

1 AN ACT in relation to 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 the crime was committed on or after the
11 effective date of this Amendatory Act of the 93rd General
12 Assembly shall receive no good conduct credit until he or
13 she participates in and completes a substance abuse
14 treatment program. Good conduct credit awarded under
15 clauses (2), (3), and (4) of this subsection (a) for
16 crimes committed on or after the effective date of this
17 amendatory Act of the 93rd General Assembly is subject to
18 the provisions of this clause (4.5). If the prisoner
19 completes a substance abuse treatment program, the
20 Department may award good conduct credit for the time
21 spent in treatment. Availability of substance abuse
22 treatment shall be subject to the limits of fiscal
23 resources appropriated by the General Assembly for these
24 purposes. If treatment is not available, the prisoner
25 shall be placed on a waiting list under criteria
26 established by the Department. The Department may require
27 a prisoner placed on a waiting list to attend a substance
28 abuse education class or attend substance abuse self-help
29 meetings. A prisoner may not lose good conduct credit as
30 a result of being placed on a waiting list. A prisoner
31 placed on a waiting list remains eligible for increased
32 good conduct credit for participation in an educational,
33 vocational, or correctional industry program under clause
34 (4) of 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 the crime was
27 committed on or after the effective date of this amendatory
28 Act of the 93rd General Assembly, the judge's statement, in
29 addition to any other judge's statement required under this
30 Section, to be given after pronouncing the sentence, shall
31 include the 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.