



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2090

Introduced 2/25/2005, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3
730 ILCS 5/5-4-1

from Ch. 38, par. 1003-6-3
from Ch. 38, par. 1005-4-1

Amends the Unified Code of Corrections. Provides that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003, the prisoner shall receive no good conduct credit for meritorious service unless he or she participates in and completes a substance abuse treatment program. Provides that a prisoner on a waiting list to participate in and complete a substance abuse program prior to release may be eligible for a waiver and receive good conduct credit for meritorious service at the discretion of the Director. Effective immediately.

LRB094 11335 RLC 42178 b

FISCAL NOTE ACT
MAY APPLY

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 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 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 (4) The rules and regulations shall also provide that
28 the good conduct credit accumulated and retained under
29 paragraph (2.1) of subsection (a) of this Section by any
30 inmate during specific periods of time in which such inmate
31 is engaged full-time in substance abuse programs,
32 correctional industry assignments, or educational programs
33 provided by the Department under this paragraph (4) and
34 satisfactorily completes the assigned program as
35 determined by the standards of the Department, shall be
36 multiplied by a factor of 1.25 for program participation

1 before August 11, 1993 and 1.50 for program participation
2 on or after that date. However, no inmate shall be eligible
3 for the additional good conduct credit under this paragraph
4 (4) while assigned to a boot camp, mental health unit, or
5 electronic detention, or if convicted of an offense
6 enumerated in paragraph (a)(2) of this Section that is
7 committed on or after June 19, 1998, or if convicted of
8 reckless homicide as defined in subsection (e) of Section
9 9-3 of the Criminal Code of 1961 if the offense is
10 committed on or after January 1, 1999, or aggravated
11 driving under the influence of alcohol, other drug or
12 drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, or if convicted of an offense
16 enumerated in paragraph (a)(2.4) of this Section that is
17 committed on or after July 15, 1999 (the effective date of
18 Public Act 91-121) ~~this amendatory Act of 1999~~, or first
19 degree murder, a Class X felony, criminal sexual assault,
20 felony criminal sexual abuse, aggravated criminal sexual
21 abuse, aggravated battery with a firearm, or any
22 predecessor or successor offenses with the same or
23 substantially the same elements, or any inchoate offenses
24 relating to the foregoing offenses. No inmate shall be
25 eligible for the additional good conduct credit under this
26 paragraph (4) who (i) has previously received increased
27 good conduct credit under this paragraph (4) and has
28 subsequently been convicted of a felony, or (ii) has
29 previously served more than one prior sentence of
30 imprisonment for a felony in an adult correctional
31 facility.

32 Educational, vocational, substance abuse and
33 correctional industry programs under which good conduct
34 credit may be increased under this paragraph (4) shall be
35 evaluated by the Department on the basis of documented
36 standards. The Department shall report the results of these

1 evaluations to the Governor and the General Assembly by
2 September 30th of each year. The reports shall include data
3 relating to the recidivism rate among program
4 participants.

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

17 (4.5) The rules and regulations on early release shall
18 also provide that when the court's sentencing order
19 recommends a prisoner for substance abuse treatment a
20 prisoner who is serving a sentence for a crime committed as
21 a result of the use of, abuse of, or addiction to alcohol
22 or a controlled substance and the crime was committed on or
23 after September 1, 2003 (the effective date of Public Act
24 93-354), the prisoner shall receive no good conduct credit
25 awarded under clause (3) of this subsection (a) unless this
26 Amendatory Act of the 93rd General Assembly shall receive
27 no good conduct credit until he or she participates in and
28 completes a substance abuse treatment program. The
29 Director may waive the requirement to participate in or
30 complete a substance abuse treatment program and award the
31 good conduct credit in specific instances if the prisoner
32 is not a good candidate for a substance abuse treatment
33 program for medical, programming or operational reasons.
34 ~~Good conduct credit awarded under clauses (2), (3), and (4)~~
35 ~~of this subsection (a) for crimes committed on or after the~~
36 ~~effective date of this amendatory Act of the 93rd General~~

1 ~~Assembly is subject to the provisions of this clause (4.5).~~
2 ~~If the prisoner completes a substance abuse treatment~~
3 ~~program, the Department may award good conduct credit for~~
4 ~~the time spent in treatment.~~ Availability of substance
5 abuse treatment shall be subject to the limits of fiscal
6 resources appropriated by the General Assembly for these
7 purposes. If treatment is not available and the requirement
8 to participate and complete the treatment has not been
9 waived by the Director, the prisoner shall be placed on a
10 waiting list under criteria established by the Department.
11 The Director ~~Department~~ may allow ~~require~~ a prisoner placed
12 on a waiting list to participate in and complete ~~attend~~ a
13 substance abuse education class or attend substance abuse
14 self-help meetings in lieu of a substance abuse treatment
15 program. A prisoner on a waiting list who is not placed in
16 a substance abuse program prior to release may be eligible
17 for a waiver and receive good conduct credit under clause
18 (3) of this subsection (a) at the discretion of the
19 Director. ~~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.)

15 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

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

17 (a) Except when the death penalty is sought under hearing
18 procedures otherwise specified, after a determination of
19 guilt, a hearing shall be held to impose the sentence. However,
20 prior to the imposition of sentence on an individual being
21 sentenced for an offense based upon a charge for a violation of
22 Section 11-501 of the Illinois Vehicle Code or a similar
23 provision of a local ordinance, the individual must undergo a
24 professional evaluation to determine if an alcohol or other
25 drug abuse problem exists and the extent of such a problem.
26 Programs conducting these evaluations shall be licensed by the
27 Department of Human Services. However, if the individual is not
28 a resident of Illinois, the court may, in its discretion,
29 accept an evaluation from a program in the state of such
30 individual's residence. The court may in its sentencing order
31 approve an eligible defendant for placement in a Department of
32 Corrections impact incarceration program as provided in
33 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
34 order recommend a defendant for placement in a Department of
35 Corrections substance abuse treatment program as provided in

1 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
2 upon the defendant being accepted in a program by the
3 Department of Corrections. At the hearing the court shall:

4 (1) consider the evidence, if any, received upon the
5 trial;

6 (2) consider any presentence reports;

7 (3) consider the financial impact of incarceration
8 based on the financial impact statement filed with the
9 clerk of the court by the Department of Corrections;

10 (4) consider evidence and information offered by the
11 parties in aggravation and mitigation;

12 (4.5) consider substance abuse treatment, eligibility
13 screening, and an assessment, if any, of the defendant by
14 an agent designated by the State of Illinois to provide
15 assessment services for the Illinois courts;

16 (5) hear arguments as to sentencing alternatives;

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

19 (7) afford the victim of a violent crime or a violation
20 of Section 11-501 of the Illinois Vehicle Code, or a
21 similar provision of a local ordinance, or a qualified
22 individual affected by: (i) a violation of Section 405,
23 405.1, 405.2, or 407 of the Illinois Controlled Substances
24 Act, or (ii) a Class 4 felony violation of Section 11-14,
25 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code
26 of 1961, committed by the defendant the opportunity to make
27 a statement concerning the impact on the victim and to
28 offer evidence in aggravation or mitigation; provided that
29 the statement and evidence offered in aggravation or
30 mitigation must first be prepared in writing in conjunction
31 with the State's Attorney before it may be presented orally
32 at the hearing. Any sworn testimony offered by the victim
33 is subject to the defendant's right to cross-examine. All
34 statements and evidence offered under this paragraph (7)
35 shall become part of the record of the court. For the
36 purpose of this paragraph (7), "qualified individual"

1 means any person who (i) lived or worked within the
2 territorial jurisdiction where the offense took place when
3 the offense took place; and (ii) is familiar with various
4 public places within the territorial jurisdiction where
5 the offense took place when the offense took place. For the
6 purposes of this paragraph (7), "qualified individual"
7 includes any peace officer, or any member of any duly
8 organized State, county, or municipal peace unit assigned
9 to the territorial jurisdiction where the offense took
10 place when the offense took place;

11 (8) in cases of reckless homicide afford the victim's
12 spouse, guardians, parents or other immediate family
13 members an opportunity to make oral statements; and

14 (9) in cases involving a felony sex offense as defined
15 under the Sex Offender Management Board Act, consider the
16 results of the sex offender evaluation conducted pursuant
17 to Section 5-3-2 of this Act.

18 (b) All sentences shall be imposed by the judge based upon
19 his independent assessment of the elements specified above and
20 any agreement as to sentence reached by the parties. The judge
21 who presided at the trial or the judge who accepted the plea of
22 guilty shall impose the sentence unless he is no longer sitting
23 as a judge in that court. Where the judge does not impose
24 sentence at the same time on all defendants who are convicted
25 as a result of being involved in the same offense, the
26 defendant or the State's Attorney may advise the sentencing
27 court of the disposition of any other defendants who have been
28 sentenced.

29 (c) In imposing a sentence for a violent crime or for an
30 offense of operating or being in physical control of a vehicle
31 while under the influence of alcohol, any other drug or any
32 combination thereof, or a similar provision of a local
33 ordinance, when such offense resulted in the personal injury to
34 someone other than the defendant, the trial judge shall specify
35 on the record the particular evidence, information, factors in
36 mitigation and aggravation or other reasons that led to his

1 sentencing determination. The full verbatim record of the
2 sentencing hearing shall be filed with the clerk of the court
3 and shall be a public record.

4 (c-1) In imposing a sentence for the offense of aggravated
5 kidnapping for ransom, home invasion, armed robbery,
6 aggravated vehicular hijacking, aggravated discharge of a
7 firearm, or armed violence with a category I weapon or category
8 II weapon, the trial judge shall make a finding as to whether
9 the conduct leading to conviction for the offense resulted in
10 great bodily harm to a victim, and shall enter that finding and
11 the basis for that finding in the record.

12 (c-2) If the defendant is sentenced to prison, other than
13 when a sentence of natural life imprisonment or a sentence of
14 death is imposed, at the time the sentence is imposed the judge
15 shall state on the record in open court the approximate period
16 of time the defendant will serve in custody according to the
17 then current statutory rules and regulations for early release
18 found in Section 3-6-3 and other related provisions of this
19 Code. This statement is intended solely to inform the public,
20 has no legal effect on the defendant's actual release, and may
21 not be relied on by the defendant on appeal.

22 The judge's statement, to be given after pronouncing the
23 sentence, other than when the sentence is imposed for one of
24 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
25 shall include the following:

26 "The purpose of this statement is to inform the public of
27 the actual period of time this defendant is likely to spend in
28 prison as a result of this sentence. The actual period of
29 prison time served is determined by the statutes of Illinois as
30 applied to this sentence by the Illinois Department of
31 Corrections and the Illinois Prisoner Review Board. In this
32 case, assuming the defendant receives all of his or her good
33 conduct credit, the period of estimated actual custody is ...
34 years and ... months, less up to 180 days additional good
35 conduct credit for meritorious service. If the defendant,
36 because of his or her own misconduct or failure to comply with

1 the institutional regulations, does not receive those credits,
2 the actual time served in prison will be longer. The defendant
3 may also receive an additional one-half day good conduct credit
4 for each day of participation in vocational, industry,
5 substance abuse, and educational programs as provided for by
6 Illinois statute."

7 When the sentence is imposed for one of the offenses
8 enumerated in paragraph (a)(3) of Section 3-6-3, other than
9 when the sentence is imposed for one of the offenses enumerated
10 in paragraph (a)(2) of Section 3-6-3 committed on or after June
11 19, 1998, and other than when the sentence is imposed for
12 reckless homicide as defined in subsection (e) of Section 9-3
13 of the Criminal Code of 1961 if the offense was committed on or
14 after January 1, 1999, and other than when the sentence is
15 imposed for aggravated arson if the offense was committed on or
16 after July 27, 2001 (the effective date of Public Act 92-176)
17 ~~this amendatory Act of the 92nd 93rd General Assembly~~, the
18 judge's statement, to be given after pronouncing the sentence,
19 shall include the following:

20 "The purpose of this statement is to inform the public of
21 the actual period of time this defendant is likely to spend in
22 prison as a result of this sentence. The actual period of
23 prison time served is determined by the statutes of Illinois as
24 applied to this sentence by the Illinois Department of
25 Corrections and the Illinois Prisoner Review Board. In this
26 case, assuming the defendant receives all of his or her good
27 conduct credit, the period of estimated actual custody is ...
28 years and ... months, less up to 90 days additional good
29 conduct credit for meritorious service. If the defendant,
30 because of his or her own misconduct or failure to comply with
31 the institutional regulations, does not receive those credits,
32 the actual time served in prison will be longer. The defendant
33 may also receive an additional one-half day good conduct credit
34 for each day of participation in vocational, industry,
35 substance abuse, and educational programs as provided for by
36 Illinois statute."

1 When the sentence is imposed for one of the offenses
2 enumerated in paragraph (a)(2) of Section 3-6-3, other than
3 first degree murder, and the offense was committed on or after
4 June 19, 1998, and when the sentence is imposed for reckless
5 homicide as defined in subsection (e) of Section 9-3 of the
6 Criminal Code of 1961 if the offense was committed on or after
7 January 1, 1999, and when the sentence is imposed for
8 aggravated driving under the influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds, or any
10 combination thereof as defined in subparagraph (F) of paragraph
11 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
12 Code, and when the sentence is imposed for aggravated arson if
13 the offense was committed on or after July 27, 2001 (the
14 effective date of Public Act 92-176) ~~this amendatory Act of the~~
15 ~~92nd 93rd General Assembly~~, the judge's statement, to be given
16 after pronouncing the sentence, shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois as
21 applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, the defendant is entitled to no more than 4 1/2 days of
24 good conduct credit for each month of his or her sentence of
25 imprisonment. Therefore, this defendant will serve at least 85%
26 of his or her sentence. Assuming the defendant receives 4 1/2
27 days credit for each month of his or her sentence, the period
28 of estimated actual custody is ... years and ... months. If the
29 defendant, because of his or her own misconduct or failure to
30 comply with the institutional regulations receives lesser
31 credit, the actual time served in prison will be longer."

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

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

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois as
4 applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, the defendant is not entitled to good conduct credit.
7 Therefore, this defendant will serve 100% of his or her
8 sentence."

9 When the sentencing order recommends placement in a
10 substance abuse program ~~sentence is imposed~~ for any offense
11 that results in incarceration in a Department of Corrections
12 facility ~~committed as a result of the use of, abuse of, or~~
13 ~~addiction to alcohol or a controlled substance~~ and the crime
14 was committed on or after September 1, 2003 (the effective date
15 of Public Act 93-354) ~~this amendatory Act of the 93rd General~~
16 ~~Assembly~~, the judge's statement, in addition to any other
17 judge's statement required under this Section, to be given
18 after pronouncing the sentence, shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant shall receive no good conduct credit under
26 clause (3) of subsection (a) of Section 3-6-3 until he or she
27 participates in and completes a substance abuse treatment
28 program or receives a waiver from the Director of Corrections
29 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

30 (d) When the defendant is committed to the Department of
31 Corrections, the State's Attorney shall and counsel for the
32 defendant may file a statement with the clerk of the court to
33 be transmitted to the department, agency or institution to
34 which the defendant is committed to furnish such department,
35 agency or institution with the facts and circumstances of the
36 offense for which the person was committed together with all

1 other factual information accessible to them in regard to the
2 person prior to his commitment relative to his habits,
3 associates, disposition and reputation and any other facts and
4 circumstances which may aid such department, agency or
5 institution during its custody of such person. The clerk shall
6 within 10 days after receiving any such statements transmit a
7 copy to such department, agency or institution and a copy to
8 the other party, provided, however, that this shall not be
9 cause for delay in conveying the person to the department,
10 agency or institution to which he has been committed.

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

14 (1) the sentence imposed;

15 (2) any statement by the court of the basis for
16 imposing the sentence;

17 (3) any presentence reports;

18 (3.5) any sex offender evaluations;

19 (3.6) any substance abuse treatment eligibility
20 screening and assessment of the defendant by an agent
21 designated by the State of Illinois to provide assessment
22 services for the Illinois courts;

23 (4) the number of days, if any, which the defendant has
24 been in custody and for which he is entitled to credit
25 against the sentence, which information shall be provided
26 to the clerk by the sheriff;

27 (4.1) any finding of great bodily harm made by the
28 court with respect to an offense enumerated in subsection
29 (c-1);

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

32 (6) any medical or mental health records or summaries
33 of the defendant;

34 (7) the municipality where the arrest of the offender
35 or the commission of the offense has occurred, where such
36 municipality has a population of more than 25,000 persons;

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

3 (9) all additional matters which the court directs the
4 clerk to transmit.

5 (Source: P.A. 92-176, eff. 7-27-01; 92-806, eff. 1-1-03;
6 93-213, eff. 7-18-03; 93-317, eff. 1-1-04; 93-354, eff. 9-1-03;
7 93-616, eff. 1-1-04; revised 12-9-03.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.