**Section 504.20 Offenses and Maximum Penalties**

Disciplinary offenses are defined in Appendix A. Maximum penalties for conduct that constitutes a disciplinary offense are set forth in Table A.

a) No offender shall be found guilty of any violation of this Part without a hearing before the Adjustment Committee or Program Unit. If an offender is transferred from one facility to another while pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility that is comparable to that which would have been afforded, in accordance with this Subpart, at the sending facility.

b) In determining the appropriate sanctions, the Adjustment Committee or Program Unit, the Chief Administrative Officer and the Director shall consider, among other matters, mitigating or aggravating factors including:

1) The offender's age, medical and mental state at the time of committing the offense;

2) If the offender is determined to be seriously mentally ill and if the sanctions for the violation may include a period of segregation, the recommendations of a mental health professional;

3) The extent and degree of participation in the commission of the offense;

4) The amount or nature of stolen property, contraband or injury; and

5) The offender's prior disciplinary record.

c) Corporal punishment, disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail or access to legal materials and reductions in the frequency of use of toilets, washbowls and showers shall be prohibited.

d) Disciplinary restrictions on visitation, work, education or program assignments and use of the library shall be related as closely as practicable to the abuse of these privileges. This subsection shall not apply to segregation of offenders for purposes of institutional control.

e) Offenders are presumed to be responsible for any contraband or other property prohibited by this Part that is located on their person, within their cell or within areas of their housing, work, educational or vocational assignment that are under their control. Areas under an offender's control include, but are not limited to, the door track, window ledge, ventilation unit, plumbing, and the offender's desk, cabinet, shelving, storage area, bed and bedding materials in his or her housing assignment, and desk, cubicle, work station and locker in his or her work, educational or vocational assignment. If the offender produces evidence that convinces the Adjustment Committee or Program Unit that he or she did not commit the offense, the offender shall be found not guilty.

(Source: Amended at 41 Ill. Reg. 3869, effective April 1, 2017)