

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  
5 by changing Sections 3-6-3 and 5-4-1 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 Early Release.

8 (a) (1) The Department of Corrections shall  
9 prescribe rules and regulations for the early release on  
10 account of good conduct of persons committed to the  
11 Department which shall be subject to review by the  
12 Prisoner Review Board.

13 (2) The rules and regulations on early release  
14 shall provide, with respect to offenses committed on or  
15 after June 19, 1998, the following:

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

21 (ii) that a prisoner serving a sentence for  
22 attempt to commit first degree murder, solicitation  
23 of murder, solicitation of murder for hire,  
24 intentional homicide of an unborn child, predatory  
25 criminal sexual assault of a child, aggravated  
26 criminal sexual assault, criminal sexual assault,  
27 aggravated kidnapping, aggravated battery with a  
28 firearm, heinous battery, aggravated battery of a  
29 senior citizen, or aggravated battery of a child  
30 shall receive no more than 4.5 days of good conduct  
31 credit for each month of his or her sentence of

1 imprisonment; and

2 (iii) that a prisoner serving a sentence for  
3 home invasion, armed robbery, aggravated vehicular  
4 hijacking, aggravated discharge of a firearm, or  
5 armed violence with a category I weapon or category  
6 II weapon, when the court has made and entered a  
7 finding, pursuant to subsection (c-1) of Section  
8 5-4-1 of this Code, that the conduct leading to  
9 conviction for the enumerated offense resulted in  
10 great bodily harm to a victim, shall receive no more  
11 than 4.5 days of good conduct credit for each month  
12 of his or her sentence of imprisonment.

13 (2.1) For all offenses, other than those enumerated  
14 in subdivision (a)(2) committed on or after June 19,  
15 1998, and other than the offense of reckless homicide as  
16 defined in subsection (e) of Section 9-3 of the Criminal  
17 Code of 1961 committed on or after January 1, 1999, the  
18 rules and regulations shall provide that a prisoner who  
19 is serving a term of imprisonment shall receive one day  
20 of good conduct credit for each day of his or her  
21 sentence of imprisonment or recommitment under Section  
22 3-3-9. Each day of good conduct credit shall reduce by  
23 one day the prisoner's period of imprisonment or  
24 recommitment under Section 3-3-9.

25 (2.2) A prisoner serving a term of natural life  
26 imprisonment or a prisoner who has been sentenced to  
27 death shall receive no good conduct credit.

28 (2.3) The rules and regulations on early release  
29 shall provide that a prisoner who is serving a sentence  
30 for reckless homicide as defined in subsection (e) of  
31 Section 9-3 of the Criminal Code of 1961 committed on or  
32 after January 1, 1999 shall receive no more than 4.5 days  
33 of good conduct credit for each month of his or her  
34 sentence of imprisonment.

1           (2.4) The rules and regulations on early release  
2 shall provide with respect to the offenses of aggravated  
3 battery with a machine gun or a firearm equipped with any  
4 device or attachment designed or used for silencing the  
5 report of a firearm or aggravated discharge of a machine  
6 gun or a firearm equipped with any device or attachment  
7 designed or used for silencing the report of a firearm,  
8 committed on or after the effective date of this  
9 amendatory Act of 1999, that a prisoner serving a  
10 sentence for any of these offenses shall receive no more  
11 than 4.5 days of good conduct credit for each month of  
12 his or her sentence of imprisonment.

13           (2.5) The rules and regulations on early release  
14 shall provide that a prisoner who is serving a sentence  
15 for aggravated arson committed on or after the effective  
16 date of this amendatory Act of the 93rd General Assembly  
17 shall receive no more than 4.5 days of good conduct  
18 credit for each month of his or her sentence of  
19 imprisonment.

20           (3) The rules and regulations shall also provide  
21 that the Director may award up to 180 days additional  
22 good conduct credit for meritorious service in specific  
23 instances as the Director deems proper; except that no  
24 more than 90 days of good conduct credit for meritorious  
25 service shall be awarded to any prisoner who is serving a  
26 sentence for conviction of first degree murder, reckless  
27 homicide while under the influence of alcohol or any  
28 other drug, aggravated kidnapping, kidnapping, predatory  
29 criminal sexual assault of a child, aggravated criminal  
30 sexual assault, criminal sexual assault, deviate sexual  
31 assault, aggravated criminal sexual abuse, aggravated  
32 indecent liberties with a child, indecent liberties with  
33 a child, child pornography, heinous battery, aggravated  
34 battery of a spouse, aggravated battery of a spouse with

1 a firearm, stalking, aggravated stalking, aggravated  
2 battery of a child, endangering the life or health of a  
3 child, cruelty to a child, or narcotic racketeering.  
4 Notwithstanding the foregoing, good conduct credit for  
5 meritorious service shall not be awarded on a sentence of  
6 imprisonment imposed for conviction of: (i) one of the  
7 offenses enumerated in subdivision (a)(2) when the  
8 offense is committed on or after June 19, 1998, (ii)  
9 reckless homicide as defined in subsection (e) of Section  
10 9-3 of the Criminal Code of 1961 when the offense is  
11 committed on or after January 1, 1999, (iii) one of the  
12 offenses enumerated in subdivision (a)(2.4) when the  
13 offense is committed on or after the effective date of  
14 this amendatory Act of 1999, or (iv) aggravated arson  
15 when the offense is committed on or after the effective  
16 date of this amendatory Act of the 93rd General Assembly.

17 (4) The rules and regulations shall also provide  
18 that the good conduct credit accumulated and retained  
19 under paragraph (2.1) of subsection (a) of this Section  
20 by any inmate during specific periods of time in which  
21 such inmate is engaged full-time in substance abuse  
22 programs, correctional industry assignments, or  
23 educational programs provided by the Department under  
24 this paragraph (4) and satisfactorily completes the  
25 assigned program as determined by the standards of the  
26 Department, shall be multiplied by a factor of 1.25 for  
27 program participation before August 11, 1993 and 1.50 for  
28 program participation on or after that date. However, no  
29 inmate shall be eligible for the additional good conduct  
30 credit under this paragraph (4) while assigned to a boot  
31 camp, mental health unit, or electronic detention, or if  
32 convicted of an offense enumerated in paragraph (a)(2) of  
33 this Section that is committed on or after June 19, 1998,  
34 or if convicted of reckless homicide as defined in

1 subsection (e) of Section 9-3 of the Criminal Code of  
2 1961 if the offense is committed on or after January 1,  
3 1999, or if convicted of an offense enumerated in  
4 paragraph (a)(2.4) of this Section that is committed on  
5 or after the effective date of this amendatory Act of  
6 1999, or first degree murder, a Class X felony, criminal  
7 sexual assault, felony criminal sexual abuse, aggravated  
8 criminal sexual abuse, aggravated battery with a firearm,  
9 or any predecessor or successor offenses with the same or  
10 substantially the same elements, or any inchoate offenses  
11 relating to the foregoing offenses. No inmate shall be  
12 eligible for the additional good conduct credit under  
13 this paragraph (4) who (i) has previously received  
14 increased good conduct credit under this paragraph (4)  
15 and has subsequently been convicted of a felony, or (ii)  
16 has previously served more than one prior sentence of  
17 imprisonment for a felony in an adult correctional  
18 facility.

19 Educational, vocational, substance abuse and  
20 correctional industry programs under which good conduct  
21 credit may be increased under this paragraph (4) shall be  
22 evaluated by the Department on the basis of documented  
23 standards. The Department shall report the results of  
24 these evaluations to the Governor and the General  
25 Assembly by September 30th of each year. The reports  
26 shall include data relating to the recidivism rate among  
27 program participants.

28 Availability of these programs shall be subject to  
29 the limits of fiscal resources appropriated by the  
30 General Assembly for these purposes. Eligible inmates  
31 who are denied immediate admission shall be placed on a  
32 waiting list under criteria established by the  
33 Department. The inability of any inmate to become engaged  
34 in any such programs by reason of insufficient program

1 resources or for any other reason established under the  
2 rules and regulations of the Department shall not be  
3 deemed a cause of action under which the Department or  
4 any employee or agent of the Department shall be liable  
5 for damages to the inmate.

6 (4.5) The rules and regulations on early release  
7 shall also provide that a prisoner who is serving a  
8 sentence for a crime committed as a result of the use of,  
9 abuse of, or addiction to alcohol or a controlled  
10 substance and committed on or after the effective date of  
11 this Amendatory Act of the 93rd General Assembly shall  
12 receive no good conduct credit until he or she  
13 participates in and completes a substance abuse treatment  
14 program. Good conduct credit awarded under clauses (2),  
15 (3), and (4) of this subsection (a) for crimes committed  
16 on or after the effective date of this Amendatory Act of  
17 the 93rd General Assembly is subject to the provisions of  
18 this clause (4.5). If the prisoner completes a substance  
19 abuse treatment program, the Department may award good  
20 conduct credit for the time spent in treatment.  
21 Availability of substance abuse treatment shall be  
22 subject to the limits of fiscal resources appropriated by  
23 the General Assembly for these purposes. If treatment is  
24 not available, the prisoner shall be placed on a waiting  
25 list under criteria established by the Department. The  
26 Department may require a prisoner placed on a waiting  
27 list to attend a substance abuse education class or  
28 attend substance abuse self-help meetings. A prisoner may  
29 not lose good conduct credit as a result of being placed  
30 on a waiting list. A prisoner placed on a waiting list  
31 remains eligible for increased good conduct credit for  
32 participation in an educational, vocational, or  
33 correctional industry program under clause (4) of  
34 subsection (a) of this Section.

1           (5) Whenever the Department is to release any  
2 inmate earlier than it otherwise would because of a grant  
3 of good conduct credit for meritorious service given at  
4 any time during the term, the Department shall give  
5 reasonable advance notice of the impending release to the  
6 State's Attorney of the county where the prosecution of  
7 the inmate took place.

8           (b) Whenever a person is or has been committed under  
9 several convictions, with separate sentences, the sentences  
10 shall be construed under Section 5-8-4 in granting and  
11 forfeiting of good time.

12           (c) The Department shall prescribe rules and regulations  
13 for revoking good conduct credit, or suspending or reducing  
14 the rate of accumulation of good conduct credit for specific  
15 rule violations, during imprisonment. These rules and  
16 regulations shall provide that no inmate may be penalized  
17 more than one year of good conduct credit for any one  
18 infraction.

19           When the Department seeks to revoke, suspend or reduce  
20 the rate of accumulation of any good conduct credits for an  
21 alleged infraction of its rules, it shall bring charges  
22 therefor against the prisoner sought to be so deprived of  
23 good conduct credits before the Prisoner Review Board as  
24 provided in subparagraph (a)(4) of Section 3-3-2 of this  
25 Code, if the amount of credit at issue exceeds 30 days or  
26 when during any 12 month period, the cumulative amount of  
27 credit revoked exceeds 30 days except where the infraction is  
28 committed or discovered within 60 days of scheduled release.  
29 In those cases, the Department of Corrections may revoke up  
30 to 30 days of good conduct credit. The Board may subsequently  
31 approve the revocation of additional good conduct credit, if  
32 the Department seeks to revoke good conduct credit in excess  
33 of 30 days. However, the Board shall not be empowered to  
34 review the Department's decision with respect to the loss of

1 30 days of good conduct credit within any calendar year for  
2 any prisoner or to increase any penalty beyond the length  
3 requested by the Department.

4 The Director of the Department of Corrections, in  
5 appropriate cases, may restore up to 30 days good conduct  
6 credits which have been revoked, suspended or reduced. Any  
7 restoration of good conduct credits in excess of 30 days  
8 shall be subject to review by the Prisoner Review Board.  
9 However, the Board may not restore good conduct credit in  
10 excess of the amount requested by the Director.

11 Nothing contained in this Section shall prohibit the  
12 Prisoner Review Board from ordering, pursuant to Section  
13 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of  
14 the sentence imposed by the court that was not served due to  
15 the accumulation of good conduct credit.

16 (d) If a lawsuit is filed by a prisoner in an Illinois  
17 or federal court against the State, the Department of  
18 Corrections, or the Prisoner Review Board, or against any of  
19 their officers or employees, and the court makes a specific  
20 finding that a pleading, motion, or other paper filed by the  
21 prisoner is frivolous, the Department of Corrections shall  
22 conduct a hearing to revoke up to 180 days of good conduct  
23 credit by bringing charges against the prisoner sought to be  
24 deprived of the good conduct credits before the Prisoner  
25 Review Board as provided in subparagraph (a)(8) of Section  
26 3-3-2 of this Code. If the prisoner has not accumulated 180  
27 days of good conduct credit at the time of the finding, then  
28 the Prisoner Review Board may revoke all good conduct credit  
29 accumulated by the prisoner.

30 For purposes of this subsection (d):

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



1           (A) it lacks an arguable basis either in law  
2           or in fact;

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

7           (C) the claims, defenses, and other legal  
8           contentions therein are not warranted by existing  
9           law or by a nonfrivolous argument for the extension,  
10          modification, or reversal of existing law or the  
11          establishment of new law;

12          (D) the allegations and other factual  
13          contentions do not have evidentiary support or, if  
14          specifically so identified, are not likely to have  
15          evidentiary support after a reasonable opportunity  
16          for further investigation or discovery; or

17          (E) the denials of factual contentions are not  
18          warranted on the evidence, or if specifically so  
19          identified, are not reasonably based on a lack of  
20          information or belief.

21          (2) "Lawsuit" means a petition for post-conviction  
22          relief under Article 122 of the Code of Criminal  
23          Procedure of 1963, a motion pursuant to Section 116-3 of  
24          the Code of Criminal Procedure of 1963, a habeas corpus  
25          action under Article X of the Code of Civil Procedure or  
26          under federal law (28 U.S.C. 2254), a petition for claim  
27          under the Court of Claims Act or an action under the  
28          federal Civil Rights Act (42 U.S.C. 1983).

29          (e) Nothing in this amendatory Act of 1998 affects the  
30          validity of Public Act 89-404.

31          (Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99;  
32          92-176, eff. 7-27-01; 92-854, eff. 12-5-02.)

33                 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

1           Sec. 5-4-1. Sentencing Hearing.

2           (a) Except when the death penalty is sought under  
3 hearing procedures otherwise specified, after a determination  
4 of guilt, a hearing shall be held to impose the sentence.  
5 However, prior to the imposition of sentence on an individual  
6 being sentenced for an offense based upon a charge for a  
7 violation of Section 11-501 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance, the individual must  
9 undergo a professional evaluation to determine if an alcohol  
10 or other drug abuse problem exists and the extent of such a  
11 problem. Programs conducting these evaluations shall be  
12 licensed by the Department of Human Services. However, if  
13 the individual is not a resident of Illinois, the court may,  
14 in its discretion, accept an evaluation from a program in the  
15 state of such individual's residence. The court may in its  
16 sentencing order approve an eligible defendant for placement  
17 in a Department of Corrections impact incarceration program  
18 as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing  
19 the court shall:

20           (1) consider the evidence, if any, received upon  
21 the trial;

22           (2) consider any presentence reports;

23           (3) consider the financial impact of incarceration  
24 based on the financial impact statement filed with the  
25 clerk of the court by the Department of Corrections;

26           (4) consider evidence and information offered by  
27 the parties in aggravation and mitigation;

28           (5) hear arguments as to sentencing alternatives;

29           (6) afford the defendant the opportunity to make a  
30 statement in his own behalf;

31           (7) afford the victim of a violent crime or a  
32 violation of Section 11-501 of the Illinois Vehicle Code,  
33 or a similar provision of a local ordinance, or a  
34 qualified individual affected by a violation of Section

1           405, 405.1, 405.2, or 407 of the Illinois Controlled  
2           Substances Act, committed by the defendant the  
3           opportunity to make a statement concerning the impact on  
4           the victim and to offer evidence in aggravation or  
5           mitigation; provided that the statement and evidence  
6           offered in aggravation or mitigation must first be  
7           prepared in writing in conjunction with the State's  
8           Attorney before it may be presented orally at the  
9           hearing. Any sworn testimony offered by the victim is  
10          subject to the defendant's right to cross-examine. All  
11          statements and evidence offered under this paragraph (7)  
12          shall become part of the record of the court. For the  
13          purpose of this paragraph (7), "qualified individual"  
14          means any person who (i) lived or worked within the  
15          territorial jurisdiction where the offense took place  
16          when the offense took place; and (ii) is familiar with  
17          various public places within the territorial jurisdiction  
18          where the offense took place when the offense took place.  
19          For the purposes of this paragraph (7), "qualified  
20          individual" includes any peace officer, or any member of  
21          any duly organized State, county, or municipal peace unit  
22          assigned to the territorial jurisdiction where the  
23          offense took place when the offense took place; and

24                 (8) in cases of reckless homicide afford the  
25          victim's spouse, guardians, parents or other immediate  
26          family members an opportunity to make oral statements.

27          (b) All sentences shall be imposed by the judge based  
28          upon his independent assessment of the elements specified  
29          above and any agreement as to sentence reached by the  
30          parties. The judge who presided at the trial or the judge  
31          who accepted the plea of guilty shall impose the sentence  
32          unless he is no longer sitting as a judge in that court.  
33          Where the judge does not impose sentence at the same time on  
34          all defendants who are convicted as a result of being

1 involved in the same offense, the defendant or the State's  
2 Attorney may advise the sentencing court of the disposition  
3 of any other defendants who have been sentenced.

4 (c) In imposing a sentence for a violent crime or for an  
5 offense of operating or being in physical control of a  
6 vehicle while under the influence of alcohol, any other drug  
7 or any combination thereof, or a similar provision of a local  
8 ordinance, when such offense resulted in the personal injury  
9 to someone other than the defendant, the trial judge shall  
10 specify on the record the particular evidence, information,  
11 factors in mitigation and aggravation or other reasons that  
12 led to his sentencing determination. The full verbatim record  
13 of the sentencing hearing shall be filed with the clerk of  
14 the court and shall be a public record.

15 (c-1) In imposing a sentence for the offense of  
16 aggravated kidnapping for ransom, home invasion, armed  
17 robbery, aggravated vehicular hijacking, aggravated discharge  
18 of a firearm, or armed violence with a category I weapon or  
19 category II weapon, the trial judge shall make a finding as  
20 to whether the conduct leading to conviction for the offense  
21 resulted in great bodily harm to a victim, and shall enter  
22 that finding and the basis for that finding in the record.

23 (c-2) If the defendant is sentenced to prison, other  
24 than when a sentence of natural life imprisonment or a  
25 sentence of death is imposed, at the time the sentence is  
26 imposed the judge shall state on the record in open court the  
27 approximate period of time the defendant will serve in  
28 custody according to the then current statutory rules and  
29 regulations for early release found in Section 3-6-3 and  
30 other related provisions of this Code. This statement is  
31 intended solely to inform the public, has no legal effect on  
32 the defendant's actual release, and may not be relied on by  
33 the defendant on appeal.

34 The judge's statement, to be given after pronouncing the

1 sentence, other than when the sentence is imposed for one of  
2 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
3 shall include the following:

4 "The purpose of this statement is to inform the public of  
5 the actual period of time this defendant is likely to spend  
6 in prison as a result of this sentence. The actual period of  
7 prison time served is determined by the statutes of Illinois  
8 as applied to this sentence by the Illinois Department of  
9 Corrections and the Illinois Prisoner Review Board. In this  
10 case, assuming the defendant receives all of his or her good  
11 conduct credit, the period of estimated actual custody is ...  
12 years and ... months, less up to 180 days additional good  
13 conduct credit for meritorious service. If the defendant,  
14 because of his or her own misconduct or failure to comply  
15 with the institutional regulations, does not receive those  
16 credits, the actual time served in prison will be longer.  
17 The defendant may also receive an additional one-half day  
18 good conduct credit for each day of participation in  
19 vocational, industry, substance abuse, and educational  
20 programs as provided for by Illinois statute."

21 When the sentence is imposed for one of the offenses  
22 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
23 when the sentence is imposed for one of the offenses  
24 enumerated in paragraph (a)(2) of Section 3-6-3 committed on  
25 or after June 19, 1998, and other than when the sentence is  
26 imposed for reckless homicide as defined in subsection (e) of  
27 Section 9-3 of the Criminal Code of 1961 if the offense was  
28 committed on or after January 1, 1999, and other than when  
29 the sentence is imposed for aggravated arson if the offense  
30 was committed on or after the effective date of this  
31 amendatory Act of the 93rd General Assembly, the judge's  
32 statement, to be given after pronouncing the sentence, shall  
33 include the following:

34 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend  
2 in prison as a result of this sentence. The actual period of  
3 prison time served is determined by the statutes of Illinois  
4 as applied to this sentence by the Illinois Department of  
5 Corrections and the Illinois Prisoner Review Board. In this  
6 case, assuming the defendant receives all of his or her good  
7 conduct credit, the period of estimated actual custody is ...  
8 years and ... months, less up to 90 days additional good  
9 conduct credit for meritorious service. If the defendant,  
10 because of his or her own misconduct or failure to comply  
11 with the institutional regulations, does not receive those  
12 credits, the actual time served in prison will be longer.  
13 The defendant may also receive an additional one-half day  
14 good conduct credit for each day of participation in  
15 vocational, industry, substance abuse, and educational  
16 programs as provided for by Illinois statute."

17 When the sentence is imposed for one of the offenses  
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
19 first degree murder, and the offense was committed on or  
20 after June 19, 1998, and when the sentence is imposed for  
21 reckless homicide as defined in subsection (e) of Section 9-3  
22 of the Criminal Code of 1961 if the offense was committed on  
23 or after January 1, 1999, and when the sentence is imposed  
24 for aggravated arson if the offense was committed on or after  
25 the effective date of this Amendatory Act of the 93rd General  
26 Assembly, the judge's statement, to be given after  
27 pronouncing the sentence, shall include the following:

28 "The purpose of this statement is to inform the public of  
29 the actual period of time this defendant is likely to spend  
30 in prison as a result of this sentence. The actual period of  
31 prison time served is determined by the statutes of Illinois  
32 as applied to this sentence by the Illinois Department of  
33 Corrections and the Illinois Prisoner Review Board. In this  
34 case, the defendant is entitled to no more than 4 1/2 days of

1 good conduct credit for each month of his or her sentence of  
2 imprisonment. Therefore, this defendant will serve at least  
3 85% of his or her sentence. Assuming the defendant receives  
4 4 1/2 days credit for each month of his or her sentence, the  
5 period of estimated actual custody is ... years and ...  
6 months. If the defendant, because of his or her own  
7 misconduct or failure to comply with the institutional  
8 regulations receives lesser credit, the actual time served in  
9 prison will be longer."

10 When a sentence of imprisonment is imposed for first  
11 degree murder and the offense was committed on or after June  
12 19, 1998, the judge's statement, to be given after  
13 pronouncing the sentence, shall include the following:

14 "The purpose of this statement is to inform the public of  
15 the actual period of time this defendant is likely to spend  
16 in prison as a result of this sentence. The actual period of  
17 prison time served is determined by the statutes of Illinois  
18 as applied to this sentence by the Illinois Department of  
19 Corrections and the Illinois Prisoner Review Board. In this  
20 case, the defendant is not entitled to good conduct credit.  
21 Therefore, this defendant will serve 100% of his or her  
22 sentence."

23 When the sentence is imposed for any offense that results  
24 in incarceration in a Department of Corrections facility  
25 committed as a result of the use of, abuse of, or addiction  
26 to alcohol or a controlled substance and committed on or  
27 after the effective date of this amendatory Act of the 93rd  
28 General Assembly, the judge's statement, in addition to any  
29 other judge's statement required under this Section, to be  
30 given after pronouncing the sentence, shall include the  
31 following:

32 "The purpose of this statement is to inform the public of  
33 the actual period of time this defendant is likely to spend  
34 in prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois  
2 as applied to this sentence by the Illinois Department of  
3 Corrections and the Illinois Prisoner Review Board. In this  
4 case, the defendant shall receive no good conduct credit  
5 until he or she participates in and completes a substance  
6 abuse treatment program."

7 (d) When the defendant is committed to the Department of  
8 Corrections, the State's Attorney shall and counsel for the  
9 defendant may file a statement with the clerk of the court to  
10 be transmitted to the department, agency or institution to  
11 which the defendant is committed to furnish such department,  
12 agency or institution with the facts and circumstances of the  
13 offense for which the person was committed together with all  
14 other factual information accessible to them in regard to the  
15 person prior to his commitment relative to his habits,  
16 associates, disposition and reputation and any other facts  
17 and circumstances which may aid such department, agency or  
18 institution during its custody of such person. The clerk  
19 shall within 10 days after receiving any such statements  
20 transmit a copy to such department, agency or institution and  
21 a copy to the other party, provided, however, that this shall  
22 not be cause for delay in conveying the person to the  
23 department, agency or institution to which he has been  
24 committed.

25 (e) The clerk of the court shall transmit to the  
26 department, agency or institution, if any, to which the  
27 defendant is committed, the following:

- 28 (1) the sentence imposed;
- 29 (2) any statement by the court of the basis for  
30 imposing the sentence;
- 31 (3) any presentence reports;
- 32 (4) the number of days, if any, which the defendant  
33 has been in custody and for which he is entitled to  
34 credit against the sentence, which information shall be



1 provided to the clerk by the sheriff;

2 (4.1) any finding of great bodily harm made by the  
3 court with respect to an offense enumerated in subsection  
4 (c-1);

5 (5) all statements filed under subsection (d) of  
6 this Section;

7 (6) any medical or mental health records or  
8 summaries of the defendant;

9 (7) the municipality where the arrest of the  
10 offender or the commission of the offense has occurred,  
11 where such municipality has a population of more than  
12 25,000 persons;

13 (8) all statements made and evidence offered under  
14 paragraph (7) of subsection (a) of this Section; and

15 (9) all additional matters which the court directs  
16 the clerk to transmit.

17 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;  
18 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; revised 9-18-02.)

19 Section 99. Effective date. This Act takes effect  
20 September 1, 2003.