
16 rules and regulations shall provide that a prisoner who is  
17 serving a term of imprisonment shall receive one day of  
18 sentence credit for each day of his or her sentence of  
19 imprisonment or recommitment under Section 3-3-9. Each day of  
20 sentence credit shall reduce by one day the prisoner's period  
21 of imprisonment or recommitment under Section 3-3-9.

22 (2.2) A prisoner serving a term of natural life  
23 imprisonment or a prisoner who has been sentenced to death  
24 shall receive no sentence credit.

25 (2.3) Except as provided in paragraph (4.7) of this  
26 subsection (a), the rules and regulations on sentence credit

1 shall provide that a prisoner who is serving a sentence for  
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 (F) of paragraph  
5 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
6 Code, shall receive no more than 4.5 days of sentence credit  
7 for each month of his or her sentence of imprisonment.

8 (2.4) Except as provided in paragraph (4.7) of this  
9 subsection (a), the rules and regulations on sentence credit  
10 shall provide with respect to the offenses of aggravated  
11 battery with a machine gun or a firearm equipped with any  
12 device or attachment designed or used for silencing the report  
13 of a firearm or aggravated discharge of a machine gun or a  
14 firearm equipped with any device or attachment designed or used  
15 for silencing the report of a firearm, committed on or after  
16 July 15, 1999 (the effective date of Public Act 91-121), that a  
17 prisoner serving a sentence for any of these offenses shall  
18 receive no more than 4.5 days of sentence credit for each month  
19 of his or her sentence of imprisonment.

20 (2.5) Except as provided in paragraph (4.7) of this  
21 subsection (a), the rules and regulations on sentence credit  
22 shall provide that a prisoner who is serving a sentence for  
23 aggravated arson committed on or after July 27, 2001 (the  
24 effective date of Public Act 92-176) shall receive no more than  
25 4.5 days of sentence credit for each month of his or her  
26 sentence of imprisonment.

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

12           (3) In addition to the sentence credits earned under  
13 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),  
14 the rules and regulations shall also provide that the Director  
15 may award up to 180 days of earned sentence credit for good  
16 conduct in specific instances as the Director deems proper. The  
17 good conduct may include, but is not limited to, compliance  
18 with the rules and regulations of the Department, service to  
19 the Department, service to a community, or service to the  
20 State.

21           Eligible inmates for an award of earned sentence credit  
22 under this paragraph (3) may be selected to receive the credit  
23 at the Director's or his or her designee's sole discretion.  
24 Eligibility for the additional earned sentence credit under  
25 this paragraph (3) shall be based on, but is not limited to,  
26 the results of any available risk/needs assessment or other

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

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

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

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

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

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

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

25 (3.5) The Department shall provide annual written reports  
26 to the Governor and the General Assembly on the award of earned



1 sentence credit no later than February 1 of each year. The  
2 Department must publish both reports on its website within 48  
3 hours of transmitting the reports to the Governor and the  
4 General Assembly. The reports must include:

5 (A) the number of inmates awarded earned sentence  
6 credit;

7 (B) the average amount of earned sentence credit  
8 awarded;

9 (C) the holding offenses of inmates awarded earned  
10 sentence credit; and

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

12 (4) Except as provided in paragraph (4.7) of this  
13 subsection (a), the rules and regulations shall also provide  
14 that the sentence credit accumulated and retained under  
15 paragraph (2.1) of subsection (a) of this Section by any inmate  
16 during specific periods of time in which such inmate is engaged  
17 full-time in substance abuse programs, correctional industry  
18 assignments, educational programs, behavior modification  
19 programs, life skills courses, or re-entry planning provided by  
20 the Department under this paragraph (4) and satisfactorily  
21 completes the assigned program as determined by the standards  
22 of the Department, shall be multiplied by a factor of 1.25 for  
23 program participation before August 11, 1993 and 1.50 for  
24 program participation on or after that date. The rules and  
25 regulations shall also provide that sentence credit, subject to  
26 the same offense limits and multiplier provided in this

1 paragraph, may be provided to an inmate who was held in  
2 pre-trial detention prior to his or her current commitment to  
3 the Department of Corrections and successfully completed a  
4 full-time, 60-day or longer substance abuse program,  
5 educational program, behavior modification program, life  
6 skills course, or re-entry planning provided by the county  
7 department of corrections or county jail. Calculation of this  
8 county program credit shall be done at sentencing as provided  
9 in Section 5-4.5-100 of this Code and shall be included in the  
10 sentencing order. However, no inmate shall be eligible for the  
11 additional sentence credit under this paragraph (4) or (4.1) of  
12 this subsection (a) while assigned to a boot camp or electronic  
13 detention.

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

24 Availability of these programs shall be subject to the  
25 limits of fiscal resources appropriated by the General Assembly  
26 for these purposes. Eligible inmates who are denied immediate

1 admission shall be placed on a waiting list under criteria  
2 established by the Department. The inability of any inmate to  
3 become engaged in any such programs by reason of insufficient  
4 program resources or for any other reason established under the  
5 rules and regulations of the Department shall not be deemed a  
6 cause of action under which the Department or any employee or  
7 agent of the Department shall be liable for damages to the  
8 inmate.

9 (4.1) Except as provided in paragraph (4.7) of this  
10 subsection (a), the rules and regulations shall also provide  
11 that an additional 90 days of sentence credit shall be awarded  
12 to any prisoner who passes high school equivalency testing  
13 while the prisoner is committed to the Department of  
14 Corrections. The sentence credit awarded under this paragraph  
15 (4.1) shall be in addition to, and shall not affect, the award  
16 of sentence credit under any other paragraph of this Section,  
17 but shall also be pursuant to the guidelines and restrictions  
18 set forth in paragraph (4) of subsection (a) of this Section.  
19 The sentence credit provided for in this paragraph shall be  
20 available only to those prisoners who have not previously  
21 earned a high school diploma or a high school equivalency  
22 certificate. If, after an award of the high school equivalency  
23 testing sentence credit has been made, the Department  
24 determines that the prisoner was not eligible, then the award  
25 shall be revoked. The Department may also award 90 days of  
26 sentence credit to any committed person who passed high school

1     equivalency testing while he or she was held in pre-trial  
2     detention prior to the current commitment to the Department of  
3     Corrections.

4           (4.5) The rules and regulations on sentence credit shall  
5     also provide that when the court's sentencing order recommends  
6     a prisoner for substance abuse treatment and the crime was  
7     committed on or after September 1, 2003 (the effective date of  
8     Public Act 93-354), the prisoner shall receive no sentence  
9     credit awarded under clause (3) of this subsection (a) unless  
10    he or she participates in and completes a substance abuse  
11    treatment program. The Director may waive the requirement to  
12    participate in or complete a substance abuse treatment program  
13    in specific instances if the prisoner is not a good candidate  
14    for a substance abuse treatment program for medical,  
15    programming, or operational reasons. Availability of substance  
16    abuse treatment shall be subject to the limits of fiscal  
17    resources appropriated by the General Assembly for these  
18    purposes. If treatment is not available and the requirement to  
19    participate and complete the treatment has not been waived by  
20    the Director, the prisoner shall be placed on a waiting list  
21    under criteria established by the Department. The Director may  
22    allow a prisoner placed on a waiting list to participate in and  
23    complete a substance abuse education class or attend substance  
24    abuse self-help meetings in lieu of a substance abuse treatment  
25    program. A prisoner on a waiting list who is not placed in a  
26    substance abuse program prior to release may be eligible for a

1 waiver and receive sentence credit under clause (3) of this  
2 subsection (a) at the discretion of the Director.

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

14 (4.7) On or after the effective date of this amendatory Act  
15 of the 100th General Assembly, sentence credit under paragraph  
16 (3), (4), or (4.1) of this subsection (a) may be awarded to a  
17 prisoner who is serving a sentence for an offense described in  
18 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
19 on or after the effective date of this amendatory Act of the  
20 100th General Assembly; provided, the award of the credits  
21 under this paragraph (4.7) shall not reduce the sentence of the  
22 prisoner to less than the following amounts:

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

25 (ii) 60% of his or her sentence if the prisoner is  
26 required to serve 75% of his or her sentence, except if the

1 prisoner is serving a sentence for gunrunning his or her  
2 sentence shall not be reduced to less than 75%.

3 This paragraph (4.7) shall not apply to a prisoner serving  
4 a sentence for an offense described in subparagraph (i) of  
5 paragraph (2) of this subsection (a).

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

1       (6) (A) A prisoner, except for an ineligible prisoner under  
2 subparagraph (D), who successfully completes evidence-based  
3 recidivism reduction programming or productive activities,  
4 shall earn sentence credits as follows:

5           (i) A prisoner shall earn 10 days of sentence credits  
6 for every 30 days of successful participation in  
7 evidence-based recidivism reduction programming or  
8 productive activities.

9           (ii) A prisoner determined by the Department of  
10 Corrections to be at a minimum or low risk for  
11 recidivating, who, over 2 consecutive assessments, has not  
12 increased their risk of recidivism, shall earn an  
13 additional 5 days of sentence credits for every 30 days of  
14 successful participation in evidence-based recidivism  
15 reduction programming or productive activities.

16           (iii) A prisoner shall earn 7 days additional sentence  
17 credits per year.

18       (B) A prisoner may not earn sentence credits under this  
19 paragraph (6) for an evidence-based recidivism reduction  
20 program that the prisoner successfully completed:

21           (i) prior to the effective date of this amendatory Act  
22 of the 101st General Assembly; or

23           (ii) during official detention prior to the date that  
24 the prisoner's sentence commences.

25       (C) Sentence credits earned under this paragraph (6) by  
26 prisoners who successfully participate in recidivism reduction

1 programs or productive activities shall be applied toward time  
2 in prerelease custody or mandatory supervised release. The  
3 Director of Corrections shall transfer eligible prisoners, as  
4 determined under Section 5-8B-5, into prerelease custody or  
5 supervised release.

6 (D) A prisoner who is serving a term of imprisonment for  
7 first degree murder or for the offense of terrorism shall  
8 receive no sentence credits under this paragraph (6).

9 There shall be no limits on the number of prisoners who may  
10 participate in evidence-based recidivism reduction programming  
11 or productive activities.

12 The additional sentence credits provided in this paragraph  
13 (6) apply to prisoners who are or were committed to an  
14 institution or facility of the Department before, on, or after  
15 the effective date of this amendatory Act of the 101st General  
16 Assembly.

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

21 (c) The Department shall prescribe rules and regulations  
22 for revoking sentence credit, including revoking sentence  
23 credit awarded under paragraph (3) of subsection (a) of this  
24 Section. The Department shall prescribe rules and regulations  
25 for suspending or reducing the rate of accumulation of sentence  
26 credit for specific rule violations, during imprisonment.



1 These rules and regulations shall provide that no inmate may be  
2 penalized more than one year of sentence credit for any one  
3 infraction.

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

22 The Director of the Department of Corrections, in  
23 appropriate cases, may restore up to 30 days of sentence  
24 credits which have been revoked, suspended or reduced. Any  
25 restoration of sentence credits in excess of 30 days shall be  
26 subject to review by the Prisoner Review Board. However, the

1 Board may not restore sentence credit in excess of the amount  
2 requested by the Director.

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

8 (d) If a lawsuit is filed by a prisoner in an Illinois or  
9 federal court against the State, the Department of Corrections,  
10 or the Prisoner Review Board, or against any of their officers  
11 or employees, and the court makes a specific finding that a  
12 pleading, motion, or other paper filed by the prisoner is  
13 frivolous, the Department of Corrections shall conduct a  
14 hearing to revoke up to 180 days of sentence credit by bringing  
15 charges against the prisoner sought to be deprived of the  
16 sentence credits before the Prisoner Review Board as provided  
17 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the  
18 prisoner has not accumulated 180 days of sentence credit at the  
19 time of the finding, then the Prisoner Review Board may revoke  
20 all sentence 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 or  
9           the Criminal Code of 2012, earlier than it otherwise would  
10          because of a grant of sentence credit, the Department, as a  
11          condition of 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. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,  
15          eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,  
16          eff. 1-8-18.)

17                 (730 ILCS 5/3-6-7)

18          Sec. 3-6-7. Pregnant female committed persons and new  
19          mothers. Notwithstanding any other statute, directive, or  
20          administrative regulation, when a pregnant female committed  
21          person is brought to a hospital from an Illinois correctional  
22          center for the purpose of delivering her baby and for at least  
23          3 months after delivery, no handcuffs, shackles, or restraints  
24          of any kind may be used during her transport to a medical  
25          facility for the purpose of delivering her baby. Under no

1 circumstances may leg irons or shackles or waist shackles be  
2 used on any pregnant female committed person who is in labor.  
3 Upon the pregnant female committed person's entry to the  
4 hospital delivery room, a correctional officer must be posted  
5 immediately outside the delivery room. The Department must  
6 provide for adequate personnel to monitor the pregnant female  
7 committed person during her transport to and from the hospital  
8 and during her stay at the hospital.

9 (Source: P.A. 91-253, eff. 1-1-00.)

10 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

11 Sec. 3-7-2. Facilities.

12 (a) All institutions and facilities of the Department shall  
13 provide every committed person with access to toilet  
14 facilities, barber facilities, bathing facilities at least  
15 once each week, a library of legal materials and published  
16 materials including newspapers and magazines approved by the  
17 Director. A committed person may not receive any materials that  
18 the Director deems pornographic.

19 (b) (Blank).

20 (c) All institutions and facilities of the Department shall  
21 provide facilities for every committed person to leave his cell  
22 for at least one hour each day unless the chief administrative  
23 officer determines that it would be harmful or dangerous to the  
24 security or safety of the institution or facility.

25 (d) All institutions and facilities of the Department shall

1 provide every committed person with a wholesome and nutritional  
2 diet at regularly scheduled hours, drinking water, clothing  
3 adequate for the season, bedding, soap and towels and medical  
4 and dental care.

5 (e) All institutions and facilities of the Department shall  
6 permit every committed person to send and receive an unlimited  
7 number of uncensored letters and to receive emails, provided,  
8 however, that the Director may order that mail be inspected and  
9 read for reasons of the security, safety or morale of the  
10 institution or facility.

11 (f) All of the institutions and facilities of the  
12 Department shall permit every committed person to receive  
13 in-person visitors and video contact, if available, except in  
14 case of abuse of the visiting privilege or when the chief  
15 administrative officer determines that such visiting would be  
16 harmful or dangerous to the security, safety or morale of the  
17 institution or facility. Each committed person is entitled to 7  
18 visits per month. Every committed person may submit a list of  
19 at least 30 persons to the Department that are authorized to  
20 visit the committed person. The list shall be kept in an  
21 electronic format by the Department beginning on August 1,  
22 2019, as well as available in paper form for Department  
23 employees. The chief administrative officer shall have the  
24 right to restrict visitation to non-contact visits, video, or  
25 other forms of non-contact visits for reasons of safety,  
26 security, and order, including, but not limited to, restricting

1 contact visits for committed persons engaged in gang activity.  
2 No committed person in a super maximum security facility or on  
3 disciplinary segregation is allowed contact visits. Any  
4 committed person found in possession of illegal drugs or who  
5 fails a drug test shall not be permitted contact visits for a  
6 period of at least 6 months. Any committed person involved in  
7 gang activities or found guilty of assault committed against a  
8 Department employee shall not be permitted contact visits for a  
9 period of at least 6 months. The Department shall offer every  
10 visitor appropriate written information concerning HIV and  
11 AIDS, including information concerning how to contact the  
12 Illinois Department of Public Health for counseling  
13 information. The Department shall develop the written  
14 materials in consultation with the Department of Public Health.  
15 The Department shall ensure that all such information and  
16 materials are culturally sensitive and reflect cultural  
17 diversity as appropriate. Implementation of the changes made to  
18 this Section by Public Act 94-629 is subject to appropriation.  
19 The Department shall seek the lowest possible cost to provide  
20 video calling and shall charge to the extent of recovering any  
21 demonstrated costs of providing video calling. The Department  
22 shall not make a commission or profit from video calling  
23 services. Nothing in this Section shall be construed to permit  
24 video calling instead of in-person visitation. Under Section  
25 3-2-2.6, the Director of Corrections shall determine whether  
26 the statutory visitation period in this Section should be

1 increased and may in his or her discretion increase that period  
2 in the best interest of committed persons. If the Director has  
3 established limits on the number and time periods of telephone  
4 calls that may be made by committed persons, the Director shall  
5 reassess the limitations and may increase the time periods and  
6 numbers of the telephone calls that may be made by committed  
7 persons.

8 (f-5) (Blank).

9 (f-10) The Department may not restrict or limit in-person  
10 visits to committed persons due to the availability of  
11 interactive video conferences.

12 (f-15) (1) The Department shall issue a standard written  
13 policy for each institution and facility of the Department that  
14 provides for:

15 (A) the number of in-person visits each committed  
16 person is entitled to per week and per month including the  
17 requirements of subsection (f) of this Section;

18 (B) the hours of in-person visits;

19 (C) the type of identification required for visitors at  
20 least 18 years of age; and

21 (D) the type of identification, if any, required for  
22 visitors under 18 years of age.

23 (2) This policy shall be posted on the Department website  
24 and at each facility.

25 (3) The Department shall post on its website daily any  
26 restrictions or denials of visitation for that day and the



1 succeeding 5 calendar days, including those based on a lockdown  
2 of the facility, to inform family members and other visitors.

3 (g) All institutions and facilities of the Department shall  
4 permit religious ministrations and sacraments to be available  
5 to every committed person, but attendance at religious services  
6 shall not be required.

7 (h) Within 90 days after December 31, 1996, the Department  
8 shall prohibit the use of curtains, cell-coverings, or any  
9 other matter or object that obstructs or otherwise impairs the  
10 line of vision into a committed person's cell.

11 (i) Priority shall be given to providing education,  
12 treatment, and psychological and psychiatric counseling to  
13 those committed persons deemed by the chief administrative  
14 officer to be of the greatest risk of causing physical harm to  
15 the committed person or others.

16 (j) If the committed person is female, feminine hygiene  
17 products shall be furnished to the committed person without  
18 cost.

19 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;  
20 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.  
21 8-14-18.)

22 (730 ILCS 5/3-7-2a) (from Ch. 38, par. 1003-7-2a)

23 Sec. 3-7-2a. If a facility maintains a commissary or  
24 commissaries serving inmates, the selling prices for all goods  
25 shall be sufficient to cover the costs of the goods and an

1 additional charge of up to 35% for tobacco products and up to  
2 25% for non-tobacco products. The amount of the additional  
3 charges for goods sold at commissaries serving inmates shall be  
4 based upon the amount necessary to pay for the wages and  
5 benefits of commissary employees who are employed in any  
6 commissary facilities of the Department. The Department shall  
7 determine the additional charges upon any changes in wages and  
8 benefits of commissary employees as negotiated in the  
9 collective bargaining agreement. If a facility maintains a  
10 commissary or commissaries serving employees, the selling  
11 price for all goods shall be sufficient to cover the costs of  
12 the goods and an additional charge of up to 10%. A compliance  
13 audit of all commissaries and the distribution of commissary  
14 funds shall be included in the regular compliance audit of the  
15 Department conducted by the Auditor General in accordance with  
16 the Illinois State Auditing Act.

17 Items purchased for sale at any such commissary shall be  
18 purchased, wherever possible, at wholesale costs. If a facility  
19 maintains a commissary or commissaries as of the effective date  
20 of this amendatory Act of the 93rd General Assembly, the  
21 Department may not contract with a private contractor or vendor  
22 to operate, manage, or perform any portion of the commissary  
23 services. The Department may not enter into any such contract  
24 for commissary services at a facility that opens subsequent to  
25 the effective date of this amendatory Act of the 93rd General  
26 Assembly.

1       The correctional institution or facility that maintains a  
2       commissary may not limit the amount of a committed person's  
3       spending at the commissary.

4       (Source: P.A. 93-607, eff. 1-1-04; 94-913, eff. 6-23-06.)

5               (730 ILCS 5/3-8-4) (from Ch. 38, par. 1003-8-4)

6       Sec. 3-8-4. Intradivisional Transfers.

7       (a) After the initial assignments under Sections 3-8-2 and  
8       3-8-3, all transfers of committed persons to another  
9       institution or facility shall be reviewed and approved by a  
10      person or persons designated by the Director. The review shall  
11      take into consideration, the distance that the family of the  
12      committed person resides away from the correctional  
13      institution or facility and the request of the committed person  
14      to be reassigned to another institution or facility of the  
15      Department. A record of each transfer and the reasons therefor  
16      shall be included in the person's master record file.

17      (b) Transfers to facilities for psychiatric treatment and  
18      care within the Department shall be made only after prior  
19      psychiatric examination and certification to the Director that  
20      such transfer is required. Persons in facilities for  
21      psychiatric treatment and care within the Department shall be  
22      reexamined at least every 6 months. Persons found to no longer  
23      require psychiatric treatment and care shall be transferred to  
24      other facilities of the Department.

25      (Source: P.A. 77-2097.)

1 (730 ILCS 5/3-14-1.1 new)

2 Sec. 3-14-1.1. Pathway to Community Program.

3 (a) In this Section:

4 "Committed person" means a currently incarcerated  
5 person who (i) is at least 60 years of age and (ii) has  
6 served at least two-thirds of her her sentence of  
7 imprisonment in an institution or facility of the  
8 Department of Corrections.

9 "Family member" means a spouse, parent, child, or  
10 sibling.

11 "Program" means the Pathway to Community Program  
12 created in this Section.

13 (b) A committed person may petition the Department of  
14 Corrections for participation in the Pathway to Community  
15 Program as provided in this Section. If a committed person  
16 files a petition, the Department shall make an exhaustive  
17 effort to find and notify the victim and the family members of  
18 the victim of the petitioner's offense.

19 (c) The petition shall contain a statement by the  
20 petitioner that he or she is qualified to participate in the  
21 Program, together with the petitioner's plans for reentry,  
22 including, but not limited to, information about where the  
23 petitioner will live, how the petitioner will be supported  
24 financially, and any plans for the petitioner's ongoing medical  
25 care if necessary. The petition may also contain supporting

1 statements or documentation related to the factors listed in  
2 paragraphs (1) through (7) of subsection (d) of this Section.

3 (d) The petition shall, in the first instance, be screened  
4 by the Department of Corrections, who shall determine whether  
5 to recommend that the petitioner be considered for  
6 participation in the Program. In so doing, the Department shall  
7 draw on information in the petition and on its own resources,  
8 including its use of tools that assesses the petitioner's  
9 risks, assets, and needs to determine whether the petitioner  
10 may be released and, if so, under what specific conditions set  
11 by the Department. Among other factors, in making this  
12 determination the Department shall consider the following:

13 (1) the petitioner's successful participation in  
14 programs designed to restore him or her to a useful and  
15 productive life upon release (including educational  
16 programs and programs designed to deal with substance abuse  
17 or other issues) or, if the programs are not available,  
18 information demonstrating that the petitioner has engaged  
19 in self-education programs, correspondence courses, or  
20 other self-improvement efforts;

21 (2) the genuine reform and changed behavior the  
22 petitioner has demonstrated over a period of years;

23 (3) the petitioner's remorse for the consequences of  
24 his or her criminal conduct;

25 (4) the petitioner's ability to socialize with others  
26 in an acceptable manner;

1           (5) the petitioner's renunciation of criminal activity  
2           and gang affiliation if the petitioner was a member of a  
3           gang;

4           (6) an appropriate plan for living arrangements,  
5           financial support, and any medical care that will be needed  
6           when the petitioner returns to society; and

7           (7) input from the victim of the petitioner's offense  
8           and from their family members.

9           (e) Before a participant is selected for the Program, the  
10          petitioner shall successfully complete an atonement and  
11          restorative justice program prepared by the Department.  
12          Following completion of this program of atonement and  
13          restorative justice, the Department shall notify the victim and  
14          the family members of the victim of the petitioner's offense  
15          and to afford them the opportunity to participate in the  
16          Department's final selection process for the Pathway to  
17          Community Program. Up to \$1,000 of trauma-informed victim  
18          services or trauma-certified professional therapy shall be  
19          provided by the Department to family members of the victim of  
20          the petitioner's offense. Insurance policies of the family  
21          members of the victim of the petitioner's offense or family  
22          members financial resources shall first be used to pay the  
23          costs of these services or therapy. Optional participation by  
24          family members of the victim of petitioner's offense shall be  
25          provided by the Department at no cost to the family members of  
26          the victim.

1       (f) Time served in the Program shall be credited toward  
2 time served on the sentence. The end date of the period of  
3 mandatory supervised release shall remain the same as it would  
4 have been had the petitioner not been given early supervised  
5 release, and the petitioner shall remain under supervision of  
6 the Department until that date, except that the Department may  
7 enter an order releasing and discharging the petitioner from  
8 mandatory supervised release if it determines that he or she is  
9 likely to remain at liberty without committing another offense.  
10 Discharge of the petitioner from mandatory supervised release  
11 does not discharge the petitioner's sentence, if time to be  
12 served remains; nor does it deprive the Department of  
13 jurisdiction over the petitioner, if time to be served remains.

14       (g) Beginning on the effective date of this amendatory Act  
15 of the 101st General Assembly, notwithstanding any other law to  
16 the contrary, all persons serving sentences in the Department  
17 who meet the requirements of subsection (b) of this Section are  
18 eligible to petition to participate in the Program. The  
19 Department shall establish a system to allow for the orderly  
20 disposition of the applications of those presently  
21 incarcerated as they become eligible.

22       (h) After 8 years of participation in the Program, the  
23 participant may petition the Governor for executive clemency  
24 under Section 3-3-13 of this Code.

25       (i) The Department shall select a panel of independent  
26 researchers to assess the effectiveness of the Program and to

1 make annual recommendations to the Governor and General  
2 Assembly as to whether the Program should be extended.

3 (j) Notwithstanding any other provision of law to the  
4 contrary, this Section shall control any release under this  
5 Program.

6 (730 ILCS 5/3-14-4) (from Ch. 38, par. 1003-14-4)

7 Sec. 3-14-4. Half-way Houses.

8 (a) The Department may establish and maintain half-way  
9 houses for the residence of persons on parole or mandatory  
10 release or placed in prerelease custody under Section 5-8B-5.  
11 Such half-way houses shall be maintained apart from security  
12 institutions, except that the Director of Corrections is  
13 authorized to designate that any work or day release facility,  
14 or any portion thereof, may be used as a half-way house for the  
15 residence of persons on parole or mandatory supervised release  
16 or placed in prerelease custody under Section 5-8B-5.

17 (b) For those persons to be placed in a half-way house  
18 directly upon release from an institution on parole or  
19 mandatory supervised release status or upon placement in  
20 prerelease custody, not less than 15 days prior to the  
21 placement of such a person in such a half-way house, the  
22 Department of Corrections shall give written notice to the  
23 State's Attorney and the Sheriff of the county and the proper  
24 law enforcement agency of the municipality in which the  
25 half-way house is located of the identity of the person to be



1 placed in that program. Such identifying information shall  
2 include, but not be limited to, the name of the individual,  
3 age, physical description, photograph, the crime for which the  
4 person was originally sentenced to the Department of  
5 Corrections, and like information. The notice shall be given in  
6 all cases, except when placement of an emergency nature is  
7 necessary. In such emergency cases, oral notice shall be given  
8 to the appropriate parties within 24 hours with written notice  
9 to follow within 5 days.

10 (c) Persons on parole or mandatory supervised release  
11 status who have been previously released to the community, but  
12 who are not currently residing in a half-way house, may be  
13 placed in a half-way house upon the oral notification of the  
14 parties within 24 hours as indicated in subsection (b) of this  
15 Section. Such oral notification shall be followed with written  
16 notification within 5 days.

17 (Source: P.A. 91-695, eff. 4-13-00.)

18 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

19 Sec. 5-4-1. Sentencing hearing.

20 (a) Except when the death penalty is sought under hearing  
21 procedures otherwise specified, after a determination of  
22 guilt, a hearing shall be held to impose the sentence. However,  
23 prior to the imposition of sentence on an individual being  
24 sentenced for an offense based upon a charge for a violation of  
25 Section 11-501 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance, the individual must undergo a  
2 professional evaluation to determine if an alcohol or other  
3 drug abuse problem exists and the extent of such a problem.  
4 Programs conducting these evaluations shall be licensed by the  
5 Department of Human Services. However, if the individual is not  
6 a resident of Illinois, the court may, in its discretion,  
7 accept an evaluation from a program in the state of such  
8 individual's residence. The court may in its sentencing order  
9 approve an eligible defendant for placement in a Department of  
10 Corrections impact incarceration program as provided in  
11 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
12 order recommend a defendant for placement in a Department of  
13 Corrections substance abuse treatment program as provided in  
14 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
15 upon the defendant being accepted in a program by the  
16 Department of Corrections. At the hearing the court shall:

17 (1) consider the evidence, if any, received upon the  
18 trial;

19 (2) consider any presentence reports;

20 (3) consider the financial impact of incarceration  
21 based on the financial impact statement filed with the  
22 clerk of the court by the Department of Corrections;

23 (4) consider evidence and information offered by the  
24 parties in aggravation and mitigation;

25 (4.5) consider substance abuse treatment, eligibility  
26 screening, and an assessment, if any, of the defendant by

1 an agent designated by the State of Illinois to provide  
2 assessment services for the Illinois courts;

3 (5) hear arguments as to sentencing alternatives;

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

6 (7) afford the victim of a violent crime or a violation  
7 of Section 11-501 of the Illinois Vehicle Code, or a  
8 similar provision of a local ordinance, the opportunity to  
9 present an oral or written statement, as guaranteed by  
10 Article I, Section 8.1 of the Illinois Constitution and  
11 provided in Section 6 of the Rights of Crime Victims and  
12 Witnesses Act. The court shall allow a victim to make an  
13 oral statement if the victim is present in the courtroom  
14 and requests to make an oral or written statement. An oral  
15 or written statement includes the victim or a  
16 representative of the victim reading the written  
17 statement. The court may allow persons impacted by the  
18 crime who are not victims under subsection (a) of Section 3  
19 of the Rights of Crime Victims and Witnesses Act to present  
20 an oral or written statement. A victim and any person  
21 making an oral statement shall not be put under oath or  
22 subject to cross-examination. All statements offered under  
23 this paragraph (7) shall become part of the record of the  
24 court. In this paragraph (7), "victim of a violent crime"  
25 means a person who is a victim of a violent crime for which  
26 the defendant has been convicted after a bench or jury

1 trial or a person who is the victim of a violent crime with  
2 which the defendant was charged and the defendant has been  
3 convicted under a plea agreement of a crime that is not a  
4 violent crime as defined in subsection (c) of 3 of the  
5 Rights of Crime Victims and Witnesses Act;

6 (7.5) afford a qualified person affected by: (i) a  
7 violation of Section 405, 405.1, 405.2, or 407 of the  
8 Illinois Controlled Substances Act or a violation of  
9 Section 55 or Section 65 of the Methamphetamine Control and  
10 Community Protection Act; or (ii) a Class 4 felony  
11 violation of Section 11-14, 11-14.3 except as described in  
12 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,  
13 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, committed by the defendant the  
15 opportunity to make a statement concerning the impact on  
16 the qualified person and to offer evidence in aggravation  
17 or mitigation; provided that the statement and evidence  
18 offered in aggravation or mitigation shall first be  
19 prepared in writing in conjunction with the State's  
20 Attorney before it may be presented orally at the hearing.  
21 Sworn testimony offered by the qualified person is subject  
22 to the defendant's right to cross-examine. All statements  
23 and evidence offered under this paragraph (7.5) shall  
24 become part of the record of the court. In this paragraph  
25 (7.5), "qualified person" means any person who: (i) lived  
26 or worked within the territorial jurisdiction where the

1 offense took place when the offense took place; or (ii) is  
2 familiar with various public places within the territorial  
3 jurisdiction where the offense took place when the offense  
4 took place. "Qualified person" includes any peace officer  
5 or any member of any duly organized State, county, or  
6 municipal peace officer unit assigned to the territorial  
7 jurisdiction where the offense took place when the offense  
8 took place;

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

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

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

19 (b) All sentences shall be imposed by the judge based upon  
20 his independent assessment of the elements specified above and  
21 any agreement as to sentence reached by the parties. The judge  
22 who presided at the trial or the judge who accepted the plea of  
23 guilty shall impose the sentence unless he is no longer sitting  
24 as a judge in that court. Where the judge does not impose  
25 sentence at the same time on all defendants who are convicted  
26 as a result of being involved in the same offense, the

1 defendant or the State's Attorney may advise the sentencing  
2 court of the disposition of any other defendants who have been  
3 sentenced.

4 (b-1) In imposing a sentence of imprisonment or periodic  
5 imprisonment for a Class 3 or Class 4 felony for which a  
6 sentence of probation or conditional discharge is an available  
7 sentence, if the defendant has no prior sentence of probation  
8 or conditional discharge and no prior conviction for a violent  
9 crime, the defendant shall not be sentenced to imprisonment  
10 before review and consideration of a presentence report and  
11 determination and explanation of why the particular evidence,  
12 information, factor in aggravation, factual finding, or other  
13 reasons support a sentencing determination that one or more of  
14 the factors under subsection (a) of Section 5-6-1 of this Code  
15 apply and that probation or conditional discharge is not an  
16 appropriate sentence.

17 (c) In imposing a sentence for a violent crime or for an  
18 offense of operating or being in physical control of a vehicle  
19 while under the influence of alcohol, any other drug or any  
20 combination thereof, or a similar provision of a local  
21 ordinance, when such offense resulted in the personal injury to  
22 someone other than the defendant, the trial judge shall specify  
23 on the record the particular evidence, information, factors in  
24 mitigation and aggravation or other reasons that led to his  
25 sentencing determination. The full verbatim record of the  
26 sentencing hearing shall be filed with the clerk of the court

1 and shall be a public record.

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

10 (c-1.5) Notwithstanding any other provision of law to the  
11 contrary, in imposing a sentence for an offense that requires a  
12 mandatory minimum sentence of imprisonment or probation or  
13 conditional discharge of one year or more, the court may  
14 sentence the offender to probation or conditional discharge or  
15 other non-imprisonment sentence it deems appropriate instead  
16 of to a sentence of imprisonment or to a lesser sentence of  
17 imprisonment, probation, or conditional discharge than the  
18 minimum sentence of imprisonment, probation, or conditional  
19 discharge provided for the offense if the court finds that the  
20 defendant does not pose a risk to public safety and the  
21 interest of justice requires the non-imposition of the  
22 mandatory sentence of imprisonment or a lesser sentence of  
23 imprisonment, probation, or conditional discharge. The court  
24 must state on the record its reasons for not imposing the  
25 minimum sentence of imprisonment or a lesser sentence of  
26 imprisonment, probation, or conditional discharge. If the

1 defendant has been charged with an offense involving the use,  
2 possession, or discharge of a firearm, the court may only  
3 deviate from a mandatory minimum sentence or probation or  
4 conditional discharge requirement if the defendant's conduct  
5 involves a violation of subsection (c) of Section 24-1 of the  
6 Criminal Code of 2012, subsection (a) of Section 24-1.1 of the  
7 Criminal Code of 2012, or sentencing under paragraph (1), (2),  
8 or (3) of subsection (d) of Section 24-1.6 of the Criminal Code  
9 of 2012, it is the express recommendation of a presentence  
10 investigation, and there is clear articulable evidence that the  
11 defendant is not a threat to the public safety. The court's  
12 reason for deviating in this way must be fully stated by the  
13 court into the record at the time of sentencing. An offender  
14 convicted of a forcible felony as defined in Section 2-8 of the  
15 Criminal Code of 2012, residential burglary under Section 19-3  
16 of the Criminal Code of 2012, a sex offense under Article 11 of  
17 the Criminal Code of 2012, or any offense resulting in the  
18 infliction of great bodily harm to another may not be sentenced  
19 to a lesser term of imprisonment, probation, or conditional  
20 discharge under this subsection (c-1.5).

21 (c-2) If the defendant is sentenced to prison, other than  
22 when a sentence of natural life imprisonment or a sentence of  
23 death is imposed, at the time the sentence is imposed the judge  
24 shall state on the record in open court the approximate period  
25 of time the defendant will serve in custody according to the  
26 then current statutory rules and regulations for sentence



1 credit found in Section 3-6-3 and other related provisions of  
2 this Code. This statement is intended solely to inform the  
3 public, has no legal effect on the defendant's actual release,  
4 and may not be relied on by the defendant on appeal.

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

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

25 When the sentence is imposed for one of the offenses  
26 enumerated in paragraph (a)(2) of Section 3-6-3, other than

1 first degree murder, and the offense was committed on or after  
2 June 19, 1998, and when the sentence is imposed for reckless  
3 homicide as defined in subsection (e) of Section 9-3 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 if the  
5 offense was committed on or after January 1, 1999, and when the  
6 sentence is imposed for aggravated driving under the influence  
7 of alcohol, other drug or drugs, or intoxicating compound or  
8 compounds, or any combination thereof as defined in  
9 subparagraph (F) of paragraph (1) of subsection (d) of Section  
10 11-501 of the Illinois Vehicle Code, and when the sentence is  
11 imposed for aggravated arson if the offense was committed on or  
12 after July 27, 2001 (the effective date of Public Act 92-176),  
13 and when the sentence is imposed for aggravated driving under  
14 the influence of alcohol, other drug or drugs, or intoxicating  
15 compound or compounds, or any combination thereof as defined in  
16 subparagraph (C) of paragraph (1) of subsection (d) of Section  
17 11-501 of the Illinois Vehicle Code committed on or after  
18 January 1, 2011 (the effective date of Public Act 96-1230), the  
19 judge's statement, to be given after pronouncing the sentence,  
20 shall include the following:

21 "The purpose of this statement is to inform the public of  
22 the actual period of time this defendant is likely to spend in  
23 prison as a result of this sentence. The actual period of  
24 prison time served is determined by the statutes of Illinois as  
25 applied to this sentence by the Illinois Department of  
26 Corrections and the Illinois Prisoner Review Board. In this

1 case, the defendant is entitled to no more than 4 1/2 days of  
2 sentence credit for each month of his or her sentence of  
3 imprisonment. Therefore, this defendant will serve at least 85%  
4 of his or her sentence. Assuming the defendant receives 4 1/2  
5 days credit for each month of his or her sentence, the period  
6 of estimated actual custody is ... years and ... months. If the  
7 defendant, because of his or her own misconduct or failure to  
8 comply with the institutional regulations receives lesser  
9 credit, the actual time served in prison will be longer."

10 When a sentence of imprisonment is imposed for first degree  
11 murder and the offense was committed on or after June 19, 1998,  
12 the judge's statement, to be given after pronouncing the  
13 sentence, shall 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 is not entitled to sentence credit.  
21 Therefore, this defendant will serve 100% of his or her  
22 sentence."

23 When the sentencing order recommends placement in a  
24 substance abuse program for any offense that results in  
25 incarceration in a Department of Corrections facility and the  
26 crime was committed on or after September 1, 2003 (the

1 effective date of Public Act 93-354), the judge's statement, in  
2 addition to any other judge's statement required under this  
3 Section, to be given after pronouncing the sentence, shall  
4 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, the defendant shall receive no earned sentence credit  
12 under clause (3) of subsection (a) of Section 3-6-3 until he or  
13 she participates in and completes a substance abuse treatment  
14 program or receives a waiver from the Director of Corrections  
15 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

16 (c-4) Before the sentencing hearing and as part of the  
17 presentence investigation under Section 5-3-1, the court shall  
18 inquire of the defendant whether the defendant is currently  
19 serving in or is a veteran of the Armed Forces of the United  
20 States. If the defendant is currently serving in the Armed  
21 Forces of the United States or is a veteran of the Armed Forces  
22 of the United States and has been diagnosed as having a mental  
23 illness by a qualified psychiatrist or clinical psychologist or  
24 physician, the court may:

25 (1) order that the officer preparing the presentence  
26 report consult with the United States Department of

1 Veterans Affairs, Illinois Department of Veterans'  
2 Affairs, or another agency or person with suitable  
3 knowledge or experience for the purpose of providing the  
4 court with information regarding treatment options  
5 available to the defendant, including federal, State, and  
6 local programming; and

7 (2) consider the treatment recommendations of any  
8 diagnosing or treating mental health professionals  
9 together with the treatment options available to the  
10 defendant in imposing sentence.

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

16 (c-6) In imposing a sentence, the trial judge shall  
17 specify, on the record, the particular evidence and other  
18 reasons which led to his or her determination that a motor  
19 vehicle was used in the commission of the offense.

20 (d) When the defendant is committed to the Department of  
21 Corrections, the State's Attorney shall and counsel for the  
22 defendant may file a statement with the clerk of the court to  
23 be transmitted to the department, agency or institution to  
24 which the defendant is committed to furnish such department,  
25 agency or institution with the facts and circumstances of the  
26 offense for which the person was committed together with all

1 other factual information accessible to them in regard to the  
2 person prior to his commitment relative to his habits,  
3 associates, disposition and reputation and any other facts and  
4 circumstances which may aid such department, agency or  
5 institution during its custody of such person. The clerk shall  
6 within 10 days after receiving any such statements transmit a  
7 copy to such department, agency or institution and a copy to  
8 the other party, provided, however, that this shall not be  
9 cause for delay in conveying the person to the department,  
10 agency or institution to which he has been committed.

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

14 (1) the sentence imposed;

15 (2) any statement by the court of the basis for  
16 imposing the sentence;

17 (3) any presentence reports;

18 (3.5) any sex offender evaluations;

19 (3.6) any substance abuse treatment eligibility  
20 screening and assessment of the defendant by an agent  
21 designated by the State of Illinois to provide assessment  
22 services for the Illinois courts;

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

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

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

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

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

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

13 (9) all additional matters which the court directs the  
14 clerk to transmit.

15 (f) In cases in which the court finds that a motor vehicle  
16 was used in the commission of the offense for which the  
17 defendant is being sentenced, the clerk of the court shall,  
18 within 5 days thereafter, forward a report of such conviction  
19 to the Secretary of State.

20 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;  
21 100-961, eff. 1-1-19; revised 10-3-18.)

22 (730 ILCS 5/Art. 5-8B heading new)

23 ARTICLE 8B.PRERELEASE CUSTODY

24 (730 ILCS 5/5-8B-1 new)

1       Sec. 5-8B-1. Prerelease Custody Law. This Article may be  
2       cited as the Prerelease Custody Law.

3           (730 ILCS 5/5-8B-5 new)

4       Sec. 5-8B-5. Prerelease custody for risk and needs  
5       assessment system participants.

6       (a) This Section applies in the case of a committed person  
7       who:

8           (1) has earned sentence credits under the risk and  
9           needs assessment system developed under Section 3-2-2.6 in  
10          an amount that is equal to the remainder of the committed  
11          person's imposed term of imprisonment;

12          (2) has shown through the periodic risk reassessments a  
13          demonstrated recidivism risk reduction or has maintained a  
14          minimum or low recidivism risk, during the committed  
15          person's term of imprisonment;

16          (3) has been classified by the chief administrative  
17          officer of the correctional institution or facility as  
18          otherwise qualified to be transferred into prerelease  
19          custody; and

20          (4) (A) has been determined under the system to be a  
21          minimum or low risk to recidivate; or

22          (B) has had a petition to be transferred to prerelease  
23          custody approved by the chief administrative officer of the  
24          correctional institution or facility, after the chief  
25          administrative officer's determination that:



1           (i) the committed person would not be a danger to  
2           society if transferred to prerelease custody;

3           (ii) the committed person has made a good faith  
4           effort to lower their recidivism risk through  
5           participation in recidivism reduction programs or  
6           productive activities;

7           (iii) the committed person is unlikely to  
8           recidivate; and

9           (iv) the transfer of the committed person to  
10           prerelease custody is otherwise appropriate.

11           (b) A committed person shall be placed in prerelease  
12           custody as follows:

13           (1) A committed person placed in prerelease custody  
14           under this Section who is placed in home confinement shall:

15           (A) be subject to 24-hour electronic monitoring  
16           that enables the prompt identification of the  
17           committed person, location, and time, in the case of  
18           any violation of subparagraph (B);

19           (B) remain in the committed person's residence,  
20           except that the committed person may leave the  
21           committed person's home in order to, subject to the  
22           approval of the Director of Corrections to:

23           (i) perform a job or job-related activities,  
24           including an apprenticeship, or participate in  
25           job-seeking activities;

26           (ii) participate in evidence-based recidivism

1           reduction programming or productive activities  
2           assigned by the system, or similar activities;

3           (iii) perform community service;

4           (iv) participate in crime victim restoration  
5           activities;

6           (v) receive medical treatment; or

7           (vi) attend religious activities; and

8           (C) comply with other conditions as the Director  
9           determines appropriate.

10          (2) If the electronic monitoring of a committed person  
11          described in paragraph (1) is infeasible for technical or  
12          religious reasons, the Director of Corrections may use  
13          alternative means of monitoring a committed person placed  
14          in home confinement that the Director determines are as  
15          effective or more effective than the electronic monitoring  
16          described in subparagraph (A) of paragraph (1).

17          (3) The Director of Corrections may modify the  
18          conditions described in paragraph (1) if the Director  
19          determines that a compelling reason exists to do so, and  
20          that the committed person has demonstrated exemplary  
21          compliance with such conditions.

22          (4) (A) Except as provided in subsection (d), a  
23          committed person who is placed in home confinement shall  
24          remain in home confinement until the committed person has  
25          served not less than 85% of the committed person's imposed  
26          term of imprisonment.

1           (B) A committed person placed in prerelease custody  
2           under this Section who is placed at a residential reentry  
3           center shall be subject to the conditions as the Director  
4           of Corrections determines appropriate.

5           (c) In determining appropriate conditions for committed  
6           persons placed in prerelease custody under this Section, the  
7           Director of Corrections shall, to the extent practicable,  
8           provide that increasingly less restrictive conditions shall be  
9           imposed on committed persons who demonstrate continued  
10           compliance with the conditions of such prerelease custody, so  
11           as to most effectively prepare such committed persons for  
12           reentry.

13           (d) If a committed person violates a condition of the  
14           committed person's prerelease custody, the Director of  
15           Corrections may impose any additional conditions on the  
16           committed person's prerelease custody as the Director of  
17           Corrections determines appropriate, or revoke the committed  
18           person's prerelease custody and require the committed person to  
19           serve the remainder of the term of imprisonment to which the  
20           committed person was sentenced, or any portion thereof, in a  
21           correctional institution or facility.

22           (e) The Director of Corrections, in consultation with the  
23           Director of Court Services, shall issue guidelines, for use by  
24           the Department of Corrections in determining:

25           (1) the appropriate type of prerelease custody and  
26           level of supervision for a committed person placed on

1 prerelease custody under this Section; and

2 (2) consequences for a violation of a condition of the  
3 prerelease custody by the committed person, including a  
4 return to the correctional institution or facility and a  
5 reassessment of evidence-based recidivism risk level under  
6 the system.

7 (f) The Director of Corrections shall, to the greatest  
8 extent practicable, enter into agreements with the Division of  
9 Probation Services to supervise committed persons placed in  
10 home confinement or community supervision under this Section.

11 The agreements shall:

12 (1) authorize county probation departments to exercise  
13 the authority granted to the Director under subsections (c)  
14 and (d); and

15 (2) take into account the resource requirements of  
16 county probation departments as a result of the transfer of  
17 Department of Corrections committed persons to prerelease  
18 custody.

19 (g) The Department of Corrections shall, to the greatest  
20 extent practicable, offer assistance to any committed person  
21 not under its supervision during prerelease custody under this  
22 Section.

23 (h) Any prerelease custody into which a committed person is  
24 placed under this Section may not include a condition  
25 prohibiting the committed person from receiving mentoring  
26 services from a person who provided those services to the

1 committed person while the committed person was incarcerated,  
2 except that the chief administrative officer of the facility at  
3 which the committed person was incarcerated may waive the  
4 requirement under this paragraph if the chief administrative  
5 officer finds that the provision of such services would pose a  
6 significant security risk to the committed person, persons who  
7 provide such services, or any other person. The chief  
8 administrative officer shall provide written notice of any such  
9 waiver to the person providing mentoring services and to the  
10 committed person.

11 Section 20. The County Jail Act is amended by changing  
12 Section 17.5 as follows:

13 (730 ILCS 125/17.5)

14 Sec. 17.5. Pregnant female prisoners and new mothers.  
15 Notwithstanding any other statute, directive, or  
16 administrative regulation, when a pregnant female prisoner is  
17 brought to a hospital from a county jail for the purpose of  
18 delivering her baby, no handcuffs, shackles, or restraints of  
19 any kind may be used during her transport to a medical facility  
20 for the purpose of delivering her baby and for at least 3  
21 months after delivery. Under no circumstances may leg irons or  
22 shackles or waist shackles be used on any pregnant female  
23 prisoner who is in labor. In addition, restraint of a pregnant  
24 female prisoner in the custody of the Cook County shall comply

1 with Section 3-15003.6 of the Counties Code. Upon the pregnant  
2 female prisoner's entry to the hospital delivery room, 2 county  
3 correctional officers must be posted immediately outside the  
4 delivery room. The Sheriff must provide for adequate personnel  
5 to monitor the pregnant female prisoner during her transport to  
6 and from the hospital and during her stay at the hospital.  
7 (Source: P.A. 100-1051, eff. 1-1-19.)

8 Section 95. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.

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## Statutes amended in order of appearance

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| 3  | 15 ILCS 335/4           | from Ch. 124, par. 24       |
| 4  | 720 ILCS 5/16-1         | from Ch. 38, par. 16-1      |
| 5  | 720 ILCS 5/16-25        |                             |
| 6  | 725 ILCS 5/116-2.2 new  |                             |
| 7  | 730 ILCS 5/3-1-2        | from Ch. 38, par. 1003-1-2  |
| 8  | 730 ILCS 5/3-2-2.5 new  |                             |
| 9  | 730 ILCS 5/3-2-2.6 new  |                             |
| 10 | 730 ILCS 5/3-2-2.7 new  |                             |
| 11 | 730 ILCS 5/3-2-2.8 new  |                             |
| 12 | 730 ILCS 5/3-4-3        | from Ch. 38, par. 1003-4-3  |
| 13 | 730 ILCS 5/3-6-1        | from Ch. 38, par. 1003-6-1  |
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| 15 | 730 ILCS 5/3-6-7        |                             |
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| 18 | 730 ILCS 5/3-8-4        | from Ch. 38, par. 1003-8-4  |
| 19 | 730 ILCS 5/3-14-1.1 new |                             |
| 20 | 730 ILCS 5/3-14-4       | from Ch. 38, par. 1003-14-4 |
| 21 | 730 ILCS 5/5-4-1        | from Ch. 38, par. 1005-4-1  |
| 22 | 730 ILCS 5/Art. 5-8B    |                             |
| 23 | heading new             |                             |
| 24 | 730 ILCS 5/5-8B-1 new   |                             |
| 25 | 730 ILCS 5/5-8B-5 new   |                             |

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1 730 ILCS 125/17.5