



Sen. Bill Cunningham

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10100SB0416sam001

LRB101 04189 SLF 59175 a

1 AMENDMENT TO SENATE BILL 416

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 416 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The County Jail Good Behavior Allowance Act is  
5 amended by changing Sections 2 and 3.1 as follows:

6 (730 ILCS 130/3.1) (from Ch. 75, par. 32.1)

7 Sec. 3.1. (a) Within 3 months after the effective date of  
8 this amendatory Act of 1986, the wardens who supervise  
9 institutions under this Act shall meet and agree upon uniform  
10 rules and regulations for behavior and conduct, penalties, and  
11 the awarding, denying and revocation of good behavior  
12 allowance, in such institutions; and such rules and regulations  
13 shall be immediately promulgated and consistent with the  
14 provisions of this Act. Interim rules shall be provided by each  
15 warden consistent with the provision of this Act and shall be  
16 effective until the promulgation of uniform rules. All

1 disciplinary action shall be consistent with the provisions of  
2 this Act. Committed persons shall be informed of rules of  
3 behavior and conduct, the penalties for violation thereof, and  
4 the disciplinary procedure by which such penalties may be  
5 imposed. Any rules, penalties and procedures shall be posted  
6 and made available to the committed persons.

7 (b) Whenever a person is alleged to have violated a rule of  
8 behavior, a written report of the infraction shall be filed  
9 with the warden within 72 hours of the occurrence of the  
10 infraction or the discovery of it, and such report shall be  
11 placed in the file of the institution or facility. No  
12 disciplinary proceeding shall be commenced more than 8 days  
13 after the infraction or the discovery of it, unless the  
14 committed person is unable or unavailable for any reason to  
15 participate in the disciplinary proceeding.

16 (c) All or any of the good behavior allowance earned may be  
17 revoked by the warden, unless he initiates the charge, and in  
18 that case by the disciplinary board, for violations of rules of  
19 behavior at any time prior to discharge from the institution,  
20 consistent with the provisions of this Act.

21 (d) In disciplinary cases that may involve the loss of good  
22 behavior allowance or eligibility to earn good behavior  
23 allowance, the warden shall establish disciplinary procedures  
24 consistent with the following principles:

25 (1) The warden may establish one or more disciplinary  
26 boards, made up of one or more persons, to hear and

1 determine charges. Any person who initiates a disciplinary  
2 charge against a committed person shall not serve on the  
3 disciplinary board that will determine the disposition of  
4 the charge. In those cases in which the charge was  
5 initiated by the warden, he shall establish a disciplinary  
6 board which will have the authority to impose any  
7 appropriate discipline.

8 (2) Any committed person charged with a violation of  
9 rules of behavior shall be given notice of the charge,  
10 including a statement of the misconduct alleged and of the  
11 rules this conduct is alleged to violate, no less than 24  
12 hours before the disciplinary hearing.

13 (3) Any committed person charged with a violation of  
14 rules is entitled to a hearing on that charge, at which  
15 time he shall have an opportunity to appear before and  
16 address the warden or disciplinary board deciding the  
17 charge.

18 (4) The person or persons determining the disposition  
19 of the charge may also summon to testify any witnesses or  
20 other persons with relevant knowledge of the incident. The  
21 person charged may be permitted to question any person so  
22 summoned.

23 (5) If the charge is sustained, the person charged is  
24 entitled to a written statement, within 14 days after the  
25 hearing, of the decision by the warden or the disciplinary  
26 board which determined the disposition of the charge, and

1 the statement shall include the basis for the decision and  
2 the disciplinary action, if any, to be imposed.

3 (6) The warden may impose the discipline recommended by  
4 the disciplinary board, or may reduce the discipline  
5 recommended; however, no committed person may be penalized  
6 more than 30 days of good behavior allowance for any one  
7 infraction unless the infraction is the second or  
8 subsequent infraction within any 30-day period in which  
9 case the committed person may not be penalized more than 60  
10 days of good behavior allowance.

11 (6.5) Notwithstanding any provision of this Act to the  
12 contrary, if the disciplinary board sustains charges of  
13 assault or battery on a peace officer or public indecency,  
14 the warden may revoke up to 90 days of accumulated  
15 pre-trial custody credit or good behavior allowance and up  
16 to 365 days may be revoked for any second or subsequent  
17 sustained charges of these offenses.

18 (7) The warden, in appropriate cases, may restore good  
19 behavior allowance that has been revoked, suspended or  
20 reduced.

21 (e) The warden, or his or her designee, may revoke the good  
22 behavior allowance specified in Section 3 of this Act of an  
23 inmate who is sentenced to the Illinois Department of  
24 Corrections for misconduct committed by the inmate while in  
25 custody of the warden. If an inmate while in custody of the  
26 warden is convicted of assault or battery on a peace officer,

1     correctional employee, or another inmate, or for criminal  
2     damage to property or for bringing into or possessing  
3     contraband in the penal institution in violation of Section  
4     31A-1.1 of the Criminal Code of 1961 or the Criminal Code of  
5     2012, his or her day for day good behavior allowance shall be  
6     revoked for each day such allowance was earned while the inmate  
7     was in custody of the warden.

8     (Source: P.A. 99-259, eff. 1-1-16.)".