
HB 94 checklist:

Are you eligible by statute to receive program sentence credit after HB 94 goes into effect January 1, 2020?

You are eligible IF you answer **YES** to question 1, and answer **NO** to question 2.

1. Are you currently in prison for an offense that occurred before JUNE 19, 1998? If yes, proceed.
2. Are you subject to Truth in Sentencing (T.I.S.) guidelines (required to serve 100%, 85%, or 75% of sentence; 75% restriction only applies to gunrunning offense)? If yes, STOP—you are ineligible for program credits. If no, proceed.
 - If you answered yes to question 1 and question 2, your sentence requires examination; you should not be sentenced under T.I.S. for an offense that occurred prior to June 19, 1998.

If you answered yes to question 1, and answered no to question 2, HB 94 applies to you.

- **IF** your sentence is calculated at 75% (if your offense is not gunrunning) or 50%, HB 94 should not have changed your current eligibility for program credit because you are already eligible (as of January 1, 2018—see PA 100-575; source: IDOC). However, if you are in prison for a sex offense or required to register as a sex offender due to a sex offense conviction, please refer to the information below.
- If you are required to register as a sex offender, paragraph 4.6 of 5/3-6-3 states that: ...a prisoner who has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall receive no sentence credit unless he or she either has successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board...

If HB 94 applies to you:

How many days of sentence credit do you get?

IDOC stated that: If you answered yes to question 1 and answered no to question 2, you can get either 45 or 90 days of credit if you successfully participated in programming that falls under paragraph 4 of the sentence credit statute. Per the statute, this includes the following programs **if** engaged in full time **and** are “provided by the Department...and [prisoner] satisfactorily completes the assigned program as determined by the standards of the Department.”:

- substance abuse programs
 - correctional industry assignments
 - educational programs
 - behavior modification programs
 - life skills courses
 - re-entry planning
- You may also be eligible for an award of sentence credit if you obtained a Bachelor's, Master's, or professional degree prior to January 1, 2020, or obtain one of these degrees in the future. For more information, please refer to 5/3-6-3(4.1).

Other things you should know:

IDOC is finalizing the process for you to get sentence credit IF you became eligible after HB 94 became law AND you successfully completed programming that results in program credit before January 1, 2010. IDOC will award you either 45 days or 90 days of sentence credit for programming completed under paragraph 4 prior to January 1, 2020 if you are eligible to receive the credit. Details about which of the two awards you may be entitled to will be provided by IDOC in the near future. Talk to your counselor about how to apply for retroactive credit if you believe you have it coming.

Many of you are probably not satisfied by 90 days. JHA is not either.

To put the significance of HB 94 into perspective, consider the following statement. HB 94 is the first bill signed into law benefiting people in prison for a very serious offense (murder in this instance) since the death penalty was repealed. As far as we know, it is one of two laws providing sentencing relief for people in prison for murder that survived the legislative process in the last 40 years. On the other hand, numerous laws have been passed over the last 40 years making sentences for people in prison for murder harsher, much harsher. The two most notable of the laws being truth in sentencing and firearm enhancement. Nearly 100% of the legislature voted in favor of these laws. In contrast, HB 94 was passed by the legislature by a relatively thin margin.

90 days of retroactive EPSC was all we were able to convince lawmakers to give you this time around, and it was a hard fight to get this many days. Lawmakers would not go beyond 90 days, so it was 90 days or nothing. 90 days will be better than nothing when you are walking out those doors 90 days earlier than you would have otherwise. We will continue to fight hard for sensible reforms and hopefully expand sentence credits further, but please understand that no worthwhile prison or sentencing reforms are going to come quickly or easily.