

HB3026



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3026

Introduced 2/16/2023, 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. Includes time served in a county jail as part of the minimum of 60 days of the sentence that must be served before the Director of Corrections may award discretionary earned sentence credit.

LRB103 28518 RLC 54899 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 of Corrections and the
11 Department of Juvenile Justice shall prescribe rules and
12 regulations for awarding and revoking sentence credit for
13 persons committed to the Department of Juvenile Justice under
14 Section 5-8-6 of the Unified Code of Corrections, which shall
15 be subject to review by the Prisoner Review Board.

16 (1.5) As otherwise provided by law, sentence credit may be
17 awarded for the following:

18 (A) successful completion of programming while in
19 custody of the Department of Corrections or the Department
20 of Juvenile Justice or while in custody prior to
21 sentencing;

22 (B) compliance with the rules and regulations of the
23 Department; or

1 (C) service to the institution, service to a
2 community, or service to the State.

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

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

26 (ii) that a prisoner serving a sentence for attempt to

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

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

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

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

1 month of his or her sentence of imprisonment;

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

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

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

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

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

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

23 (2.4) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide with respect to the offenses of aggravated
26 battery with a machine gun or a firearm equipped with any

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

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

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

1 (3) In addition to the sentence credits earned under
2 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
3 subsection (a), the rules and regulations shall also provide
4 that the Director of Corrections or the Director of Juvenile
5 Justice may award up to 180 days of earned sentence credit for
6 prisoners serving a sentence of incarceration of less than 5
7 years, and up to 365 days of earned sentence credit for
8 prisoners serving a sentence of 5 years or longer. The
9 Director may grant this credit for good conduct in specific
10 instances as either Director deems proper for eligible persons
11 in the custody of each Director's respective Department. The
12 good conduct may include, but is not limited to, compliance
13 with the rules and regulations of the Department, service to
14 the Department, service to a community, or service to the
15 State.

16 Eligible inmates for an award of earned sentence credit
17 under this paragraph (3) may be selected to receive the credit
18 at either Director's or his or her designee's sole discretion.
19 Eligibility for the additional earned sentence credit under
20 this paragraph (3) may be based on, but is not limited to,
21 participation in programming offered by the Department as
22 appropriate for the prisoner based on the results of any
23 available risk/needs assessment or other relevant assessments
24 or evaluations administered by the Department using a
25 validated instrument, the circumstances of the crime,
26 demonstrated commitment to rehabilitation by a prisoner with a

1 history of conviction for a forcible felony enumerated in
2 Section 2-8 of the Criminal Code of 2012, the inmate's
3 behavior and improvements in disciplinary history while
4 incarcerated, and the inmate's commitment to rehabilitation,
5 including participation in programming offered by the
6 Department.

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

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

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

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

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

24 The Director of Corrections or the Director of Juvenile
25 Justice shall determine the form and content of the written
26 determination required in this subsection.

1 (3.5) The Department shall provide annual written reports
2 to the Governor and the General Assembly on the award of earned
3 sentence credit no later than February 1 of each year. The
4 Department must publish both reports on its website within 48
5 hours of transmitting the reports to the Governor and the
6 General Assembly. The reports must include:

7 (A) the number of inmates awarded earned sentence
8 credit;

9 (B) the average amount of earned sentence credit
10 awarded;

11 (C) the holding offenses of inmates awarded earned
12 sentence credit; and

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

14 (4) (A) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations shall also provide
16 that any prisoner who is engaged full-time in substance abuse
17 programs, correctional industry assignments, educational
18 programs, work-release programs or activities in accordance
19 with Article 13 of Chapter III of this Code, behavior
20 modification programs, life skills courses, or re-entry
21 planning provided by the Department under this paragraph (4)
22 and satisfactorily completes the assigned program as
23 determined by the standards of the Department, shall receive
24 one day of sentence credit for each day in which that prisoner
25 is engaged in the activities described in this paragraph. The
26 rules and regulations shall also provide that sentence credit

1 may be provided to an inmate who was held in pre-trial
2 detention prior to his or her current commitment to the
3 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. The rules and regulations shall also provide
11 that sentence credit may be provided to an inmate who is in
12 compliance with programming requirements in an adult
13 transition center.

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

21 (i) documentation provided by the Department that the
22 inmate engaged in any full-time substance abuse programs,
23 correctional industry assignments, educational programs,
24 behavior modification programs, life skills courses, or
25 re-entry planning provided by the Department under this
26 paragraph (4) and satisfactorily completed the assigned

1 program as determined by the standards of the Department
2 during the inmate's current term of incarceration; or

3 (ii) the inmate's own testimony in the form of an
4 affidavit or documentation, or a third party's
5 documentation or testimony in the form of an affidavit
6 that the inmate likely engaged in any full-time substance
7 abuse programs, correctional industry assignments,
8 educational programs, behavior modification programs, life
9 skills courses, or re-entry planning provided by the
10 Department under paragraph (4) and satisfactorily
11 completed the assigned program as determined by the
12 standards of the Department during the inmate's current
13 term of incarceration.

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

1 control as to the amount of sentence credit provided.

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

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

20 Availability of these programs shall be subject to the
21 limits of fiscal resources appropriated by the General
22 Assembly for these purposes. Eligible inmates who are denied
23 immediate admission shall be placed on a waiting list under
24 criteria established by the Department. The rules and
25 regulations shall provide that a prisoner who has been placed
26 on a waiting list but is transferred for non-disciplinary

1 reasons before beginning a program shall receive priority
2 placement on the waitlist for appropriate programs at the new
3 facility. The inability of any inmate to become engaged in any
4 such programs by reason of insufficient program resources or
5 for any other reason established under the rules and
6 regulations of the Department shall not be deemed a cause of
7 action under which the Department or any employee or agent of
8 the Department shall be liable for damages to the inmate. The
9 rules and regulations shall provide that a prisoner who begins
10 an educational, vocational, substance abuse, work-release
11 programs or activities in accordance with Article 13 of
12 Chapter III of this Code, behavior modification program, life
13 skills course, re-entry planning, or correctional industry
14 programs but is unable to complete the program due to illness,
15 disability, transfer, lockdown, or another reason outside of
16 the prisoner's control shall receive prorated sentence credits
17 for the days in which the prisoner did participate.

18 (4.1) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations shall also provide
20 that an additional 90 days of sentence credit shall be awarded
21 to any prisoner who passes high school equivalency testing
22 while the prisoner is committed to the Department of
23 Corrections. The sentence credit awarded under this paragraph
24 (4.1) shall be in addition to, and shall not affect, the award
25 of sentence credit under any other paragraph of this Section,
26 but shall also be pursuant to the guidelines and restrictions

1 set forth in paragraph (4) of subsection (a) of this Section.
2 The sentence credit provided for in this paragraph shall be
3 available only to those prisoners who have not previously
4 earned a high school diploma or a State of Illinois High School
5 Diploma. If, after an award of the high school equivalency
6 testing sentence credit has been made, the Department
7 determines that the prisoner was not eligible, then the award
8 shall be revoked. The Department may also award 90 days of
9 sentence credit to any committed person who passed high school
10 equivalency testing while he or she was held in pre-trial
11 detention prior to the current commitment to the Department of
12 Corrections. Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations shall provide that
14 an additional 120 days of sentence credit shall be awarded to
15 any prisoner who obtains an associate degree while the
16 prisoner is committed to the Department of Corrections,
17 regardless of the date that the associate degree was obtained,
18 including if prior to July 1, 2021 (the effective date of
19 Public Act 101-652). The sentence credit awarded under this
20 paragraph (4.1) shall be in addition to, and shall not affect,
21 the award of sentence credit under any other paragraph of this
22 Section, but shall also be under the guidelines and
23 restrictions set forth in paragraph (4) of subsection (a) of
24 this Section. The sentence credit provided for in this
25 paragraph (4.1) shall be available only to those prisoners who
26 have not previously earned an associate degree prior to the

1 current commitment to the Department of Corrections. If, after
2 an award of the associate degree sentence credit has been made
3 and the Department determines that the prisoner was not
4 eligible, then the award shall be revoked. The Department may
5 also award 120 days of sentence credit to any committed person
6 who earned an associate degree while he or she was held in
7 pre-trial detention prior to the current commitment to the
8 Department of Corrections.

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

1 detention prior to the current commitment to the Department of
2 Corrections.

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

24 (4.2) The rules and regulations shall also provide that
25 any prisoner engaged in self-improvement programs, volunteer
26 work, or work assignments that are not otherwise eligible

1 activities under paragraph (4), shall receive up to 0.5 days
2 of sentence credit for each day in which the prisoner is
3 engaged in activities described in this paragraph.

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 of Corrections may waive the
12 requirement to participate in or complete a substance abuse
13 treatment program in specific instances if the prisoner is not
14 a good candidate for a substance abuse treatment program for
15 medical, programming, or operational reasons. Availability of
16 substance abuse treatment shall be subject to the limits of
17 fiscal resources appropriated by the General Assembly for
18 these purposes. If treatment is not available and the
19 requirement to participate and complete the treatment has not
20 been waived by the Director, the prisoner shall be placed on a
21 waiting list under criteria established by the Department. The
22 Director may allow a prisoner placed on a waiting list to
23 participate in and complete a substance abuse education class
24 or attend substance abuse self-help meetings in lieu of a
25 substance abuse treatment program. A prisoner on a waiting
26 list who is not placed in a substance abuse program prior to

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

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

15 (4.7) On or after January 1, 2018 (the effective date of
16 Public Act 100-3), sentence credit under paragraph (3), (4),
17 or (4.1) of this subsection (a) may be awarded to a prisoner
18 who is serving a sentence for an offense described in
19 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
20 on or after January 1, 2018 (the effective date of Public Act
21 100-3); provided, the award of the credits under this
22 paragraph (4.7) shall not reduce the sentence of the prisoner
23 to less than the following amounts:

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

26 (ii) 60% of his or her sentence if the prisoner is

1 required to serve 75% of his or her sentence, except if the
2 prisoner is serving a sentence for gunrunning his or her
3 sentence shall not be reduced to less than 75%.

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

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

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

5 (c) (1) The Department shall prescribe rules and
6 regulations for revoking sentence credit, including revoking
7 sentence credit awarded under paragraph (3) of subsection (a)
8 of this Section. The Department shall prescribe rules and
9 regulations establishing and requiring the use of a sanctions
10 matrix for revoking sentence credit. The Department shall
11 prescribe rules and regulations for suspending or reducing the
12 rate of accumulation of sentence credit for specific rule
13 violations, during imprisonment. These rules and regulations
14 shall provide that no inmate may be penalized more than one
15 year of sentence credit for any one infraction.

16 (2) When the Department seeks to revoke, suspend, or
17 reduce the rate of accumulation of any sentence credits for an
18 alleged infraction of its rules, it shall bring charges
19 therefor against the prisoner sought to be so deprived of
20 sentence credits before the Prisoner Review Board as provided
21 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
22 amount of credit at issue exceeds 30 days, whether from one
23 infraction or cumulatively from multiple infractions arising
24 out of a single event, or when, during any 12-month period, the
25 cumulative amount of credit revoked exceeds 30 days except
26 where the infraction is committed or discovered within 60 days

1 of scheduled release. In those cases, the Department of
2 Corrections may revoke up to 30 days of sentence credit. The
3 Board may subsequently approve the revocation of additional
4 sentence credit, if the Department seeks to revoke sentence
5 credit in excess of 30 days. However, the Board shall not be
6 empowered to review the Department's decision with respect to
7 the loss of 30 days of sentence credit within any calendar year
8 for any prisoner or to increase any penalty beyond the length
9 requested by the Department.

10 (3) The Director of Corrections or the Director of
11 Juvenile Justice, in appropriate cases, may restore sentence
12 credits which have been revoked, suspended, or reduced. The
13 Department shall prescribe rules and regulations governing the
14 restoration of sentence credits. These rules and regulations
15 shall provide for the automatic restoration of sentence
16 credits following a period in which the prisoner maintains a
17 record without a disciplinary violation.

18 Nothing contained in this Section shall prohibit the
19 Prisoner Review Board from ordering, pursuant to Section
20 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
21 sentence imposed by the court that was not served due to the
22 accumulation of sentence credit.

23 (d) If a lawsuit is filed by a prisoner in an Illinois or
24 federal court against the State, the Department of
25 Corrections, or the Prisoner Review Board, or against any of
26 their officers or employees, and the court makes a specific

1 finding that a pleading, motion, or other paper filed by the
2 prisoner is frivolous, the Department of Corrections shall
3 conduct a hearing to revoke up to 180 days of sentence credit
4 by bringing charges against the prisoner sought to be deprived
5 of the sentence credits before the Prisoner Review Board as
6 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
7 If the prisoner has not accumulated 180 days of sentence
8 credit at the time of the finding, then the Prisoner Review
9 Board may revoke all sentence credit accumulated by the
10 prisoner.

11 For purposes of this subsection (d):

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

16 (A) it lacks an arguable basis either in law or in
17 fact;

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

21 (C) the claims, defenses, and other legal
22 contentions therein are not warranted by existing law
23 or by a nonfrivolous argument for the extension,
24 modification, or reversal of existing law or the
25 establishment of new law;

26 (D) the allegations and other factual contentions

1 do not have evidentiary support or, if specifically so
2 identified, are not likely to have evidentiary support
3 after a reasonable opportunity for further
4 investigation or discovery; or

5 (E) the denials of factual contentions are not
6 warranted on the evidence, or if specifically so
7 identified, are not reasonably based on a lack of
8 information or belief.

9 (2) "Lawsuit" means a motion pursuant to Section 116-3
10 of the Code of Criminal Procedure of 1963, a habeas corpus
11 action under Article X of the Code of Civil Procedure or
12 under federal law (28 U.S.C. 2254), a petition for claim
13 under the Court of Claims Act, an action under the federal
14 Civil Rights Act (42 U.S.C. 1983), or a second or
15 subsequent petition for post-conviction relief under
16 Article 122 of the Code of Criminal Procedure of 1963
17 whether filed with or without leave of court or a second or
18 subsequent petition for relief from judgment under Section
19 2-1401 of the Code of Civil Procedure.

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

22 (f) Whenever the Department is to release any inmate who
23 has been convicted of a violation of an order of protection
24 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, earlier than it otherwise would
26 because of a grant of sentence credit, the Department, as a

1 condition of release, shall require that the person, upon
2 release, be placed under electronic surveillance as provided
3 in Section 5-8A-7 of this Code.

4 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
5 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
6 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)