

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 3-6-8 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 listed in clause (i),  
14 (ii), or (iii) of this paragraph (2) committed on or after  
15 June 19, 1998 or with respect to the offense listed in  
16 clause (iv) of this paragraph (2) committed on or after  
17 June 23, 2005 (the effective date of Public Act 94-71) ~~this~~  
18 ~~amendatory Act of the 94th General Assembly~~ or with respect  
19 to the offense of being an armed habitual criminal  
20 committed on or after August 2, 2005 (the effective date of  
21 Public Act 94-398) ~~this amendatory Act of the 94th General~~  
22 ~~Assembly~~, the following:

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

27 (ii) that a prisoner serving a sentence for attempt  
28 to commit first degree murder, solicitation of murder,  
29 solicitation of murder for hire, intentional homicide  
30 of an unborn child, predatory criminal sexual assault  
31 of a child, aggravated criminal sexual assault,  
32 criminal sexual assault, aggravated kidnapping,

1           aggravated battery with a firearm, heinous battery,  
2           being an armed habitual criminal, aggravated battery  
3           of a senior citizen, or aggravated battery of a child  
4           shall receive no more than 4.5 days of good conduct  
5           credit for each month of his or her sentence of  
6           imprisonment;

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

18          (iv) that a prisoner serving a sentence for  
19          aggravated discharge of a firearm, whether or not the  
20          conduct leading to conviction for the offense resulted  
21          in great bodily harm to the victim, shall receive no  
22          more than 4.5 days of good conduct credit for each  
23          month of his or her sentence of imprisonment.

24          (2.1) For all offenses, other than those enumerated in  
25          subdivision (a)(2)(i), (ii), or (iii) committed on or after  
26          June 19, 1998 or subdivision (a)(2)(iv) committed on or  
27          after June 23, 2005 (the effective date of Public Act  
28          94-71) ~~this amendatory Act of the 94th General Assembly,~~  
29          and other than the offense of reckless homicide as defined  
30          in subsection (e) of Section 9-3 of the Criminal Code of  
31          1961 committed on or after January 1, 1999, or aggravated  
32          driving under the influence of alcohol, other drug or  
33          drugs, or intoxicating compound or compounds, or any  
34          combination thereof as defined in subparagraph (F) of  
35          paragraph (1) of subsection (d) of Section 11-501 of the  
36          Illinois Vehicle Code, the rules and regulations shall

1 provide that a prisoner who is serving a term of  
2 imprisonment shall receive one day of good conduct credit  
3 for each day of his or her sentence of imprisonment or  
4 recommitment under Section 3-3-9. Each day of good conduct  
5 credit shall reduce by one day the prisoner's period of  
6 imprisonment or recommitment under Section 3-3-9.

7 (2.2) A prisoner serving a term of natural life  
8 imprisonment or a prisoner who has been sentenced to death  
9 shall receive no good conduct credit.

10 (2.3) The rules and regulations on early release shall  
11 provide that a prisoner who is serving a sentence for  
12 reckless homicide as defined in subsection (e) of Section  
13 9-3 of the Criminal Code of 1961 committed on or after  
14 January 1, 1999, or aggravated driving under the influence  
15 of alcohol, other drug or drugs, or intoxicating compound  
16 or compounds, or any combination thereof as defined in  
17 subparagraph (F) of paragraph (1) of subsection (d) of  
18 Section 11-501 of the Illinois Vehicle Code, shall receive  
19 no more than 4.5 days of good conduct credit for each month  
20 of his or her sentence of imprisonment.

21 (2.4) The rules and regulations on early release shall  
22 provide with respect to the offenses of aggravated battery  
23 with a machine gun or a firearm equipped with any device or  
24 attachment designed or used for silencing the report of a  
25 firearm or aggravated discharge of a machine gun or a  
26 firearm equipped with any device or attachment designed or  
27 used for silencing the report of a firearm, committed on or  
28 after July 15, 1999 (the effective date of Public Act  
29 91-121), that a prisoner serving a sentence for any of  
30 these offenses shall receive no more than 4.5 days of good  
31 conduct credit for each month of his or her sentence of  
32 imprisonment.

33 (2.5) The rules and regulations on early release shall  
34 provide that a prisoner who is serving a sentence for  
35 aggravated arson committed on or after July 27, 2001 (the  
36 effective date of Public Act 92-176) shall receive no more

1 than 4.5 days of good conduct credit for each month of his  
2 or her sentence of imprisonment.

3 (3) The rules and regulations shall also provide that  
4 the Director may award up to 180 days additional good  
5 conduct credit for meritorious service in specific  
6 instances as the Director deems proper; except that no more  
7 than 90 days of good conduct credit for meritorious service  
8 shall be awarded to any prisoner who is serving a sentence  
9 for conviction of first degree murder, reckless homicide  
10 while under the influence of alcohol or any other drug, or  
11 aggravated driving under the influence of alcohol, other  
12 drug or drugs, or intoxicating compound or compounds, or  
13 any combination thereof as defined in subparagraph (F) of  
14 paragraph (1) of subsection (d) of Section 11-501 of the  
15 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
16 predatory criminal sexual assault of a child, aggravated  
17 criminal sexual assault, criminal sexual assault, deviate  
18 sexual assault, aggravated criminal sexual abuse,  
19 aggravated indecent liberties with a child, indecent  
20 liberties with a child, child pornography, heinous  
21 battery, aggravated battery of a spouse, aggravated  
22 battery of a spouse with a firearm, stalking, aggravated  
23 stalking, aggravated battery of a child, endangering the  
24 life or health of a child, cruelty to a child, or narcotic  
25 racketeering. Notwithstanding the foregoing, good conduct  
26 credit for meritorious service shall not be awarded on a  
27 sentence of imprisonment imposed for conviction of: (i) one  
28 of the offenses enumerated in subdivision (a)(2)(i), (ii),  
29 or (iii) when the offense is committed on or after June 19,  
30 1998 or subdivision (a)(2)(iv) when the offense is  
31 committed on or after June 23, 2005 (the effective date of  
32 Public Act 94-71) ~~this amendatory Act of the 94th General~~  
33 ~~Assembly~~, (ii) reckless homicide as defined in subsection  
34 (e) of Section 9-3 of the Criminal Code of 1961 when the  
35 offense is committed on or after January 1, 1999, or  
36 aggravated driving under the influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or  
2 any combination thereof as defined in subparagraph (F) of  
3 paragraph (1) of subsection (d) of Section 11-501 of the  
4 Illinois Vehicle Code, (iii) one of the offenses enumerated  
5 in subdivision (a) (2.4) when the offense is committed on or  
6 after July 15, 1999 (the effective date of Public Act  
7 91-121), or (iv) aggravated arson when the offense is  
8 committed on or after July 27, 2001 (the effective date of  
9 Public Act 92-176).

10 (4) The rules and regulations shall also provide that  
11 the good conduct credit accumulated and retained under  
12 paragraph (2.1) of subsection (a) of this Section by any  
13 inmate during specific periods of time in which such inmate  
14 is engaged full-time in substance abuse programs,  
15 correctional industry assignments, or educational programs  
16 provided by the Department under this paragraph (4) and  
17 satisfactorily completes the assigned program as  
18 determined by the standards of the Department, shall be  
19 multiplied by a factor of 1.25 for program participation  
20 before August 11, 1993 and 1.50 for program participation  
21 on or after that date. However, no inmate shall be eligible  
22 for the additional good conduct credit under this paragraph  
23 (4) or (4.1) of this subsection (a) while assigned to a  
24 boot camp, or electronic detention, or if convicted of an  
25 offense enumerated in subdivision (a) (2) (i), (ii), or  
26 (iii) of this Section that is committed on or after June  
27 19, 1998 or subdivision (a) (2) (iv) of this Section that is  
28 committed on or after June 23, 2005 (the effective date of  
29 Public Act 94-71) ~~this amendatory Act of the 94th General~~  
30 ~~Assembly~~, or if convicted of reckless homicide as defined  
31 in subsection (e) of Section 9-3 of the Criminal Code of  
32 1961 if the offense is committed on or after January 1,  
33 1999, or aggravated driving under the influence of alcohol,  
34 other drug or drugs, or intoxicating compound or compounds,  
35 or any combination thereof as defined in subparagraph (F)  
36 of paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code, or if convicted of an offense  
2 enumerated in paragraph (a)(2.4) of this Section that is  
3 committed on or after July 15, 1999 (the effective date of  
4 Public Act 91-121), or first degree murder, a Class X  
5 felony, criminal sexual assault, felony criminal sexual  
6 abuse, aggravated criminal sexual abuse, aggravated  
7 battery with a firearm, or any predecessor or successor  
8 offenses with the same or substantially the same elements,  
9 or any inchoate offenses relating to the foregoing  
10 offenses. No inmate shall be eligible for the additional  
11 good conduct credit under this paragraph (4) who (i) has  
12 previously received increased good conduct credit under  
13 this paragraph (4) and has subsequently been convicted of a  
14 felony, or (ii) has previously served more than one prior  
15 sentence of imprisonment for a felony in an adult  
16 correctional facility.

17 Educational, vocational, substance abuse and  
18 correctional industry programs under which good conduct  
19 credit may be increased under this paragraph (4) and  
20 paragraph (4.1) of this subsection (a) shall be evaluated  
21 by the Department on the basis of documented standards. The  
22 Department shall report the results of these evaluations to  
23 the Governor and the General Assembly by September 30th of  
24 each year. The reports shall include data relating to the  
25 recidivism rate among program participants.

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

1 inmate.

2 (4.1) The rules and regulations shall also provide that  
3 an additional 60 days of good conduct credit shall be  
4 awarded to any prisoner who passes the high school level  
5 Test of General Educational Development (GED) ~~and receives~~  
6 ~~a GED certificate~~ while the prisoner is incarcerated. The  
7 good conduct credit awarded under this paragraph (4.1)  
8 shall be in addition to, and shall not affect, the award of  
9 good conduct under any other paragraph of this Section, but  
10 shall also be pursuant to the guidelines and restrictions  
11 set forth in paragraph (4) of subsection (a) of this  
12 Section. The good conduct credit provided for in this  
13 paragraph shall be available only to those prisoners who  
14 have not previously earned a high school diploma or a GED.  
15 If, after an award of the GED good conduct credit has been  
16 made and the Department determines that the prisoner was  
17 not eligible, then the award shall be revoked.

18 (4.5) The rules and regulations on early release shall  
19 also provide that when the court's sentencing order  
20 recommends a prisoner for substance abuse treatment and the  
21 crime was committed on or after September 1, 2003 (the  
22 effective date of Public Act 93-354), the prisoner shall  
23 receive no good conduct credit awarded under clause (3) of  
24 this subsection (a) unless he or she participates in and  
25 completes a substance abuse treatment program. The  
26 Director may waive the requirement to participate in or  
27 complete a substance abuse treatment program and award the  
28 good conduct credit in specific instances if the prisoner  
29 is not a good candidate for a substance abuse treatment  
30 program for medical, programming, or operational reasons.  
31 Availability of substance abuse treatment shall be subject  
32 to the limits of fiscal resources appropriated by the  
33 General Assembly for these purposes. If treatment is not  
34 available and the requirement to participate and complete  
35 the treatment has not been waived by the Director, the  
36 prisoner shall be placed on a waiting list under criteria

1 established by the Department. The Director may allow a  
2 prisoner placed on a waiting list to participate in and  
3 complete a substance abuse education class or attend  
4 substance abuse self-help meetings in lieu of a substance  
5 abuse treatment program. A prisoner on a waiting list who  
6 is not placed in a substance abuse program prior to release  
7 may be eligible for a waiver and receive good conduct  
8 credit under clause (3) of this subsection (a) at the  
9 discretion of the Director.

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

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

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

27 When the Department seeks to revoke, suspend or reduce the  
28 rate of accumulation of any good conduct credits for an alleged  
29 infraction of its rules, it shall bring charges therefor  
30 against the prisoner sought to be so deprived of good conduct  
31 credits before the Prisoner Review Board as provided in  
32 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
33 amount of credit at issue exceeds 30 days or when during any 12  
34 month period, the cumulative amount of credit revoked exceeds  
35 30 days except where the infraction is committed or discovered  
36 within 60 days of scheduled release. In those cases, the



1 Department of Corrections may revoke up to 30 days of good  
2 conduct credit. The Board may subsequently approve the  
3 revocation of additional good conduct credit, if the Department  
4 seeks to revoke good conduct credit in excess of 30 days.  
5 However, the Board shall not be empowered to review the  
6 Department's decision with respect to the loss of 30 days of  
7 good conduct credit within any calendar year for any prisoner  
8 or to increase any penalty beyond the length requested by the  
9 Department.

10 The Director of the Department of Corrections, in  
11 appropriate cases, may restore up to 30 days good conduct  
12 credits which have been revoked, suspended or reduced. Any  
13 restoration of good conduct credits in excess of 30 days shall  
14 be subject to review by the Prisoner Review Board. However, the  
15 Board may not restore good conduct credit in excess of the  
16 amount requested by the Director.

17 Nothing contained in this Section shall prohibit the  
18 Prisoner Review Board from ordering, pursuant to Section  
19 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
20 sentence imposed by the court that was not served due to the  
21 accumulation of good conduct credit.

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

36 For purposes of this subsection (d):

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

5 (A) it lacks an arguable basis either in law or in  
6 fact;

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

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

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

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

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

32 (e) Nothing in Public Act 90-592 or 90-593 affects the  
33 validity of Public Act 89-404.

34 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,  
35 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,  
36 eff. 8-2-05; 94-491, eff. 8-8-05; revised 8-19-05.)

1 (730 ILCS 5/3-6-8)

2 Sec. 3-6-8. General Educational Development (GED)  
3 programs. The Department of Corrections shall develop and  
4 establish a program in the Adult Division designed to increase  
5 the number of committed persons enrolled in programs for the  
6 high school level Test of General Educational Development (GED)  
7 and pursuing GED certificates by at least 100% over the 4-year  
8 period following the effective date of this amendatory Act of  
9 the 94th General Assembly. Pursuant to the program, each adult  
10 institution and facility shall report annually to the Director  
11 of Corrections on the number of committed persons enrolled in  
12 GED programs and those who pass the high school level Test of  
13 General Educational Development (GED) ~~and receive GED~~  
14 ~~certificates~~, and the number of committed persons in the Adult  
15 Division who are on waiting lists for participation in the GED  
16 programs.

17 (Source: P.A. 94-128, eff. 7-7-05.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.