



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2054

Introduced 2/15/2019, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

from Ch. 38, par. 1003-6-3

Amends the Unified Code of Corrections. Permits offenders subject to the truth in sentencing provisions of the Code to earn sentence credit for good conduct in specific instances as the Director of Corrections deems proper. Permits offenders subject to the truth in sentencing provisions of the Code to earn sentence credit for educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs. Provides that sentence credit earned shall not reduce the sentence of the prisoner to less than: (1) 75% (rather than 85%) of his or her sentence if the prisoner is required to serve 85% of his or her sentence; and (2) 90% of his or her sentence if the prisoner is required to serve 100% of his or her sentence. Makes conforming changes.

LRB101 11031 SLF 56232 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 as follows:

6 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

7 Sec. 3-6-3. Rules and regulations for sentence credit.

8 (a) (1) The Department of Corrections shall prescribe rules
9 and regulations for awarding and revoking sentence credit for
10 persons committed to the Department which shall be subject to
11 review by the Prisoner Review Board.

12 (1.5) As otherwise provided by law, sentence credit may be
13 awarded for the following:

14 (A) successful completion of programming while in
15 custody of the Department or while in custody prior to
16 sentencing;

17 (B) compliance with the rules and regulations of the
18 Department; or

19 (C) service to the institution, service to a community,
20 or service to the State.

21 (2) Except as provided in this Section ~~paragraph (4.7) of~~
22 ~~this subsection (a)~~, the rules and regulations on sentence
23 credit shall provide, with respect to offenses listed in clause

1 (i), (ii), or (iii) of this paragraph (2) committed on or after
2 June 19, 1998 or with respect to the offense listed in clause
3 (iv) of this paragraph (2) committed on or after June 23, 2005
4 (the effective date of Public Act 94-71) or with respect to
5 offense listed in clause (vi) committed on or after June 1,
6 2008 (the effective date of Public Act 95-625) or with respect
7 to the offense of being an armed habitual criminal committed on
8 or after August 2, 2005 (the effective date of Public Act
9 94-398) or with respect to the offenses listed in clause (v) of
10 this paragraph (2) committed on or after August 13, 2007 (the
11 effective date of Public Act 95-134) or with respect to the
12 offense of aggravated domestic battery committed on or after
13 July 23, 2010 (the effective date of Public Act 96-1224) or
14 with respect to the offense of attempt to commit terrorism
15 committed on or after January 1, 2013 (the effective date of
16 Public Act 97-990), the following:

17 (i) that a prisoner who is serving a term of
18 imprisonment for first degree murder or for the offense of
19 terrorism shall receive no sentence credit and shall serve
20 the entire sentence imposed by the court;

21 (ii) that a prisoner serving a sentence for attempt to
22 commit terrorism, attempt to commit first degree murder,
23 solicitation of murder, solicitation of murder for hire,
24 intentional homicide of an unborn child, predatory
25 criminal sexual assault of a child, aggravated criminal
26 sexual assault, criminal sexual assault, aggravated

1 kidnapping, aggravated battery with a firearm as described
2 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
3 (e) (4) of Section 12-3.05, heinous battery as described in
4 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
5 being an armed habitual criminal, aggravated battery of a
6 senior citizen as described in Section 12-4.6 or
7 subdivision (a) (4) of Section 12-3.05, or aggravated
8 battery of a child as described in Section 12-4.3 or
9 subdivision (b) (1) of Section 12-3.05 shall receive no more
10 than 4.5 days of sentence credit for each month of his or
11 her sentence of imprisonment;

12 (iii) that a prisoner serving a sentence for home
13 invasion, armed robbery, aggravated vehicular hijacking,
14 aggravated discharge of a firearm, or armed violence with a
15 category I weapon or category II weapon, when the court has
16 made and entered a finding, pursuant to subsection (c-1) of
17 Section 5-4-1 of this Code, that the conduct leading to
18 conviction for the enumerated offense resulted in great
19 bodily harm to a victim, shall receive no more than 4.5
20 days of sentence credit for each month of his or her
21 sentence of imprisonment;

22 (iv) that a prisoner serving a sentence for aggravated
23 discharge of a firearm, whether or not the conduct leading
24 to conviction for the offense resulted in great bodily harm
25 to the victim, shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment;

2 (v) that a person serving a sentence for gunrunning,
3 narcotics racketeering, controlled substance trafficking,
4 methamphetamine trafficking, drug-induced homicide,
5 aggravated methamphetamine-related child endangerment,
6 money laundering pursuant to clause (c) (4) or (5) of
7 Section 29B-1 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, or a Class X felony conviction for delivery
9 of a controlled substance, possession of a controlled
10 substance with intent to manufacture or deliver,
11 calculated criminal drug conspiracy, criminal drug
12 conspiracy, street gang criminal drug conspiracy,
13 participation in methamphetamine manufacturing, aggravated
14 participation in methamphetamine manufacturing, delivery
15 of methamphetamine, possession with intent to deliver
16 methamphetamine, aggravated delivery of methamphetamine,
17 aggravated possession with intent to deliver
18 methamphetamine, methamphetamine conspiracy when the
19 substance containing the controlled substance or
20 methamphetamine is 100 grams or more shall receive no more
21 than 7.5 days sentence credit for each month of his or her
22 sentence of imprisonment;

23 (vi) that a prisoner serving a sentence for a second or
24 subsequent offense of luring a minor shall receive no more
25 than 4.5 days of sentence credit for each month of his or
26 her sentence of imprisonment; and

1 (vii) that a prisoner serving a sentence for aggravated
2 domestic battery shall receive no more than 4.5 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment.

5 (2.1) For all offenses, other than those enumerated in
6 subdivision (a)(2)(i), (ii), or (iii) committed on or after
7 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
8 June 23, 2005 (the effective date of Public Act 94-71) or
9 subdivision (a)(2)(v) committed on or after August 13, 2007
10 (the effective date of Public Act 95-134) or subdivision
11 (a)(2)(vi) committed on or after June 1, 2008 (the effective
12 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
13 on or after July 23, 2010 (the effective date of Public Act
14 96-1224), and other than the offense of aggravated driving
15 under the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination thereof
17 as defined in subparagraph (F) of paragraph (1) of subsection
18 (d) of Section 11-501 of the Illinois Vehicle Code, and other
19 than the offense of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof as defined in
22 subparagraph (C) of paragraph (1) of subsection (d) of Section
23 11-501 of the Illinois Vehicle Code committed on or after
24 January 1, 2011 (the effective date of Public Act 96-1230), the
25 rules and regulations shall provide that a prisoner who is
26 serving a term of imprisonment shall receive one day of

1 sentence credit for each day of his or her sentence of
2 imprisonment or recommitment under Section 3-3-9. Each day of
3 sentence credit shall reduce by one day the prisoner's period
4 of imprisonment or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life
6 imprisonment or a prisoner who has been sentenced to death
7 shall receive no sentence credit.

8 (2.3) Except as provided in this Section ~~paragraph (4.7) of~~
9 ~~this subsection (a)~~, the rules and regulations on sentence
10 credit shall provide that a prisoner who is serving a sentence
11 for aggravated driving under the influence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of paragraph
14 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
15 Code, shall receive no more than 4.5 days of sentence credit
16 for each month of his or her sentence of imprisonment.

17 (2.4) Except as provided in this Section ~~paragraph (4.7) of~~
18 ~~this subsection (a)~~, the rules and regulations on sentence
19 credit shall provide with respect to the offenses of aggravated
20 battery with a machine gun or a firearm equipped with any
21 device or attachment designed or used for silencing the report
22 of a firearm or aggravated discharge of a machine gun or a
23 firearm equipped with any device or attachment designed or used
24 for silencing the report of a firearm, committed on or after
25 July 15, 1999 (the effective date of Public Act 91-121), that a
26 prisoner serving a sentence for any of these offenses shall

1 receive no more than 4.5 days of sentence credit for each month
2 of his or her sentence of imprisonment.

3 (2.5) Except as provided in this Section ~~paragraph (4.7) of~~
4 ~~this subsection (a)~~, the rules and regulations on sentence
5 credit shall provide that a prisoner who is serving a sentence
6 for aggravated arson committed on or after July 27, 2001 (the
7 effective date of Public Act 92-176) shall receive no more than
8 4.5 days of sentence credit for each month of his or her
9 sentence of imprisonment.

10 (2.6) Except as provided in this Section ~~paragraph (4.7) of~~
11 ~~this subsection (a)~~, the rules and regulations on sentence
12 credit shall provide that a prisoner who is serving a sentence
13 for aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds or any
15 combination thereof as defined in subparagraph (C) of paragraph
16 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
17 Code committed on or after January 1, 2011 (the effective date
18 of Public Act 96-1230) shall receive no more than 4.5 days of
19 sentence credit for each month of his or her sentence of
20 imprisonment.

21 (3) In addition to the sentence credits earned under
22 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),
23 the rules and regulations shall also provide that the Director
24 may award up to 180 days of earned sentence credit for good
25 conduct in specific instances as the Director deems proper. The
26 good conduct may include, but is not limited to, compliance

1 with the rules and regulations of the Department, service to
2 the Department, service to a community, or service to the
3 State.

4 Notwithstanding any provision of this Code to the contrary,
5 on and after the effective date of this amendatory Act of the
6 101st General Assembly, the Director may award earned sentence
7 credit under this paragraph (3) to persons who are required to
8 serve their entire sentence imposed by the court, persons who
9 receive no more than 4.5 days of sentence credit for each month
10 of his or her sentence of imprisonment, and persons who receive
11 no more than 7.5 days sentence credit for each month of his or
12 her sentence of imprisonment. A person may not earn sentence
13 credit for good conduct in specific instances that occurred
14 before the effective date of this amendatory Act of the 101st
15 General Assembly. The supplemental sentence credit shall be
16 limited as follows:

17 (A) a person who is required to serve the entire
18 sentence imposed by the court may earn not more than 3 days
19 sentence credit for each month of his or her sentence of
20 imprisonment;

21 (B) a person who receives no more than 4.5 days of
22 sentence credit for each month of his or her sentence of
23 imprisonment may earn no more than 7.5 days sentence credit
24 for each month of his or her sentence of imprisonment; and

25 (C) a person who receives no more than 7.5 days
26 sentence credit for each month of his or her sentence of

1 imprisonment may earn no more than 12 days sentence credit
2 for each month of his or her sentence of imprisonment.

3 Eligible inmates for an award of earned sentence credit
4 under this paragraph (3) may be selected to receive the credit
5 at the Director's or his or her designee's sole discretion.
6 Eligibility for the additional earned sentence credit under
7 this paragraph (3) shall be based on, but is not limited to,
8 the results of any available risk/needs assessment or other
9 relevant assessments or evaluations administered by the
10 Department using a validated instrument, the circumstances of
11 the crime, any history of conviction for a forcible felony
12 enumerated in Section 2-8 of the Criminal Code of 2012, the
13 inmate's behavior and disciplinary history while incarcerated,
14 and the inmate's commitment to rehabilitation, including
15 participation in programming offered by the Department.

16 The Director shall not award sentence credit under this
17 paragraph (3) to an inmate unless the inmate has served a
18 minimum of 60 days of the sentence; except nothing in this
19 paragraph shall be construed to permit the Director to extend
20 an inmate's sentence beyond that which was imposed by the
21 court. Prior to awarding credit under this paragraph (3), the
22 Director shall make a written determination that the inmate:

23 (A) is eligible for the earned sentence credit;

24 (B) has served a minimum of 60 days, or as close to 60
25 days as the sentence will allow;

26 (B-1) has received a risk/needs assessment or other

1 relevant evaluation or assessment administered by the
2 Department using a validated instrument; and

3 (C) has met the eligibility criteria established by
4 rule for earned sentence credit.

5 The Director shall determine the form and content of the
6 written determination required in this subsection.

7 (3.5) The Department shall provide annual written reports
8 to the Governor and the General Assembly on the award of earned
9 sentence credit no later than February 1 of each year. The
10 Department must publish both reports on its website within 48
11 hours of transmitting the reports to the Governor and the
12 General Assembly. The reports must include:

13 (A) the number of inmates awarded earned sentence
14 credit;

15 (B) the average amount of earned sentence credit
16 awarded;

17 (C) the holding offenses of inmates awarded earned
18 sentence credit; and

19 (D) the number of earned sentence credit revocations.

20 (4) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations shall also provide
22 that the sentence credit accumulated and retained under
23 paragraph (2.1) of subsection (a) of this Section by any inmate
24 during specific periods of time in which such inmate is engaged
25 full-time in substance abuse programs, correctional industry
26 assignments, educational programs, behavior modification

1 programs, life skills courses, or re-entry planning provided by
2 the Department under this paragraph (4) and satisfactorily
3 completes the assigned program as determined by the standards
4 of the Department, shall be multiplied by a factor of 1.25 for
5 program participation before August 11, 1993 and 1.50 for
6 program participation on or after that date. The rules and
7 regulations shall also provide that sentence credit, subject to
8 the same offense limits and multiplier provided in this
9 paragraph, may be provided to an inmate who was held in
10 pre-trial detention prior to his or her current commitment to
11 the Department of Corrections and successfully completed a
12 full-time, 60-day or longer substance abuse program,
13 educational program, behavior modification program, life
14 skills course, or re-entry planning provided by the county
15 department of corrections or county jail. Calculation of this
16 county program credit shall be done at sentencing as provided
17 in Section 5-4.5-100 of this Code and shall be included in the
18 sentencing order. However, no inmate shall be eligible for the
19 additional sentence credit under this paragraph (4) or (4.1) of
20 this subsection (a) while assigned to a boot camp or electronic
21 detention.

22 Educational, vocational, substance abuse, behavior
23 modification programs, life skills courses, re-entry planning,
24 and correctional industry programs under which sentence credit
25 may be increased under this paragraph (4) and paragraph (4.1)
26 of this subsection (a) shall be evaluated by the Department on

1 the basis of documented standards. The Department shall report
2 the results of these evaluations to the Governor and the
3 General Assembly by September 30th of each year. The reports
4 shall include data relating to the recidivism rate among
5 program participants.

6 Availability of these programs shall be subject to the
7 limits of fiscal resources appropriated by the General Assembly
8 for these purposes. Eligible inmates who are denied immediate
9 admission shall be placed on a waiting list under criteria
10 established by the Department. The inability of any inmate to
11 become engaged in any such programs by reason of insufficient
12 program resources or for any other reason established under the
13 rules and regulations of the Department shall not be deemed a
14 cause of action under which the Department or any employee or
15 agent of the Department shall be liable for damages to the
16 inmate.

17 (4.1) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations shall also provide
19 that an additional 90 days of sentence credit shall be awarded
20 to any prisoner who passes high school equivalency testing
21 while the prisoner is committed to the Department of
22 Corrections. The sentence credit awarded under this paragraph
23 (4.1) shall be in addition to, and shall not affect, the award
24 of sentence credit under any other paragraph of this Section,
25 but shall also be pursuant to the guidelines and restrictions
26 set forth in paragraph (4) of subsection (a) of this Section.

1 The sentence credit provided for in this paragraph shall be
2 available only to those prisoners who have not previously
3 earned a high school diploma or a high school equivalency
4 certificate. If, after an award of the high school equivalency
5 testing sentence credit has been made, the Department
6 determines that the prisoner was not eligible, then the award
7 shall be revoked. The Department may also award 90 days of
8 sentence credit to any committed person who passed high school
9 equivalency testing while he or she was held in pre-trial
10 detention prior to the current commitment to the Department of
11 Corrections.

12 (4.5) The rules and regulations on sentence credit shall
13 also provide that when the court's sentencing order recommends
14 a prisoner for substance abuse treatment and the crime was
15 committed on or after September 1, 2003 (the effective date of
16 Public Act 93-354), the prisoner shall receive no sentence
17 credit awarded under clause (3) of this subsection (a) unless
18 he or she participates in and completes a substance abuse
19 treatment program. The Director may waive the requirement to
20 participate in or complete a substance abuse treatment program
21 in specific instances if the prisoner is not a good candidate
22 for a substance abuse treatment program for medical,
23 programming, or operational reasons. Availability of substance
24 abuse treatment shall be subject to the limits of fiscal
25 resources appropriated by the General Assembly for these
26 purposes. If treatment is not available and the requirement to

1 participate and complete the treatment has not been waived by
2 the Director, the prisoner shall be placed on a waiting list
3 under criteria established by the Department. The Director may
4 allow a prisoner placed on a waiting list to participate in and
5 complete a substance abuse education class or attend substance
6 abuse self-help meetings in lieu of a substance abuse treatment
7 program. A prisoner on a waiting list who is not placed in a
8 substance abuse program prior to release may be eligible for a
9 waiver and receive sentence credit under clause (3) of this
10 subsection (a) at the discretion of the Director.

11 (4.6) The rules and regulations on sentence credit shall
12 also provide that a prisoner who has been convicted of a sex
13 offense as defined in Section 2 of the Sex Offender
14 Registration Act shall receive no sentence credit unless he or
15 she either has successfully completed or is participating in
16 sex offender treatment as defined by the Sex Offender
17 Management Board. However, prisoners who are waiting to receive
18 treatment, but who are unable to do so due solely to the lack
19 of resources on the part of the Department, may, at the
20 Director's sole discretion, be awarded sentence credit at a
21 rate as the Director shall determine.

22 (4.7) On or after the effective date of this amendatory Act
23 of the 100th General Assembly, sentence credit under paragraph
24 (3), (4), or (4.1) of this subsection (a) may be awarded to a
25 prisoner ~~who is serving a sentence for an offense described in~~
26 ~~paragraph (2), (2.3), (2.4), (2.5), or (2.6)~~ for credit earned

1 on or after the effective date of this amendatory Act of the
2 100th General Assembly; provided, the award of the credits
3 under this paragraph (4.7) shall not reduce the sentence of the
4 prisoner to less than the following amounts:

5 (i) 75% ~~85%~~ of his or her sentence if the prisoner is
6 required to serve 85% of his or her sentence; ~~or~~

7 (ii) 60% of his or her sentence if the prisoner is
8 required to serve 75% of his or her sentence, except if the
9 prisoner is serving a sentence for gunrunning his or her
10 sentence shall not be reduced to less than 75%; or ~~-~~

11 (iii) 90% of his or her sentence if the prisoner is
12 required to serve 100% of his or her sentence.

13 ~~This paragraph (4.7) shall not apply to a prisoner serving~~
14 ~~a sentence for an offense described in subparagraph (i) of~~
15 ~~paragraph (2) of this subsection (a).~~

16 (5) Whenever the Department is to release any inmate
17 earlier than it otherwise would because of a grant of earned
18 sentence credit under paragraph (3) of subsection (a) of this
19 Section given at any time during the term, the Department shall
20 give reasonable notice of the impending release not less than
21 14 days prior to the date of the release to the State's
22 Attorney of the county where the prosecution of the inmate took
23 place, and if applicable, the State's Attorney of the county
24 into which the inmate will be released. The Department must
25 also make identification information and a recent photo of the
26 inmate being released accessible on the Internet by means of a

1 hyperlink labeled "Community Notification of Inmate Early
2 Release" on the Department's World Wide Web homepage. The
3 identification information shall include the inmate's: name,
4 any known alias, date of birth, physical characteristics,
5 commitment offense and county where conviction was imposed. The
6 identification information shall be placed on the website
7 within 3 days of the inmate's release and the information may
8 not be removed until either: completion of the first year of
9 mandatory supervised release or return of the inmate to custody
10 of the Department.

11 (b) Whenever a person is or has been committed under
12 several convictions, with separate sentences, the sentences
13 shall be construed under Section 5-8-4 in granting and
14 forfeiting of sentence credit.

15 (c) The Department shall prescribe rules and regulations
16 for revoking sentence credit, including revoking sentence
17 credit awarded under paragraph (3) of subsection (a) of this
18 Section. The Department shall prescribe rules and regulations
19 for suspending or reducing the rate of accumulation of sentence
20 credit for specific rule violations, during imprisonment.
21 These rules and regulations shall provide that no inmate may be
22 penalized more than one year of sentence credit for any one
23 infraction.

24 When the Department seeks to revoke, suspend or reduce the
25 rate of accumulation of any sentence credits for an alleged
26 infraction of its rules, it shall bring charges therefor

1 against the prisoner sought to be so deprived of sentence
2 credits before the Prisoner Review Board as provided in
3 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
4 amount of credit at issue exceeds 30 days or when during any 12
5 month period, the cumulative amount of credit revoked exceeds
6 30 days except where the infraction is committed or discovered
7 within 60 days of scheduled release. In those cases, the
8 Department of Corrections may revoke up to 30 days of sentence
9 credit. The Board may subsequently approve the revocation of
10 additional sentence credit, if the Department seeks to revoke
11 sentence credit in excess of 30 days. However, the Board shall
12 not be empowered to review the Department's decision with
13 respect to the loss of 30 days of sentence credit within any
14 calendar year for any prisoner or to increase any penalty
15 beyond the length requested by the Department.

16 The Director of the Department of Corrections, in
17 appropriate cases, may restore up to 30 days of sentence
18 credits which have been revoked, suspended or reduced. Any
19 restoration of sentence credits in excess of 30 days shall be
20 subject to review by the Prisoner Review Board. However, the
21 Board may not restore sentence credit in excess of the amount
22 requested by the Director.

23 Nothing contained in this Section shall prohibit the
24 Prisoner Review Board from ordering, pursuant to Section
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
26 sentence imposed by the court that was not served due to the

1 accumulation of sentence credit.

2 (d) If a lawsuit is filed by a prisoner in an Illinois or
3 federal court against the State, the Department of Corrections,
4 or the Prisoner Review Board, or against any of their officers
5 or employees, and the court makes a specific finding that a
6 pleading, motion, or other paper filed by the prisoner is
7 frivolous, the Department of Corrections shall conduct a
8 hearing to revoke up to 180 days of sentence credit by bringing
9 charges against the prisoner sought to be deprived of the
10 sentence credits before the Prisoner Review Board as provided
11 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
12 prisoner has not accumulated 180 days of sentence credit at the
13 time of the finding, then the Prisoner Review Board may revoke
14 all sentence credit accumulated by the prisoner.

15 For purposes of this subsection (d):

16 (1) "Frivolous" means that a pleading, motion, or other
17 filing which purports to be a legal document filed by a
18 prisoner in his or her lawsuit meets any or all of the
19 following criteria:

20 (A) it lacks an arguable basis either in law or in
21 fact;

22 (B) it is being presented for any improper purpose,
23 such as to harass or to cause unnecessary delay or
24 needless increase in the cost of litigation;

25 (C) the claims, defenses, and other legal
26 contentions therein are not warranted by existing law

1 or by a nonfrivolous argument for the extension,
2 modification, or reversal of existing law or the
3 establishment of new law;

4 (D) the allegations and other factual contentions
5 do not have evidentiary support or, if specifically so
6 identified, are not likely to have evidentiary support
7 after a reasonable opportunity for further
8 investigation or discovery; or

9 (E) the denials of factual contentions are not
10 warranted on the evidence, or if specifically so
11 identified, are not reasonably based on a lack of
12 information or belief.

13 (2) "Lawsuit" means a motion pursuant to Section 116-3
14 of the Code of Criminal Procedure of 1963, a habeas corpus
15 action under Article X of the Code of Civil Procedure or
16 under federal law (28 U.S.C. 2254), a petition for claim
17 under the Court of Claims Act, an action under the federal
18 Civil Rights Act (42 U.S.C. 1983), or a second or
19 subsequent petition for post-conviction relief under
20 Article 122 of the Code of Criminal Procedure of 1963
21 whether filed with or without leave of court or a second or
22 subsequent petition for relief from judgment under Section
23 2-1401 of the Code of Civil Procedure.

24 (e) Nothing in Public Act 90-592 or 90-593 affects the
25 validity of Public Act 89-404.

26 (f) Whenever the Department is to release any inmate who

1 has been convicted of a violation of an order of protection
2 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, earlier than it otherwise would
4 because of a grant of sentence credit, the Department, as a
5 condition of release, shall require that the person, upon
6 release, be placed under electronic surveillance as provided in
7 Section 5-8A-7 of this Code.

8 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
9 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,
10 eff. 1-8-18.)