

SANCTIONS

Good Conduct Credit DOES NOT Apply

Supreme Court of Illinois

People v. Seymore, 2025 IL 131564

Opinion filed December 4, 2025.

The Behavior Allowance Act's exceptions clarify the legislature's intent that good-conduct credit only applies to sentences, not sanctions.

The defendant's attempt to compare his 30-day imprisonment sanction to a sentence for direct criminal contempt is unavailing.

...proceedings on the State's petition for sanctions and proceedings on a contempt petition are markedly different.

We hold that, because the defendant's 30-day imprisonment sanction was not a sentence under section 3 of the Behavior Allowance Act, he was not entitled to good-conduct credit against that sanction.

The Behavior Allowance Act, however, does offer the defendant good-conduct credit for those 30 days. The Act provides that "a prisoner" shall receive one day of good-conduct credit "for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to comply with the conditions of pretrial release before sentencing." 730 ILCS 130/3 (West 2022). That is, if the defendant is later convicted of any of the underlying drug offenses, any good-conduct credit that he earned during his 30-day imprisonment sanction will apply against his ultimate sentence. As the State aptly notes, "Unless and until a defendant who serves a pretrial jail sanction is sentenced to imprisonment following conviction, *** there is no sentence to which good-conduct credit can be applied."