

SENTENCE CREDIT IN ILLINOIS CRIMINAL CASES

UPDATED 4-7-2024



1

1

Indeterminate Sentence: Imposed as a range of years, a minimum and maximum, determined by the legislature.
Release date determined by parole board.

Determinate Sentence: Sentence set for specific number of years or months within range set by legislature.

2

2

- ▶ Illinois abolished indeterminate sentences in 1978.
- ▶ Starting in 1978, the state transitioned to all determinate sentences.
- ▶ Parole and Parole Board replaced with MSR and Prison Review Board.

3

3

PRESENTENCE CREDIT

- 1. **Time Served:** Credit given for days in custody on offense prior to being sentenced. 730 ILCS 5/5-4.5-100
Defendant also gets sentence credit for jail time served as a sanction for PT release violation. (updated 4.7.2026)
- 2. **Jail Program Credits:** Sentence credit for completing programs offered by county jail while defendant is in custody prior to sentencing.
- 3. **Jackie Mathias**

4

4

STATUTORY SENTENCE CREDIT-TRUTH IN SENTENCING

In 1998, General Assembly passed statute establishing new rules for sentence credit.

Commonly known as Truth In Sentencing law.

Limits amount of sentence credit to less than 50% for some offenses.

5

5

TRUTH IN SENTENCING

TIS statute establishes sentence credit in terms of per centage of sentence that must be served if no other credit granted.

Statute creates 5 levels of sentence credit.

Statute identifies the offenses in each level of sentence credit.

6

6

FIVE LEVELS OF SENTENCE CREDIT UNDER TIS

50%: Day-for Day Good Time credit established by 1978 statute.

60%: Defendant must serve 60% of sentence. Sentence Credit cannot exceed 40%.

7

7

75%: Defendant must serve 75% of sentence.

Bill passed in 2017 allows defendant sentenced to serve 75% of sentence to earn additional sentence credit to reduce minimum to 60%.

85%: Defendant must serve 85% of sentence.

Essentially no sentence credit available.

If defendant loses some of the 15% credit, he/she can earn additional sentence credit to earn back the 15%.

8

8

100%: Defendant at this level must serve 100% of sentence.

Offenses in this level:

1st Degree Murder

Terrorism

Defendant serving Life Sentence

9

9

MANDATORY MINIMUM SENTENCES

Defendant sentenced to county jail for offense with mandatory minimum shall not receive sentence credit that would reduce sentence below the mandatory minimum.

10

10

PERIODIC IMPRISONMENT

County jail sentence during which defendant may be released for period of hours or days.

Most common forms: (1) Work Release; (2) Weekends

Defendant sentenced to periodic imprisonment will not receive good time credit unless authorized by judge.

11

11

CONSECUTIVE SENTENCES

IDOC will treat consecutive sentences as one sentence.

Minimum time to be served based on TIS level will be combined to form aggregate minimum time to be served.

Defendant shall receive no more than one day credit for time served before sentence no matter how many offenses for which defendant was in custody.

12

12

CONCURRENT SENTENCES

Multiple sentences are usually ordered to run concurrently.

Sentences in different counties can run concurrently by agreement.

IDOC will do separate assessment of sentence credit for each offense.

Factors Include:

- 1. Length of Sentence
- 2. Time Served
- 3. Statutory sentence credit based on TIS level

13

13

Sentence credit earned in IDOC will be applied to each sentence.

Defendant will serve the amount of time for the offense that results in longest sentence.

Case with longest sentence will determine defendant's release date.

14

14

SENTENCE CREDIT AVAILABLE FOR IDOC SENTENCE

Truth in Sentencing statute creates three forms of sentence credit for defendants sentenced to IDOC.

- 1. Statutory Sentence Credit
- 2. Earned Discretionary Sentence Credit (EDSC)
- 3. Earned Discretionary Program Credit (EDPC)

15

15

Statutory Sentence Credit: Amount of credit given for an offense expressed as a percentage of the sentence that must be served (50%, 60%, 75%, 85%, 100%).

75% is essentially 60% because defendant can earn additional sentence credit to reduce the amount of time to be served to 60%.

16

16

Earned Discretionary Sentence Credit (EDSC): Inmate can earn up to 180 days sentence credit for sentence of less than 5 years and up to 365 days for sentence of 5 years or more.

Similar to Meritorious Good Time Credit and Supplemental Sentence Credit, which have effectively been replaced by EDSC.

17

17

ELIGIBILITY REQUIREMENTS FOR EDSC

To be eligible for EDSC, the inmate:

1. Must be charged with offense(s) for which inmate can receive Statutory Sentence Credit (50%, 60%, 75%)
2. Must have served 60 days of DOC sentence in DOC facility, but credit for time served counts towards the 60 days.
3. Must have received risk and needs assessment.

18

18

Not eligible to receive EDSC if inmate:

- 1. Serving sentence of natural life or sentence of death;
- 2. Serving sentence of 1st Degree Murder or Terrorism;
- 3. Found guilty of 100-level disciplinary offense in IDOC within 12 months preceding review.
- 4. Guilty of, or has pending charge, committed during inmate's term of incarceration;
- 5. Has Active Order of Protection.

19

19

Substance Abuse: If defendant's confinement order recommends substance abuse treatment, no EDSC will be awarded unless defendant completes substance abuse treatment.

Sex Offenders: An inmate convicted of sex offense must complete sex offender treatment before being eligible for EDSC.

EDSC can be revoked for violation of IDOC rules.

20

20

Earned Discretionary Program Credit: Sentence credit can be earned toward IDOC sentence for completing programs offered by IDOC.

One day of credit for each day in the following programs:

- Full-time Substance Abuse Programs
- Correctional Industry Assignments
- Educational Programs
- Behavior Modification Programs
- Life Skills Courses
- Re-Entry Planning
- Work release

21

21

GED AND COLLEGE DEGREES

An inmate can receive sentence credit for completing the following:

- GED: 90 days sentence credit
- Associate Degree: 120 days
- Bachelor's Degree: 180 days
- Master's or Professional Degree: 180 days

22

22

OTHER PROGRAM CREDIT

Inmates not eligible for above programs can earn .5 days credit per day of participation in the following programs:

1. Self-Improvement Programs
2. Volunteer Work
3. Work Assignments that are not eligible activities

23

23

JAIL AND IDOC CONFINEMENT ORDERS

McLean County Jail Confinement Order-Straight Time and Periodic Imprisonment.

IDOC Confinement Order

24

24
