

## SANCTIONS - GOOD BEHAVIOR ALLOWANCE

725 ILCS 5/110-6 does NOT specify whether a defendant is entitled to day-for-day Good Behavior Allowance. If the Court considers Sanctions to be akin to Indirect Criminal Contempt, then the defendant WOULD be entitled to Good Behavior Allowance.

730 ILCS 130/3 describes the offenses for which Good Behavior Allowance may be denied for jail sentences. See also Kaeding v. Collins below.

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**People v. Bailey**, 235 Ill. App. 3d 1, 5, 600 N.E.2d 1267, 1269 (1992)

*Good behavior allowance is a right afforded by statute which cannot be waived by a failure to object at trial or in a post-trial motion. The fact that the legislature did not include criminal contemnors among those excluded from the Act indicates that the trial court was without authority to deny that credit.*

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**Kaeding v. Collins**, 281 Ill. App. 3d 919, 928, 668 N.E.2d 572, 579 (1996)

*Pursuant to section 3 of the County Jail Good Behavior Allowance Act (the Act) (730 ILCS 130/3) persons sentenced to county jail, except for one who:*

*(1) inflicted physical harm upon another in committing the offense for which he is confined;  
(2) is serving a mandatory minimum sentence;  
(3) is sentenced for a felony to probation or conditional discharge where the condition is to serve a sentence of periodic imprisonment; or  
(4) is sentenced under an order of court for civil contempt, are entitled to good-behavior allowance.*

*Plaintiff was sentenced for direct criminal contempt, and, as none of the exceptions enumerated in the Act apply, he must be accorded day-for-day good-behavior allowance on each of the sentences imposed by the circuit court.*