

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.