

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 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 92nd 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 (2.6) The rules and regulations on early release
21 shall provide that a prisoner who is serving a sentence
22 for a crime committed as a result of the use of, abuse
23 of, or addiction to alcohol or a controlled substance and
24 that was committed on or after the effective date of this
25 amendatory Act of the 93rd General Assembly shall receive
26 no good conduct credit until he or she participates in
27 and completes a substance abuse treatment program that is
28 approved by the Department.

29 (3) The rules and regulations shall also provide
30 that the Director may award up to 180 days additional
31 good conduct credit for meritorious service in specific
32 instances as the Director deems proper; except that no
33 more than 90 days of good conduct credit for meritorious
34 service shall be awarded to any prisoner who is serving a

1 sentence for conviction of first degree murder, reckless
2 homicide while under the influence of alcohol or any
3 other drug, aggravated kidnapping, kidnapping, predatory
4 criminal sexual assault of a child, aggravated criminal
5 sexual assault, criminal sexual assault, deviate sexual
6 assault, aggravated criminal sexual abuse, aggravated
7 indecent liberties with a child, indecent liberties with
8 a child, child pornography, heinous battery, aggravated
9 battery of a spouse, aggravated battery of a spouse with
10 a firearm, stalking, aggravated stalking, aggravated
11 battery of a child, endangering the life or health of a
12 child, cruelty to a child, or narcotic racketeering.
13 Notwithstanding the foregoing, good conduct credit for
14 meritorious service shall not be awarded on a sentence of
15 imprisonment imposed for conviction of: (i) one of the
16 offenses enumerated in subdivision (a)(2) when the
17 offense is committed on or after June 19, 1998, (ii)
18 reckless homicide as defined in subsection (e) of Section
19 9-3 of the Criminal Code of 1961 when the offense is
20 committed on or after January 1, 1999, (iii) one of the
21 offenses enumerated in subdivision (a)(2.4) when the
22 offense is committed on or after the effective date of
23 this amendatory Act of 1999, or (iv) aggravated arson
24 when the offense is committed on or after the effective
25 date of this amendatory Act of the 92nd General Assembly.

26 (4) The rules and regulations shall also provide
27 that the good conduct credit accumulated and retained
28 under paragraph (2.1) of subsection (a) of this Section
29 by any inmate during specific periods of time in which
30 such inmate is engaged full-time in substance abuse
31 programs, correctional industry assignments, or
32 educational programs provided by the Department under
33 this paragraph (4) and satisfactorily completes the
34 assigned program as determined by the standards of the

1 Department, shall be multiplied by a factor of 1.25 for
2 program participation before August 11, 1993 and 1.50 for
3 program participation on or after that date. However, no
4 inmate shall be eligible for the additional good conduct
5 credit under this paragraph (4) while assigned to a boot
6 camp, mental health unit, or electronic detention, or if
7 convicted of an offense enumerated in paragraph (a)(2) of
8 this Section that is committed on or after June 19, 1998,
9 or if convicted of reckless homicide as defined in
10 subsection (e) of Section 9-3 of the Criminal Code of
11 1961 if the offense is committed on or after January 1,
12 1999, or if convicted of an offense enumerated in
13 paragraph (a)(2.4) of this Section that is committed on
14 or after the effective date of this amendatory Act of
15 1999, or first degree murder, a Class X felony, criminal
16 sexual assault, felony criminal sexual abuse, aggravated
17 criminal sexual abuse, aggravated battery with a firearm,
18 or any predecessor or successor offenses with the same or
19 substantially the same elements, or any inchoate offenses
20 relating to the foregoing offenses. No inmate shall be
21 eligible for the additional good conduct credit under
22 this paragraph (4) who (i) has previously received
23 increased good conduct credit under this paragraph (4)
24 and has subsequently been convicted of a felony, or (ii)
25 has previously served more than one prior sentence of
26 imprisonment for a felony in an adult correctional
27 facility.

28 Educational, vocational, substance abuse and
29 correctional industry programs under which good conduct
30 credit may be increased under this paragraph (4) shall be
31 evaluated by the Department on the basis of documented
32 standards. The Department shall report the results of
33 these evaluations to the Governor and the General
34 Assembly by September 30th of each year. The reports

1 shall include data relating to the recidivism rate among
2 program participants.

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

15 (5) Whenever the Department is to release any
16 inmate earlier than it otherwise would because of a grant
17 of good conduct credit for meritorious service given at
18 any time during the term, the Department shall give
19 reasonable advance notice of the impending release to the
20 State's Attorney of the county where the prosecution of
21 the inmate took place.

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

26 (c) The Department shall prescribe rules and regulations
27 for revoking good conduct credit, or suspending or reducing
28 the rate of accumulation of good conduct credit for specific
29 rule violations, during imprisonment. These rules and
30 regulations shall provide that no inmate may be penalized
31 more than one year of good conduct credit for any one
32 infraction.

33 When the Department seeks to revoke, suspend or reduce
34 the rate of accumulation of any good conduct credits for an

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

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

25 Nothing contained in this Section shall prohibit the
26 Prisoner Review Board from ordering, pursuant to Section
27 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of
28 the sentence imposed by the court that was not served due to
29 the accumulation of good conduct credit.

30 (d) If a lawsuit is filed by a prisoner in an Illinois
31 or federal court against the State, the Department of
32 Corrections, or the Prisoner Review Board, or against any of
33 their officers or employees, and the court makes a specific
34 finding that a pleading, motion, or other paper filed by the

1 prisoner is frivolous, the Department of Corrections shall
2 conduct a hearing to revoke up to 180 days of good conduct
3 credit by bringing charges against the prisoner sought to be
4 deprived of the good conduct credits before the Prisoner
5 Review Board as provided in subparagraph (a)(8) of Section
6 3-3-2 of this Code. If the prisoner has not accumulated 180
7 days of good conduct credit at the time of the finding, then
8 the Prisoner Review Board may revoke all good conduct credit
9 accumulated by the prisoner.

10 For purposes of this subsection (d):

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

15 (A) it lacks an arguable basis either in law
16 or in fact;

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

21 (C) the claims, defenses, and other legal
22 contentions therein are not warranted by existing
23 law or by a nonfrivolous argument for the extension,
24 modification, or reversal of existing law or the
25 establishment of new law;

26 (D) the allegations and other factual
27 contentions do not have evidentiary support or, if
28 specifically so identified, are not likely to have
29 evidentiary support after a reasonable opportunity
30 for further investigation or discovery; or

31 (E) the denials of factual contentions are not
32 warranted on the evidence, or if specifically so
33 identified, are not reasonably based on a lack of
34 information or belief.

1 (2) "Lawsuit" means a petition for post-conviction
2 relief under Article 122 of the Code of Criminal
3 Procedure of 1963, a motion pursuant to Section 116-3 of
4 the Code of Criminal Procedure of 1963, a habeas corpus
5 action under Article X of the Code of Civil Procedure or
6 under federal law (28 U.S.C. 2254), a petition for claim
7 under the Court of Claims Act or an action under the
8 federal Civil Rights Act (42 U.S.C. 1983).

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.