



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2259

Introduced 2/10/2023, by Sen. Robert Peters

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 who is serving a sentence for first degree murder, other than serving a term of natural life imprisonment, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment (rather than serve the entire sentence imposed by the court). Changes certain sentence credits for a prisoner from no more than 4.5 to no more than 7.5 days of sentence credit for each month of his or her sentence of imprisonment. Provides that the Director of Corrections or the Director of Juvenile Justice may award earned sentence credits if the credits do not reduce the sentence by a specified amount (rather than award up to 180 days of earned sentence credit for prisoners serving a sentence or incarcerating of less than 5 years, and up to 365 days of earned sentence credit for prisoners serving a sentence of 5 years or longer). Provides that the Department of Corrections or the Department of Juvenile Justice shall award sentence credit accumulated prior to the effective date of the amendatory Act in an amount specified to an inmate serving a sentence for an offense committed on or after June 19, 1998, if the Department determines that the inmate is entitled to this sentence credit based upon specified documentation.

LRB103 29018 RLC 55404 b

1 AN ACT concerning criminal law.

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

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

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

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

8 (a) (1) The Department of Corrections shall prescribe rules
9 and regulations for awarding and revoking sentence credit for
10 persons committed to the Department 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 7.5 ~~4.5~~ days of sentence credit for each month of
16 his 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 7.5 ~~4.5~~ days of sentence credit for each month of his
26 or 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 7.5 ~~4.5~~ days
5 of 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 12 ~~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 7.5 ~~4.5~~ days of sentence credit for each month of
5 his or her sentence of imprisonment; ~~and~~

6 (vii) that a prisoner serving a sentence for
7 aggravated domestic battery shall receive no more than 7.5
8 ~~4.5~~ days of sentence credit for each month of his or her
9 sentence of imprisonment; and -

10 (viii) that a person serving a sentence for first
11 degree murder, other than those serving a term of natural
12 life imprisonment, shall receive no more than 4.5 days of
13 sentence credit for each month of his or her sentence of
14 imprisonment.

15 (2.1) For all offenses, other than those enumerated in
16 subdivision (a)(2)(i), (ii), or (iii) committed on or after
17 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
18 June 23, 2005 (the effective date of Public Act 94-71) or
19 subdivision (a)(2)(v) committed on or after August 13, 2007
20 (the effective date of Public Act 95-134) or subdivision
21 (a)(2)(vi) committed on or after June 1, 2008 (the effective
22 date of Public Act 95-625) or subdivision (a)(2)(vii)
23 committed on or after July 23, 2010 (the effective date of
24 Public Act 96-1224), or subdivision (a)(2)(viii) committed on
25 or after the effective date of this amendatory Act of the 103rd
26 General Assembly, and other than the offense of aggravated

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

17 (2.2) A prisoner serving a term of natural life
18 imprisonment ~~or a prisoner who has been sentenced to death~~
19 shall receive no sentence credit.

20 (2.3) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations on sentence credit
22 shall provide that a prisoner who is serving a sentence for
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds, or any
25 combination thereof as defined in subparagraph (F) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code, shall receive no more than 7.5 ~~4.5~~ days
2 of sentence credit for each month of his or her sentence of
3 imprisonment.

4 (2.4) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations on sentence credit
6 shall provide with respect to the offenses of aggravated
7 battery with a machine gun or a firearm equipped with any
8 device or attachment designed or used for silencing the report
9 of a firearm or aggravated discharge of a machine gun or a
10 firearm equipped with any device or attachment designed or
11 used for silencing the report of a firearm, committed on or
12 after July 15, 1999 (the effective date of Public Act 91-121),
13 that a prisoner serving a sentence for any of these offenses
14 shall receive no more than 7.5 ~~4.5~~ days of sentence credit for
15 each month of his or her sentence of imprisonment.

16 (2.5) 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 arson committed on or after July 27, 2001 (the
20 effective date of Public Act 92-176) shall receive no more
21 than 7.5 ~~4.5~~ days of sentence credit for each month of his or
22 her sentence of imprisonment.

23 (2.6) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide that a prisoner who is serving a sentence for
26 aggravated driving under the influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds or any
2 combination thereof as defined in subparagraph (C) of
3 paragraph (1) of subsection (d) of Section 11-501 of the
4 Illinois Vehicle Code committed on or after January 1, 2011
5 (the effective date of Public Act 96-1230) shall receive no
6 more than 7.5 ~~4.5~~ days of sentence credit for each month of his
7 or her sentence of imprisonment.

8 (3) In addition to the sentence credits earned under
9 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
10 subsection (a), the rules and regulations shall also provide
11 that the Director of Corrections or the Director of Juvenile
12 Justice may award ~~up to 180 days of earned sentence credit;~~
13 provided that such earned sentence credit shall not reduce the
14 sentence of the prisoner to less than the amounts set forth in
15 subparagraphs (i), (ii), (iii), and (iv) of paragraph (4.7) of
16 this subsection (a) for prisoners serving a sentence of
17 ~~incarceration of less than 5 years, and up to 365 days of~~
18 ~~earned sentence credit for prisoners serving a sentence of 5~~
19 ~~years or longer.~~ The Director may grant this credit for good
20 conduct in specific instances as either Director deems proper
21 for eligible persons in the custody of each Director's
22 respective Department. The good conduct may include, but is
23 not limited to, compliance with the rules and regulations of
24 the Department, service to the Department, service to a
25 community, or service to the State.

26 Eligible inmates for an award of earned sentence credit

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

17 The Director of Corrections or the Director of Juvenile
18 Justice shall not award sentence credit under this paragraph
19 (3) to an inmate unless the inmate has served a minimum of 60
20 days of the sentence; except nothing in this paragraph shall
21 be construed to permit either Director to extend an inmate's
22 sentence beyond that which was imposed by the court. Prior to
23 awarding credit under this paragraph (3), each Director shall
24 make a written determination that the inmate:

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

26 (B) has served a minimum of 60 days, or as close to 60

1 days as the sentence will allow;

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

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

7 The Director of Corrections or the Director of Juvenile
8 Justice shall determine the form and content of the written
9 determination required in this subsection.

10 (3.5) The Department shall provide annual written reports
11 to the Governor and the General Assembly on the award of earned
12 sentence credit no later than February 1 of each year. The
13 Department must publish both reports on its website within 48
14 hours of transmitting the reports to the Governor and the
15 General Assembly. The reports must include:

16 (A) the number of inmates awarded earned sentence
17 credit;

18 (B) the average amount of earned sentence credit
19 awarded;

20 (C) the holding offenses of inmates awarded earned
21 sentence credit; and

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

23 (4) (A) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations shall also provide
25 that any prisoner who is engaged full-time in substance abuse
26 programs, correctional industry assignments, educational

1 programs, work-release programs or activities in accordance
2 with Article 13 of Chapter III of this Code, behavior
3 modification programs, life skills courses, or re-entry
4 planning provided by the Department under this paragraph (4)
5 and satisfactorily completes the assigned program as
6 determined by the standards of the Department, shall receive
7 one day of sentence credit for each day in which that prisoner
8 is engaged in the activities described in this paragraph. The
9 rules and regulations shall also provide that sentence credit
10 may be provided to an inmate who was held in pre-trial
11 detention prior to his or her current commitment to the
12 Department of Corrections and successfully completed a
13 full-time, 60-day or longer substance abuse program,
14 educational program, behavior modification program, life
15 skills course, or re-entry planning provided by the county
16 department of corrections or county jail. Calculation of this
17 county program credit shall be done at sentencing as provided
18 in Section 5-4.5-100 of this Code and shall be included in the
19 sentencing order. The rules and regulations shall also provide
20 that sentence credit may be provided to an inmate who is in
21 compliance with programming requirements in an adult
22 transition center.

23 (B) The Department shall award sentence credit under this
24 paragraph (4) accumulated prior to January 1, 2020 (the
25 effective date of Public Act 101-440) in an amount specified
26 in subparagraph (C) of this paragraph (4) to an inmate serving

1 a sentence for an offense committed prior to June 19, 1998, if
2 the Department determines that the inmate is entitled to this
3 sentence credit, based upon:

4 (i) documentation provided by the Department that the
5 inmate engaged in any full-time substance abuse programs,
6 correctional industry assignments, educational programs,
7 behavior modification programs, life skills courses, or
8 re-entry planning provided by the Department under this
9 paragraph (4) and satisfactorily completed the assigned
10 program as determined by the standards of the Department
11 during the inmate's current term of incarceration; or

12 (ii) the inmate's own testimony in the form of an
13 affidavit or documentation, or a third party's
14 documentation or testimony in the form of an affidavit
15 that the inmate likely engaged in any full-time substance
16 abuse programs, correctional industry assignments,
17 educational programs, behavior modification programs, life
18 skills courses, or re-entry planning provided by the
19 Department under paragraph (4) and satisfactorily
20 completed the assigned program as determined by the
21 standards of the Department during the inmate's current
22 term of incarceration.

23 (C) If the inmate can provide documentation that he or she
24 is entitled to sentence credit under subparagraph (B) in
25 excess of 45 days of participation in those programs, the
26 inmate shall receive 90 days of sentence credit. If the inmate

1 cannot provide documentation of more than 45 days of
2 participation in those programs, the inmate shall receive 45
3 days of sentence credit. In the event of a disagreement
4 between the Department and the inmate as to the amount of
5 credit accumulated under subparagraph (B), if the Department
6 provides documented proof of a lesser amount of days of
7 participation in those programs, that proof shall control. If
8 the Department provides no documentary proof, the inmate's
9 proof as set forth in clause (ii) of subparagraph (B) shall
10 control as to the amount of sentence credit provided.

11 (D) If the inmate has been convicted of a sex offense as
12 defined in Section 2 of the Sex Offender Registration Act,
13 sentencing credits under subparagraph (B) of this paragraph
14 (4) shall be awarded by the Department only if the conditions
15 set forth in paragraph (4.6) of subsection (a) are satisfied.
16 No inmate serving a term of natural life imprisonment shall
17 receive sentence credit under subparagraph (B) of this
18 paragraph (4).

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

1 shall include data relating to the recidivism rate among
2 program participants.

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

1 (E) The Department shall award sentence credit under this
2 paragraph (4) accumulated prior to the effective date of this
3 amendatory Act of the 103rd General Assembly in an amount
4 specified in subparagraph (F) of this paragraph (4) to an
5 inmate serving a sentence for an offense committed on or after
6 June 19, 1998, if the Department determines that the inmate is
7 entitled to this sentence credit, based upon:

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

16 (ii) the inmate's own testimony in the form of an
17 affidavit or documentation, or a third party's
18 documentation or testimony in the form of an affidavit
19 that the inmate likely engaged in any full-time substance
20 abuse programs, correctional industry assignments,
21 educational programs, behavior modification programs, life
22 skills courses, or re-entry planning provided by the
23 Department under this paragraph (4) and satisfactorily
24 completed the assigned program as determined by the
25 standards of the Department during the inmate's current
26 term of incarceration.

1 (F) If the inmate can provide documentation that he or she
2 is entitled to sentence credit under subparagraph (E), the
3 inmate shall receive such sentence credit. If the inmate
4 cannot provide documentation of participation in those
5 programs, the inmate shall receive up to 0.5 days of sentence
6 credit for each day of participation in such a program. In the
7 event of a disagreement between the Department and the inmate
8 as to the amount of credit accumulated under subparagraph (E),
9 if the Department provides documented proof of a lesser amount
10 of days of participation in those programs, that proof shall
11 control. If the Department provides no documentary proof, the
12 inmate's proof as set forth in clause (ii) of subparagraph (E)
13 shall control as to the amount of sentence credit provided.

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

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

1 also award 120 days of sentence credit to any committed person
2 who earned an associate degree while he or she was held in
3 pre-trial detention prior to the current commitment to the
4 Department of Corrections.

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

25 Except as provided in paragraph (4.7) of this subsection
26 (a), the rules and regulations shall provide that an

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

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

26 (4.5) The rules and regulations on sentence credit shall

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

26 (4.6) The rules and regulations on sentence credit shall

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

11 (4.7) On or after January 1, 2018 (the effective date of
12 Public Act 100-3), sentence credit under paragraph (3), (4),
13 or (4.1) of this subsection (a) may be awarded to a prisoner
14 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 60% ~~75%~~ of his or her sentence, ~~except if~~
24 ~~the prisoner is serving a sentence for gunrunning his or~~
25 ~~her 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; or ~~or~~

2 (iv) 70% of his or her sentence if the prisoner is
3 required to serve 70% of his or her sentence.

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

25 (b) Whenever a person is or has been committed under
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and
2 forfeiting of sentence credit.

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

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

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

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

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

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of
23 Corrections, or the Prisoner Review Board, or against any of
24 their officers or employees, and the court makes a specific
25 finding that a pleading, motion, or other paper filed by the
26 prisoner is frivolous, the Department of Corrections shall

1 conduct a hearing to revoke up to 180 days of sentence credit
2 by bringing charges against the prisoner sought to be deprived
3 of the sentence credits before the Prisoner Review Board as
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
5 If the prisoner has not accumulated 180 days of sentence
6 credit at the time of the finding, then the Prisoner Review
7 Board may revoke all sentence credit accumulated by the
8 prisoner.

9 For purposes of this subsection (d):

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

14 (A) it lacks an arguable basis either in law or in
15 fact;

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

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

24 (D) the allegations and other factual contentions
25 do not have evidentiary support or, if specifically so
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further
2 investigation or discovery; or

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

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

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

20 (f) Whenever the Department is to release any inmate who
21 has been convicted of a violation of an order of protection
22 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, earlier than it otherwise would
24 because of a grant of sentence credit, the Department, as a
25 condition of release, shall require that the person, upon
26 release, be placed under electronic surveillance as provided

1 in Section 5-8A-7 of this Code.

2 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
3 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
4 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)