



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5498

Introduced 1/31/2022, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

from Ch. 38, par. 1003-6-3

Amends the Unified Code of Corrections. Provides that the Director of Corrections' award of earned sentence credit shall not be granted until at least 60 days after the inmate's sentencing (rather than the inmate having served at least 60 days of his or her sentence).

LRB102 25193 RLC 34458 b

1 AN ACT concerning criminal law.

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

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

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

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

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

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

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

17 (B) compliance with the rules and regulations of the
18 Department; or

19 (C) service to the institution, service to a
20 community, or service to the State.

21 (2) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide, with respect to offenses listed in clause (i),

1 (ii), or (iii) of this paragraph (2) committed on or after June
2 19, 1998 or with respect to the offense listed in clause (iv)
3 of this paragraph (2) committed on or after June 23, 2005 (the
4 effective date of Public Act 94-71) or with respect to offense
5 listed in clause (vi) committed on or after June 1, 2008 (the
6 effective date of Public Act 95-625) or with respect to the
7 offense of being an armed habitual criminal committed on or
8 after August 2, 2005 (the effective date of Public Act 94-398)
9 or with respect to the offenses listed in clause (v) of this
10 paragraph (2) committed on or after August 13, 2007 (the
11 effective date of Public Act 95-134) or with respect to the
12 offense of aggravated domestic battery committed on or after
13 July 23, 2010 (the effective date of Public Act 96-1224) or
14 with respect to the offense of attempt to commit terrorism
15 committed on or after January 1, 2013 (the effective date of
16 Public Act 97-990), the following:

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

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

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

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

22 (iv) that a prisoner serving a sentence for aggravated
23 discharge of a firearm, whether or not the conduct leading
24 to conviction for the offense resulted in great bodily
25 harm to the victim, shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment;

2 (v) that a person serving a sentence for gunrunning,
3 narcotics racketeering, controlled substance trafficking,
4 methamphetamine trafficking, drug-induced homicide,
5 aggravated methamphetamine-related child endangerment,
6 money laundering pursuant to clause (c) (4) or (5) of
7 Section 29B-1 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, or a Class X felony conviction for delivery
9 of a controlled substance, possession of a controlled
10 substance with intent to manufacture or deliver,
11 calculated criminal drug conspiracy, criminal drug
12 conspiracy, street gang criminal drug conspiracy,
13 participation in methamphetamine manufacturing,
14 aggravated participation in methamphetamine
15 manufacturing, delivery of methamphetamine, possession
16 with intent to deliver methamphetamine, aggravated
17 delivery of methamphetamine, aggravated possession with
18 intent to deliver methamphetamine, methamphetamine
19 conspiracy when the substance containing the controlled
20 substance or methamphetamine is 100 grams or more shall
21 receive no more than 7.5 days sentence credit for each
22 month of his or her sentence of imprisonment;

23 (vi) that a prisoner serving a sentence for a second
24 or subsequent offense of luring a minor shall receive no
25 more than 4.5 days of sentence credit for each month of his
26 or her sentence of imprisonment; and

1 (vii) that a prisoner serving a sentence for
2 aggravated domestic battery shall receive no more than 4.5
3 days of sentence credit for each month of his or her
4 sentence of imprisonment.

5 (2.1) For all offenses, other than those enumerated in
6 subdivision (a)(2)(i), (ii), or (iii) committed on or after
7 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
8 June 23, 2005 (the effective date of Public Act 94-71) or
9 subdivision (a)(2)(v) committed on or after August 13, 2007
10 (the effective date of Public Act 95-134) or subdivision
11 (a)(2)(vi) committed on or after June 1, 2008 (the effective
12 date of Public Act 95-625) or subdivision (a)(2)(vii)
13 committed on or after July 23, 2010 (the effective date of
14 Public Act 96-1224), and other than the offense of aggravated
15 driving under the influence of alcohol, other drug or drugs,
16 or intoxicating compound or compounds, or any combination
17 thereof as defined in subparagraph (F) of paragraph (1) of
18 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
19 and other than the offense of aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof as defined
22 in subparagraph (C) of paragraph (1) of subsection (d) of
23 Section 11-501 of the Illinois Vehicle Code committed on or
24 after January 1, 2011 (the effective date of Public Act
25 96-1230), the rules and regulations shall provide that a
26 prisoner who is serving a term of imprisonment shall receive

1 one day of sentence credit for each day of his or her sentence
2 of imprisonment or recommitment under Section 3-3-9. Each day
3 of sentence credit shall reduce by one day the prisoner's
4 period of imprisonment or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life
6 imprisonment or a prisoner who has been sentenced to death
7 shall receive no sentence credit.

8 (2.3) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, shall receive no more than 4.5 days of
16 sentence credit for each month of his or her sentence of
17 imprisonment.

18 (2.4) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations on sentence credit
20 shall provide with respect to the offenses of aggravated
21 battery with a machine gun or a firearm equipped with any
22 device or attachment designed or used for silencing the report
23 of a firearm or aggravated discharge of a machine gun or a
24 firearm equipped with any device or attachment designed or
25 used for silencing the report of a firearm, committed on or
26 after July 15, 1999 (the effective date of Public Act 91-121),

1 that a prisoner serving a sentence for any of these offenses
2 shall receive no more than 4.5 days of sentence credit for each
3 month of his or her sentence of imprisonment.

4 (2.5) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations on sentence credit
6 shall provide that a prisoner who is serving a sentence for
7 aggravated arson committed on or after July 27, 2001 (the
8 effective date of Public Act 92-176) shall receive no more
9 than 4.5 days of sentence credit for each month of his or her
10 sentence of imprisonment.

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

22 (3) In addition to the sentence credits earned under
23 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
24 subsection (a), the rules and regulations shall also provide
25 that the Director may award up to 180 days of earned sentence
26 credit for prisoners serving a sentence of incarceration of

1 less than 5 years, and up to 365 days of earned sentence credit
2 for prisoners serving a sentence of 5 years or longer. The
3 Director may grant this credit for good conduct in specific
4 instances as the Director deems proper. The good conduct may
5 include, but is not limited to, compliance with the rules and
6 regulations of the Department, service to the Department,
7 service to a community, or service to the State.

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

25 The Director shall not award sentence credit under this
26 paragraph (3) to an inmate unless at least 60 days have elapsed

1 ~~after the court imposed a sentence on the inmate the inmate has~~
2 ~~served a minimum of 60 days of the sentence;~~ except nothing in
3 this paragraph shall be construed to permit the Director to
4 extend an inmate's sentence beyond that which was imposed by
5 the court. Prior to awarding credit under this paragraph (3),
6 the Director shall make a written determination that the
7 inmate:

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

9 (B) has been sentenced at least 60 days prior to the
10 award of earned sentence credit ~~served a minimum of 60~~
11 ~~days, or as close to 60 days as the sentence will allow;~~

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

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

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

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

25 (A) the number of inmates awarded earned sentence
26 credit;

1 (B) the average amount of earned sentence credit
2 awarded;

3 (C) the holding offenses of inmates awarded earned
4 sentence credit; and

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

6 (4) (A) Except as provided in paragraph (4.7) of this
7 subsection (a), the rules and regulations shall also provide
8 that any prisoner who is engaged full-time in substance abuse
9 programs, correctional industry assignments, educational
10 programs, work-release programs or activities in accordance
11 with Article 13 of Chapter III of this Code, behavior
12 modification programs, life skills courses, or re-entry
13 planning provided by the Department under this paragraph (4)
14 and satisfactorily completes the assigned program as
15 determined by the standards of the Department, shall receive
16 one day of sentence credit for each day in which that prisoner
17 is engaged in the activities described in this paragraph. The
18 rules and regulations shall also provide that sentence credit
19 may be provided to an inmate who was held in pre-trial
20 detention prior to his or her current commitment to the
21 Department of Corrections and successfully completed a
22 full-time, 60-day or longer substance abuse program,
23 educational program, behavior modification program, life
24 skills course, or re-entry planning provided by the county
25 department of corrections or county jail. Calculation of this
26 county program credit shall be done at sentencing as provided

1 in Section 5-4.5-100 of this Code and shall be included in the
2 sentencing order. The rules and regulations shall also provide
3 that sentence credit may be provided to an inmate who is in
4 compliance with programming requirements in an adult
5 transition center.

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

13 (i) documentation provided by the Department that the
14 inmate engaged in any full-time substance abuse programs,
15 correctional industry assignments, educational programs,
16 behavior modification programs, life skills courses, or
17 re-entry planning provided by the Department under this
18 paragraph (4) and satisfactorily completed the assigned
19 program as determined by the standards of the Department
20 during the inmate's current term of incarceration; or

21 (ii) the inmate's own testimony in the form of an
22 affidavit or documentation, or a third party's
23 documentation or testimony in the form of an affidavit
24 that the inmate likely engaged in any full-time substance
25 abuse programs, correctional industry assignments,
26 educational programs, behavior modification programs, life

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

6 (C) If the inmate can provide documentation that he or she
7 is entitled to sentence credit under subparagraph (B) in
8 excess of 45 days of participation in those programs, the
9 inmate shall receive 90 days of sentence credit. If the inmate
10 cannot provide documentation of more than 45 days of
11 participation in those programs, the inmate shall receive 45
12 days of sentence credit. In the event of a disagreement
13 between the Department and the inmate as to the amount of
14 credit accumulated under subparagraph (B), if the Department
15 provides documented proof of a lesser amount of days of
16 participation in those programs, that proof shall control. If
17 the Department provides no documentary proof, the inmate's
18 proof as set forth in clause (ii) of subparagraph (B) shall
19 control as to the amount of sentence credit provided.

20 (D) If the inmate has been convicted of a sex offense as
21 defined in Section 2 of the Sex Offender Registration Act,
22 sentencing credits under subparagraph (B) of this paragraph
23 (4) shall be awarded by the Department only if the conditions
24 set forth in paragraph (4.6) of subsection (a) are satisfied.
25 No inmate serving a term of natural life imprisonment shall
26 receive sentence credit under subparagraph (B) of this

1 paragraph (4).

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

12 Availability of these programs shall be subject to the
13 limits of fiscal resources appropriated by the General
14 Assembly for these purposes. Eligible inmates who are denied
15 immediate admission shall be placed on a waiting list under
16 criteria established by the Department. The rules and
17 regulations shall provide that a prisoner who has been placed
18 on a waiting list but is transferred for non-disciplinary
19 reasons before beginning a program shall receive priority
20 placement on the waitlist for appropriate programs at the new
21 facility. The inability of any inmate to become engaged in any
22 such programs by reason of insufficient program resources or
23 for any other reason established under the rules and
24 regulations of the Department shall not be deemed a cause of
25 action under which the Department or any employee or agent of
26 the Department shall be liable for damages to the inmate. The

1 rules and regulations shall provide that a prisoner who begins
2 an educational, vocational, substance abuse, work-release
3 programs or activities in accordance with Article 13 of
4 Chapter III of this Code, behavior modification program, life
5 skills course, re-entry planning, or correctional industry
6 programs but is unable to complete the program due to illness,
7 disability, transfer, lockdown, or another reason outside of
8 the prisoner's control shall receive prorated sentence credits
9 for the days in which the prisoner did participate.

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

1 sentence credit to any committed person who passed high school
2 equivalency testing while he or she was held in pre-trial
3 detention prior to the current commitment to the Department of
4 Corrections. Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations shall provide that
6 an additional 120 days of sentence credit shall be awarded to
7 any prisoner who obtains an associate degree while the
8 prisoner is committed to the Department of Corrections,
9 regardless of the date that the associate degree was obtained,
10 including if prior to July 1, 2021 (the effective date of
11 Public Act 101-652). The sentence credit awarded under this
12 paragraph (4.1) shall be in addition to, and shall not affect,
13 the award of sentence credit under any other paragraph of this
14 Section, but shall also be under the guidelines and
15 restrictions set forth in paragraph (4) of subsection (a) of
16 this Section. The sentence credit provided for in this
17 paragraph (4.1) shall be available only to those prisoners who
18 have not previously earned an associate degree prior to the
19 current commitment to the Department of Corrections. If, after
20 an award of the associate degree sentence credit has been made
21 and the Department determines that the prisoner was not
22 eligible, then the award shall be revoked. The Department may
23 also award 120 days of sentence credit to any committed person
24 who earned an associate degree while he or she was held in
25 pre-trial detention prior to the current commitment to the
26 Department of Corrections.

1 Except as provided in paragraph (4.7) of this subsection
2 (a), the rules and regulations shall provide that an
3 additional 180 days of sentence credit shall be awarded to any
4 prisoner who obtains a bachelor's degree while the prisoner is
5 committed to the Department of Corrections. The sentence
6 credit awarded under this paragraph (4.1) shall be in addition
7 to, and shall not affect, the award of sentence credit under
8 any other paragraph of this Section, but shall also be under
9 the guidelines and restrictions set forth in paragraph (4) of
10 this subsection (a). The sentence credit provided for in this
11 paragraph shall be available only to those prisoners who have
12 not earned a bachelor's degree prior to the current commitment
13 to the Department of Corrections. If, after an award of the
14 bachelor's degree sentence credit has been made, the
15 Department determines that the prisoner was not eligible, then
16 the award shall be revoked. The Department may also award 180
17 days of sentence credit to any committed person who earned a
18 bachelor's degree while he or she was held in pre-trial
19 detention prior to the current commitment to the Department of
20 Corrections.

21 Except as provided in paragraph (4.7) of this subsection
22 (a), the rules and regulations shall provide that an
23 additional 180 days of sentence credit shall be awarded to any
24 prisoner who obtains a master's or professional degree while
25 the prisoner is committed to the Department of Corrections.
26 The sentence credit awarded under this paragraph (4.1) shall

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

16 (4.2) The rules and regulations shall also provide that
17 any prisoner engaged in self-improvement programs, volunteer
18 work, or work assignments that are not otherwise eligible
19 activities under paragraph (4), shall receive up to 0.5 days
20 of sentence credit for each day in which the prisoner is
21 engaged in activities described in this paragraph.

22 (4.5) The rules and regulations on sentence credit shall
23 also provide that when the court's sentencing order recommends
24 a prisoner for substance abuse treatment and the crime was
25 committed on or after September 1, 2003 (the effective date of
26 Public Act 93-354), the prisoner shall receive no sentence

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

21 (4.6) The rules and regulations on sentence credit shall
22 also provide that a prisoner who has been convicted of a sex
23 offense as defined in Section 2 of the Sex Offender
24 Registration Act shall receive no sentence credit unless he or
25 she either has successfully completed or is participating in
26 sex offender treatment as defined by the Sex Offender

1 Management Board. However, prisoners who are waiting to
2 receive treatment, but who are unable to do so due solely to
3 the lack of resources on the part of the Department, may, at
4 the Director's sole discretion, be awarded sentence credit at
5 a rate as the Director shall determine.

6 (4.7) On or after January 1, 2018 (the effective date of
7 Public Act 100-3), sentence credit under paragraph (3), (4),
8 or (4.1) of this subsection (a) may be awarded to a prisoner
9 who is serving a sentence for an offense described in
10 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
11 on or after January 1, 2018 (the effective date of Public Act
12 100-3); provided, the award of the credits under this
13 paragraph (4.7) shall not reduce the sentence of the prisoner
14 to less than the following amounts:

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

17 (ii) 60% of his or her sentence if the prisoner is
18 required to serve 75% of his or her sentence, except if the
19 prisoner is serving a sentence for gunrunning his or her
20 sentence shall not be reduced to less than 75%.

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

23 (5) Whenever the Department is to release any inmate
24 earlier than it otherwise would because of a grant of earned
25 sentence credit under paragraph (3) of subsection (a) of this
26 Section given at any time during the term, the Department

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

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

22 (c) (1) The Department shall prescribe rules and
23 regulations for revoking sentence credit, including revoking
24 sentence credit awarded under paragraph (3) of subsection (a)
25 of this Section. The Department shall prescribe rules and
26 regulations establishing and requiring the use of a sanctions

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

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

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

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

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

1 prisoner.

2 For purposes of this subsection (d):

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

7 (A) it lacks an arguable basis either in law or in
8 fact;

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

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

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

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

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

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

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

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

21 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
22 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)