



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5219

Introduced 2/9/2024, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

Amends the Unified Code of Corrections. Eliminates provisions that a person must serve various percentages for particular offenses. Provides that the rules and regulations of the Department of Corrections shall provide that the individual in custody shall receive one day of sentence credit for each day of service in prison other than when a sentence of natural life imprisonment has been imposed. Provides that each day of sentence credit shall reduce by one day the incarcerated person's period of incarceration set by the court. Provides that within 6 months after the effective date of the amendatory Act, the Department of Corrections shall recalculate each incarcerated person's release date by crediting each person one day sentence credit for each day the incarcerated person has spent in prison on the current sentence. Provides that an incarcerated person serving a term of natural life imprisonment shall be eligible to accumulate sentence credit so that in the event that his or her sentence is reduced to something less than a sentence of natural life imprisonment, it can thereafter be credited toward his or her new sentence. Makes technical changes. Effective January 1, 2025.

LRB103 37610 RLC 67736 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)

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) The rules and regulations shall provide that the
4 individual in custody shall receive one day of sentence credit
5 for each day of service in prison other than when a sentence of
6 natural life imprisonment has been imposed. Each day of
7 sentence credit shall reduce by one day the incarcerated
8 person's period of incarceration set by the court. ~~Except as~~
9 ~~provided in paragraph (4.7) of this subsection (a), the rules~~
10 ~~and regulations on sentence credit shall provide, with respect~~
11 ~~to offenses listed in clause (i), (ii), or (iii) of this~~
12 ~~paragraph (2) committed on or after June 19, 1998 or with~~
13 ~~respect to the offense listed in clause (iv) of this paragraph~~
14 ~~(2) committed on or after June 23, 2005 (the effective date of~~
15 ~~Public Act 94-71) or with respect to offense listed in clause~~
16 ~~(vi) committed on or after June 1, 2008 (the effective date of~~
17 ~~Public Act 95-625) or with respect to the offense of being an~~
18 ~~armed habitual criminal committed on or after August 2, 2005~~
19 ~~(the effective date of Public Act 94-398) or with respect to~~
20 ~~the offenses listed in clause (v) of this paragraph (2)~~
21 ~~committed on or after August 13, 2007 (the effective date of~~
22 ~~Public Act 95-134) or with respect to the offense of~~
23 ~~aggravated domestic battery committed on or after July 23,~~
24 ~~2010 (the effective date of Public Act 96-1224) or with~~
25 ~~respect to the offense of attempt to commit terrorism~~
26 ~~committed on or after January 1, 2013 (the effective date of~~

1 ~~Public Act 97-990), the following:~~

2 ~~(i) that a prisoner who is serving a term of~~
3 ~~imprisonment for first degree murder or for the offense of~~
4 ~~terrorism shall receive no sentence credit and shall serve~~
5 ~~the entire sentence imposed by the court;~~

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

23 ~~(iii) that a prisoner serving a sentence for home~~
24 ~~invasion, armed robbery, aggravated vehicular hijacking,~~
25 ~~aggravated discharge of a firearm, or armed violence with~~
26 ~~a category I weapon or category II weapon, when the court~~

1 ~~has made and entered a finding, pursuant to subsection~~
2 ~~(c-1) of Section 5-4-1 of this Code, that the conduct~~
3 ~~leading to conviction for the enumerated offense resulted~~
4 ~~in great bodily harm to a victim, shall receive no more~~
5 ~~than 4.5 days of sentence credit for each month of his or~~
6 ~~her sentence of imprisonment;~~

7 ~~(iv) that a prisoner serving a sentence for aggravated~~
8 ~~discharge of a firearm, whether or not the conduct leading~~
9 ~~to conviction for the offense resulted in great bodily~~
10 ~~harm to the victim, shall receive no more than 4.5 days of~~
11 ~~sentence credit for each month of his or her sentence of~~
12 ~~imprisonment;~~

13 ~~(v) that a person serving a sentence for gunrunning,~~
14 ~~narcotics racketeering, controlled substance trafficking,~~
15 ~~methamphetamine trafficking, drug-induced homicide,~~
16 ~~aggravated methamphetamine related child endangerment,~~
17 ~~money laundering pursuant to clause (c) (4) or (5) of~~
18 ~~Section 29B-1 of the Criminal Code of 1961 or the Criminal~~
19 ~~Code of 2012, or a Class X felony conviction for delivery~~
20 ~~of a controlled substance, possession of a controlled~~
21 ~~substance with intent to manufacture or deliver,~~
22 ~~calculated criminal drug conspiracy, criminal drug~~
23 ~~conspiracy, street gang criminal drug conspiracy,~~
24 ~~participation in methamphetamine manufacturing,~~
25 ~~aggravated participation in methamphetamine~~
26 ~~manufacturing, delivery of methamphetamine, possession~~

1 ~~with intent to deliver methamphetamine, aggravated~~
2 ~~delivery of methamphetamine, aggravated possession with~~
3 ~~intent to deliver methamphetamine, methamphetamine~~
4 ~~conspiracy when the substance containing the controlled~~
5 ~~substance or methamphetamine is 100 grams or more shall~~
6 ~~receive no more than 7.5 days sentence credit for each~~
7 ~~month of his or her sentence of imprisonment;~~

8 ~~(vi) that a prisoner serving a sentence for a second~~
9 ~~or subsequent offense of luring a minor shall receive no~~
10 ~~more than 4.5 days of sentence credit for each month of his~~
11 ~~or her sentence of imprisonment; and~~

12 ~~(vii) that a prisoner serving a sentence for~~
13 ~~aggravated domestic battery shall receive no more than 4.5~~
14 ~~days of sentence credit for each month of his or her~~
15 ~~sentence of imprisonment.~~

16 (2.1) Within 6 months after the effective date of this
17 amendatory Act of the 103rd General Assembly, the Department
18 of Corrections shall recalculate each incarcerated person's
19 release date by crediting each person one day sentence credit
20 for each day the incarcerated person has spent in prison on the
21 current sentence. For all offenses, ~~other than those~~
22 ~~enumerated in subdivision (a) (2) (i), (ii), or (iii) committed~~
23 ~~on or after June 19, 1998 or subdivision (a) (2) (iv) committed~~
24 ~~on or after June 23, 2005 (the effective date of Public Act~~
25 ~~94-71) or subdivision (a) (2) (v) committed on or after August~~
26 ~~13, 2007 (the effective date of Public Act 95-134) or~~

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

23 (2.2) An incarcerated person ~~A prisoner~~ serving a term of
24 natural life imprisonment shall be eligible to accumulate
25 sentencing credit if his or her sentence is reduced to less
26 than a sentence of natural life imprisonment, which shall be

1 credited toward his or her new sentence ~~receive no sentence~~
2 ~~credit.~~

3 (2.3) (Blank). ~~Except as provided in paragraph (4.7) of~~
4 ~~this subsection (a), the rules and regulations on sentence~~
5 ~~credit shall provide that a prisoner who is serving a sentence~~
6 ~~for aggravated driving under the influence of alcohol, other~~
7 ~~drug or drugs, or intoxicating compound or compounds, or any~~
8 ~~combination thereof as defined in subparagraph (F) of~~
9 ~~paragraph (1) of subsection (d) of Section 11-501 of the~~
10 ~~Illinois Vehicle Code, shall receive no more than 4.5 days of~~
11 ~~sentence credit for each month of his or her sentence of~~
12 ~~imprisonment.~~

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

26 (2.5) (Blank). ~~Except as provided in paragraph (4.7) of~~

1 ~~this subsection (a), the rules and regulations on sentence~~
2 ~~credit shall provide that a prisoner who is serving a sentence~~
3 ~~for aggravated arson committed on or after July 27, 2001 (the~~
4 ~~effective date of Public Act 92-176) shall receive no more~~
5 ~~than 4.5 days of sentence credit for each month of his or her~~
6 ~~sentence of imprisonment.~~

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

18 (3) In addition to the sentence credits earned under
19 paragraphs (2), (2.1), (4), (4.1), and (4.2), ~~and (4.7)~~ of
20 this subsection (a), the rules and regulations shall also
21 provide that the Director of Corrections or the Director of
22 Juvenile Justice may award up to 180 days of earned sentence
23 credit for incarcerated persons ~~prisoners~~ serving a sentence
24 of incarceration of less than 5 years, and up to 365 days of
25 earned sentence credit for incarcerated persons ~~prisoners~~
26 serving a sentence of 5 years or longer. The Director may grant

1 this credit for good conduct in specific instances as either
2 Director deems proper for eligible persons in the custody of
3 each Director's respective Department. The good conduct may
4 include, but is not limited to, compliance with the rules and
5 regulations of the Department, service to the Department,
6 service to a community, or service to the State.

7 Incarcerated persons eligible ~~Eligible inmates~~ for an
8 award of earned sentence credit under this paragraph (3) may
9 be selected to receive the credit at either Director's or his
10 or her designee's sole discretion. Eligibility for the
11 additional earned sentence credit under this paragraph (3) may
12 be based on, but is not limited to, participation in
13 programming offered by the Department as appropriate for the
14 incarcerated person ~~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 an incarcerated
19 person ~~a prisoner~~ with a history of conviction for a forcible
20 felony enumerated in Section 2-8 of the Criminal Code of 2012,
21 the incarcerated person's ~~inmate's~~ behavior and improvements
22 in disciplinary history while incarcerated, and the
23 incarcerated person's ~~inmate's~~ commitment to rehabilitation,
24 including participation in programming offered by the
25 Department.

26 The Director of Corrections or the Director of Juvenile

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

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

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

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

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

18 The Director of Corrections or the Director of Juvenile
19 Justice shall determine the form and content of the written
20 determination required in this subsection.

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

1 (A) the number of incarcerated persons ~~inmates~~ awarded
2 earned sentence credit;

3 (B) the average amount of earned sentence credit
4 awarded;

5 (C) the holding offenses of inmates awarded earned
6 sentence credit; and

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

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

1 provided by the county department of corrections or county
2 jail. Calculation of this county program credit shall be done
3 at sentencing as provided in Section 5-4.5-100 of this Code
4 and shall be included in the sentencing order. The rules and
5 regulations shall also provide that sentence credit may be
6 provided to an incarcerated person ~~inmate~~ who is in compliance
7 with programming requirements in an adult transition center.

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

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

25 (ii) the incarcerated person's ~~inmate's~~ own testimony
26 in the form of an affidavit or documentation, or a third

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

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

1 (D) If the incarcerated person ~~inmate~~ has been convicted
2 of a sex offense as defined in Section 2 of the Sex Offender
3 Registration Act, sentencing credits under subparagraph (B) of
4 this paragraph (4) shall be awarded by the Department only if
5 the conditions set forth in paragraph (4.6) of subsection (a)
6 are satisfied. No incarcerated person ~~inmate~~ serving a term of
7 natural life imprisonment shall receive sentence credit under
8 subparagraph (B) of this paragraph (4) except in the case that
9 his or her sentence is later reduced as provided under
10 paragraph (2.2) of subsection (a).

11 (E) The rules and regulations shall provide for the
12 recalculation of program credits awarded pursuant to this
13 paragraph (4) prior to July 1, 2021 (the effective date of
14 Public Act 101-652) at the rate set for such credits on and
15 after July 1, 2021.

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

26 Availability of these programs shall be subject to the

1 limits of fiscal resources appropriated by the General
2 Assembly for these purposes. Eligible incarcerated persons
3 ~~inmates~~ who are denied immediate admission shall be placed on
4 a waiting list under criteria established by the Department.
5 The rules and regulations shall provide that an incarcerated
6 person ~~a prisoner~~ who has been placed on a waiting list but is
7 transferred for non-disciplinary reasons before beginning a
8 program shall receive priority placement on the waitlist for
9 appropriate programs at the new facility. The inability of any
10 incarcerated person ~~inmate~~ to become engaged in any such
11 programs by reason of insufficient program resources or for
12 any other reason established under the rules and regulations
13 of the Department shall not be deemed a cause of action under
14 which the Department or any employee or agent of the
15 Department shall be liable for damages to the incarcerated
16 person ~~inmate~~. The rules and regulations shall provide that an
17 incarcerated person ~~a prisoner~~ who begins an educational,
18 vocational, substance abuse, work-release programs or
19 activities in accordance with Article 13 of Chapter III of
20 this Code, behavior modification program, life skills course,
21 re-entry planning, or correctional industry programs but is
22 unable to complete the program due to illness, disability,
23 transfer, lockdown, or another reason outside of the
24 incarcerated person's ~~prisoner's~~ control shall receive
25 prorated sentence credits for the days in which the
26 incarcerated person ~~prisoner~~ did participate.

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

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

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

16 Except as provided in paragraph (4.7) of this subsection
17 (a), the rules and regulations shall provide that an
18 additional 180 days of sentence credit shall be awarded to any
19 incarcerated person ~~prisoner~~ who obtains a master's or
20 professional degree while the incarcerated person ~~prisoner~~ is
21 committed to the Department of Corrections. The sentence
22 credit awarded under this paragraph (4.1) shall be in addition
23 to, and shall not affect, the award of sentence credit under
24 any other paragraph of this Section, but shall also be under
25 the guidelines and restrictions set forth in paragraph (4) of
26 this subsection (a). The sentence credit provided for in this

1 paragraph shall be available only to those incarcerated
2 persons ~~prisoners~~ who have not previously earned a master's or
3 professional degree prior to the current commitment to the
4 Department of Corrections. If, after an award of the master's
5 or professional degree sentence credit has been made, the
6 Department determines that the incarcerated person ~~prisoner~~
7 was not eligible, then the award shall be revoked. The
8 Department may also award 180 days of sentence credit to any
9 committed person who earned a master's or professional degree
10 while he or she was held in pre-trial detention prior to the
11 current commitment to the Department of Corrections.

12 (4.2) (A) The rules and regulations shall also provide that
13 any incarcerated person ~~prisoner~~ engaged in self-improvement
14 programs, volunteer work, or work assignments that are not
15 otherwise eligible activities under paragraph (4), shall
16 receive up to 0.5 days of sentence credit for each day in which
17 the incarcerated person ~~prisoner~~ is engaged in activities
18 described in this paragraph.

19 (B) The rules and regulations shall provide for the award
20 of sentence credit under this paragraph (4.2) for qualifying
21 days of engagement in eligible activities occurring prior to
22 July 1, 2021 (the effective date of Public Act 101-652).

23 (4.5) The rules and regulations on sentence credit shall
24 also provide that when the court's sentencing order recommends
25 an incarcerated person ~~a prisoner~~ for substance abuse
26 treatment and the crime was committed on or after September 1,

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

25 (4.6) The rules and regulations on sentence credit shall
26 also provide that an incarcerated person ~~a prisoner~~ who has

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

11 (4.7) (Blank). ~~On or after January 1, 2018 (the effective~~
12 ~~date of Public Act 100-3), sentence credit under paragraph~~
13 ~~(3), (4), or (4.1) of this subsection (a) may be awarded to a~~
14 ~~prisoner who is serving a sentence for an offense described in~~
15 ~~paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned~~
16 ~~on or after January 1, 2018 (the effective date of Public Act~~
17 ~~100-3); provided, the award of the credits under this~~
18 ~~paragraph (4.7) shall not reduce the sentence of the prisoner~~
19 ~~to less than the following amounts:~~

20 ~~(i) 85% of his or her sentence if the prisoner is~~
21 ~~required to serve 85% of his or her sentence; or~~

22 ~~(ii) 60% of his or her sentence if the prisoner is~~
23 ~~required to serve 75% of his or her sentence, except if the~~
24 ~~prisoner is serving a sentence for gunrunning his or her~~
25 ~~sentence shall not be reduced to less than 75%.~~

26 ~~(iii) 100% of his or her sentence if the prisoner is~~

1 ~~required to serve 100% of his or her sentence.~~

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

26 (b) Whenever a person is or has been committed under

1 several convictions, with separate sentences, the sentences
2 shall be construed under Section 5-8-4 in granting and
3 forfeiting of sentence credit.

4 (c) (1) The Department shall prescribe rules and
5 regulations for revoking sentence credit, including revoking
6 sentence credit awarded under paragraph (3) of subsection (a)
7 of this Section. The Department shall prescribe rules and
8 regulations establishing and requiring the use of a sanctions
9 matrix for revoking sentence credit. The Department shall
10 prescribe rules and regulations for suspending or reducing the
11 rate of accumulation of sentence credit for specific rule
12 violations, during imprisonment. These rules and regulations
13 shall provide that no incarcerated person ~~inmate~~ may be
14 penalized more than one year of sentence credit for any one
15 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 incarcerated person ~~prisoner~~ sought to be
20 so deprived of sentence credits before the Prisoner Review
21 Board as provided in subparagraph (a)(4) of Section 3-3-2 of
22 this Code, if the amount of credit at issue exceeds 30 days,
23 whether from one infraction or cumulatively from multiple
24 infractions arising out of a single event, or when, during any
25 12-month period, the cumulative amount of credit revoked
26 exceeds 30 days except where the infraction is committed or

1 discovered within 60 days of scheduled release. In those
2 cases, the Department of Corrections may revoke up to 30 days
3 of sentence credit. The Board may subsequently approve the
4 revocation of additional sentence credit, if the Department
5 seeks to revoke sentence credit in excess of 30 days. However,
6 the Board shall not be empowered to review the Department's
7 decision with respect to the loss of 30 days of sentence credit
8 within any calendar year for any incarcerated person ~~prisoner~~
9 or to increase any penalty beyond the length requested by the
10 Department.

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

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

24 (d) If a lawsuit is filed by an incarcerated person ~~a~~
25 ~~prisoner~~ in an Illinois or federal court against the State,
26 the Department of Corrections, or the Prisoner Review Board,

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

13 For purposes of this subsection (d):

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

18 (A) it lacks an arguable basis either in law or in
19 fact;

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

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

1 establishment of new law;

2 (D) the allegations and other factual contentions
3 do not have evidentiary support or, if specifically so
4 identified, are not likely to have evidentiary support
5 after a reasonable opportunity for further
6 investigation or discovery; or

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

11 (2) "Lawsuit" means a motion pursuant to Section 116-3
12 of the Code of Criminal Procedure of 1963, a habeas corpus
13 action under Article X of the Code of Civil Procedure or
14 under federal law (28 U.S.C. 2254), a petition for claim
15 under the Court of Claims Act, an action under the federal
16 Civil Rights Act (42 U.S.C. 1983), or a second or
17 subsequent petition for post-conviction relief under
18 Article 122 of the Code of Criminal Procedure of 1963
19 whether filed with or without leave of court or a second or
20 subsequent petition for relief from judgment under Section
21 2-1401 of the Code of Civil Procedure.

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

24 (f) Whenever the Department is to release any incarcerated
25 person inmate who has been convicted of a violation of an order
26 of protection under Section 12-3.4 or 12-30 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, earlier than it
2 otherwise would because of a grant of sentence credit, the
3 Department, as a condition of release, shall require that the
4 person, upon release, be placed under electronic surveillance
5 as provided in Section 5-8A-7 of this Code.

6 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
7 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
8 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised
9 12-15-23.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2025.