

# SB3188



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3188

Introduced 1/13/2022, by Sen. Rachelle Crowe

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for second degree murder committed on or after the effective date of the amendatory Act shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

LRB102 23706 RLC 32892 b

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 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) or with respect to the offense of second  
17 degree murder committed on or after the effective date of this  
18 amendatory Act of the 102nd General Assembly, the following:

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

23 (ii) that a prisoner serving a sentence for second  
24 degree murder, attempt to commit terrorism, attempt to  
25 commit first degree murder, solicitation of murder,  
26 solicitation of murder for hire, intentional homicide of

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

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

25 (iv) that a prisoner serving a sentence for aggravated  
26 discharge of a firearm, whether or not the conduct leading

1 to conviction for the offense resulted in great bodily  
2 harm to the victim, shall receive no more than 4.5 days of  
3 sentence credit for each month of his or her sentence of  
4 imprisonment;

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

26 (vi) that a prisoner serving a sentence for a second

1 or subsequent offense of luring a minor shall receive no  
2 more than 4.5 days of sentence credit for each month of his  
3 or her sentence of imprisonment; and

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

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

1 after January 1, 2011 (the effective date of Public Act  
2 96-1230), the rules and regulations shall provide that a  
3 prisoner who is serving a term of imprisonment shall receive  
4 one day of sentence credit for each day of his or her sentence  
5 of imprisonment or recommitment under Section 3-3-9. Each day  
6 of sentence credit shall reduce by one day the prisoner's  
7 period of imprisonment or recommitment under Section 3-3-9.

8 (2.2) A prisoner serving a term of natural life  
9 imprisonment or a prisoner who has been sentenced to death  
10 shall receive no sentence credit.

11 (2.3) 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 (F) of  
17 paragraph (1) of subsection (d) of Section 11-501 of the  
18 Illinois Vehicle Code, shall receive no more than 4.5 days of  
19 sentence credit for each month of his or her sentence of  
20 imprisonment.

21 (2.4) 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 the offenses of aggravated  
24 battery with a machine gun or a firearm equipped with any  
25 device or attachment designed or used for silencing the report  
26 of a firearm or aggravated discharge of a machine gun or a

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

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

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

25 (3) In addition to the sentence credits earned under  
26 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this



1 subsection (a), the rules and regulations shall also provide  
2 that the Director may award up to 180 days of earned sentence  
3 credit for prisoners serving a sentence of incarceration of  
4 less than 5 years, and up to 365 days of earned sentence credit  
5 for prisoners serving a sentence of 5 years or longer. The  
6 Director may grant this credit for good conduct in specific  
7 instances as the Director deems proper. The good conduct may  
8 include, but is not limited to, compliance with the rules and  
9 regulations of the Department, service to the Department,  
10 service to a community, or service to the State.

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

1 Department.

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

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

10 (B) has served a minimum of 60 days, or as close to 60  
11 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.)