



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1832

Introduced 2/25/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that the Director of Corrections shall establish a model "honors" program at one or more Level 1 prisons that shall require that each prisoner selected for such program enter into a contract that requires the achievement of goals in the areas of education, vocational training, conduct, and other similar requirements within a one year time period. Provides that if the prisoner complies with all terms of such yearly contract, the Director may award such prisoners up to 365 days of good conduct credit per year if they successfully comply with all terms of the contract, as approved by the Director. Provides that failure to abide by the established contract may result in loss of some or all days of good conduct credit earned under the contract, but not in the loss of other good conduct credit earned for other reasons.

LRB094 11236 RXD 41965 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 Early Release.

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

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

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

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

30 (iii) that a prisoner serving a sentence for home
31 invasion, armed robbery, aggravated vehicular
32 hijacking, aggravated discharge of a firearm, or armed

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

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2) committed on or after June 19, 1998, and
11 other than the offense of reckless homicide as defined in
12 subsection (e) of Section 9-3 of the Criminal Code of 1961
13 committed on or after January 1, 1999, or aggravated
14 driving under the influence of alcohol, other drug or
15 drugs, or intoxicating compound or compounds, or any
16 combination thereof as defined in subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, the rules and regulations shall
19 provide that a prisoner who is serving a term of
20 imprisonment shall receive one day of good conduct credit
21 for each day of his or her sentence of imprisonment or
22 recommitment under Section 3-3-9. Each day of good conduct
23 credit shall reduce by one day the prisoner's period of
24 imprisonment or 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 death
27 shall receive no good conduct credit.

28 (2.3) The rules and regulations on early release shall
29 provide that a prisoner who is serving a sentence for
30 reckless homicide as defined in subsection (e) of Section
31 9-3 of the Criminal Code of 1961 committed on or after
32 January 1, 1999, or aggravated driving under the influence
33 of alcohol, other drug or drugs, or intoxicating compound
34 or compounds, or any combination thereof as defined in
35 subparagraph (F) of paragraph (1) of subsection (d) of
36 Section 11-501 of the Illinois Vehicle Code, shall receive

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

3 (2.4) The rules and regulations on early release shall
4 provide with respect to the offenses of aggravated battery
5 with a machine gun or a firearm equipped with any device or
6 attachment designed or used for silencing the report of a
7 firearm or aggravated discharge of a machine gun or a
8 firearm equipped with any device or attachment designed or
9 used for silencing the report of a firearm, committed on or
10 after July 15, 1999 (the effective date of Public Act
11 91-121) ~~this amendatory Act of 1999~~, that a prisoner
12 serving a sentence for any of these offenses shall receive
13 no more than 4.5 days of good conduct credit for each month
14 of his or her sentence of imprisonment.

15 (2.5) The rules and regulations on early release shall
16 provide that a prisoner who is serving a sentence for
17 aggravated arson committed on or after July 27, 2001 (the
18 effective date of Public Act 92-176) ~~this amendatory Act of~~
19 ~~the 92nd 93rd General Assembly~~ shall receive no more than
20 4.5 days of good conduct credit for each month of his or
21 her sentence of imprisonment.

22 (3) The rules and regulations shall also provide that
23 the Director may award up to 180 days additional good
24 conduct credit for meritorious service in specific
25 instances as the Director deems proper; except that no more
26 than 90 days of good conduct credit for meritorious service
27 shall be awarded to any prisoner who is serving a sentence
28 for conviction of first degree murder, reckless homicide
29 while under the influence of alcohol or any other drug, or
30 aggravated driving under the influence of alcohol, other
31 drug or drugs, or intoxicating compound or compounds, or
32 any combination thereof as defined in subparagraph (F) of
33 paragraph (1) of subsection (d) of Section 11-501 of the
34 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
35 predatory criminal sexual assault of a child, aggravated
36 criminal sexual assault, criminal sexual assault, deviate

1 sexual assault, aggravated criminal sexual abuse,
2 aggravated indecent liberties with a child, indecent
3 liberties with a child, child pornography, heinous
4 battery, aggravated battery of a spouse, aggravated
5 battery of a spouse with a firearm, stalking, aggravated
6 stalking, aggravated battery of a child, endangering the
7 life or health of a child, cruelty to a child, or narcotic
8 racketeering. Notwithstanding the foregoing, good conduct
9 credit for meritorious service shall not be awarded on a
10 sentence of imprisonment imposed for conviction of: (i) one
11 of the offenses enumerated in subdivision (a)(2) when the
12 offense is committed on or after June 19, 1998, (ii)
13 reckless homicide as defined in subsection (e) of Section
14 9-3 of the Criminal Code of 1961 when the offense is
15 committed on or after January 1, 1999, or aggravated
16 driving under the influence of alcohol, other drug or
17 drugs, or intoxicating compound or compounds, or any
18 combination thereof as defined in subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of the
20 Illinois Vehicle Code, (iii) one of the offenses enumerated
21 in subdivision (a)(2.4) when the offense is committed on or
22 after July 15, 1999 (the effective date of Public Act
23 91-121) ~~this amendatory Act of 1999~~, or (iv) aggravated
24 arson when the offense is committed on or after July 27,
25 2001 (the effective date of Public Act 92-176) ~~this~~
26 ~~amendatory Act of the 92nd 93rd General Assembly.~~
27 Notwithstanding the foregoing, the Director shall
28 establish a model "honors" program at one or more Level 1
29 prisons that shall require that each prisoner selected for
30 such program enter into a contract that requires the
31 achievement of goals in the areas of education, vocational
32 training, conduct, and other similar requirements within a
33 one year time period. If the prisoner complies with all
34 terms of such yearly contract, the Director may award such
35 prisoners up to 365 days of good conduct credit per year if
36 they successfully comply with all terms of the contract, as

1 approved by the Director. Failure to abide by the
2 established contract may result in loss of some or all days
3 of good conduct credit earned under the contract, but not
4 in the loss of other good conduct credit earned for other
5 reasons.

6 (4) The rules and regulations shall also provide that
7 the good conduct credit accumulated and retained under
8 paragraph (2.1) of subsection (a) of this Section by any
9 inmate during specific periods of time in which such inmate
10 is engaged full-time in substance abuse programs,
11 correctional industry assignments, or educational programs
12 provided by the Department under this paragraph (4) and
13 satisfactorily completes the assigned program as
14 determined by the standards of the Department, shall be
15 multiplied by a factor of 1.25 for program participation
16 before August 11, 1993 and 1.50 for program participation
17 on or after that date. However, no inmate shall be eligible
18 for the additional good conduct credit under this paragraph
19 (4) while assigned to a boot camp, mental health unit, or
20 electronic detention, or if convicted of an offense
21 enumerated in paragraph (a)(2) of this Section that is
22 committed on or after June 19, 1998, or if convicted of
23 reckless homicide as defined in subsection (e) of Section
24 9-3 of the Criminal Code of 1961 if the offense is
25 committed on or after January 1, 1999, or aggravated
26 driving under the influence of alcohol, other drug or
27 drugs, or intoxicating compound or compounds, or any
28 combination thereof as defined in subparagraph (F) of
29 paragraph (1) of subsection (d) of Section 11-501 of the
30 Illinois Vehicle Code, or if convicted of an offense
31 enumerated in paragraph (a)(2.4) of this Section that is
32 committed on or after July 15, 1999 (the effective date of
33 Public Act 91-121) ~~this amendatory Act of 1999~~, or first
34 degree murder, a Class X felony, criminal sexual assault,
35 felony criminal sexual abuse, aggravated criminal sexual
36 abuse, aggravated battery with a firearm, or any

1 predecessor or successor offenses with the same or
2 substantially the same elements, or any inchoate offenses
3 relating to the foregoing offenses. No inmate shall be
4 eligible for the additional good conduct credit under this
5 paragraph (4) who (i) has previously received increased
6 good conduct credit under this paragraph (4) and has
7 subsequently been convicted of a felony, or (ii) has
8 previously served more than one prior sentence of
9 imprisonment for a felony in an adult correctional
10 facility.

11 Educational, vocational, substance abuse and
12 correctional industry programs under which good conduct
13 credit may be increased under this paragraph (4) shall be
14 evaluated by the Department on the basis of documented
15 standards. The Department shall report the results of these
16 evaluations to the Governor and the General Assembly by
17 September 30th of each year. The reports shall include data
18 relating to the recidivism rate among program
19 participants.

20 Availability of these programs shall be subject to the
21 limits of fiscal resources appropriated by the General
22 Assembly for these purposes. Eligible inmates who are
23 denied immediate admission shall be placed on a waiting
24 list under criteria established by the Department. The
25 inability of any inmate to become engaged in any such
26 programs by reason of insufficient program resources or for
27 any other reason established under the rules and
28 regulations of the Department shall not be deemed a cause
29 of action under which the Department or any employee or
30 agent of the Department shall be liable for damages to the
31 inmate.

32 (4.5) The rules and regulations on early release shall
33 also provide that a prisoner who is serving a sentence for
34 a crime committed as a result of the use of, abuse of, or
35 addiction to alcohol or a controlled substance and the
36 crime was committed on or after September 1, 2003 (the

1 effective date of Public Act 93-354 ~~this Amendatory Act of~~
2 ~~the 93rd General Assembly~~ shall receive no good conduct
3 credit until he or she participates in and completes a
4 substance abuse treatment program. Good conduct credit
5 awarded under clauses (2), (3), and (4) of this subsection
6 (a) for crimes committed on or after September 1, 2003 ~~the~~
7 ~~effective date of this amendatory Act of the 93rd General~~
8 ~~Assembly~~ is subject to the provisions of this clause (4.5).
9 If the prisoner completes a substance abuse treatment
10 program, the Department may award good conduct credit for
11 the time spent in treatment. Availability of substance
12 abuse treatment shall be subject to the limits of fiscal
13 resources appropriated by the General Assembly for these
14 purposes. If treatment is not available, the prisoner shall
15 be placed on a waiting list under criteria established by
16 the Department. The Department may require a prisoner
17 placed on a waiting list to attend a substance abuse
18 education class or attend substance abuse self-help
19 meetings. A prisoner may not lose good conduct credit as a
20 result of being placed on a waiting list. A prisoner placed
21 on a waiting list remains eligible for increased good
22 conduct credit for participation in an educational,
23 vocational, or correctional industry program under clause
24 (4) of subsection (a) of this Section.

25 (5) Whenever the Department is to release any inmate
26 earlier than it otherwise would because of a grant of good
27 conduct credit for meritorious service given at any time
28 during the term, the Department shall give reasonable
29 advance notice of the impending release to the State's
30 Attorney of the county where the prosecution of the inmate
31 took place.

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

36 (c) The Department shall prescribe rules and regulations

1 for revoking good conduct credit, or suspending or reducing the
2 rate of accumulation of good conduct credit for specific rule
3 violations, during imprisonment. These rules and regulations
4 shall provide that no inmate may be penalized more than one
5 year of good conduct credit for any one infraction.

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

25 The Director of the Department of Corrections, in
26 appropriate cases, may restore up to 30 days good conduct
27 credits which have been revoked, suspended or reduced. Any
28 restoration of good conduct credits in excess of 30 days shall
29 be subject to review by the Prisoner Review Board. However, the
30 Board may not restore good conduct credit in excess of the
31 amount requested by the Director.

32 Nothing contained in this Section shall prohibit the
33 Prisoner Review Board from ordering, pursuant to Section
34 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
35 sentence imposed by the court that was not served due to the
36 accumulation of good conduct credit.

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

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

35 (E) the denials of factual contentions are not
36 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of
2 information or belief.

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

11 (e) Nothing in Public Act 90-592 or 90-593 ~~this amendatory~~
12 ~~Act of 1998~~ affects the validity of Public Act 89-404.

13 (Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02;
14 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; revised 10-15-03.)