



Sen. Donne E. Trotter

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09400SB2320sam001

LRB094 16169 RLC 54848 a

1 AMENDMENT TO SENATE BILL 2320

2 AMENDMENT NO. _____. Amend Senate Bill 2320 by replacing
3 everything after the enacting clause with the following:

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

1 of terrorism shall receive no good conduct credit and
2 shall serve the entire sentence imposed by the court;

3 (ii) that a prisoner serving a sentence for attempt
4 to commit first degree murder, solicitation of murder,
5 solicitation of murder for hire, intentional homicide
6 of an unborn child, predatory criminal sexual assault
7 of a child, aggravated criminal sexual assault,
8 criminal sexual assault, aggravated kidnapping,
9 aggravated battery with a firearm, heinous battery,
10 being an armed habitual criminal, aggravated battery
11 of a senior citizen, or aggravated battery of a child
12 shall receive no more than 4.5 days of good conduct
13 credit for each month of his or her sentence of
14 imprisonment;

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

26 (iv) that a prisoner serving a sentence for
27 aggravated discharge of a firearm, whether or not the
28 conduct leading to conviction for the offense resulted
29 in great bodily harm to the victim, shall receive no
30 more than 4.5 days of good conduct credit for each
31 month of his or her sentence of imprisonment.

32 (2.1) For all offenses, other than those enumerated in
33 subdivision (a)(2)(i), (ii), or (iii) committed on or after
34 June 19, 1998 or subdivision (a)(2)(iv) committed on or

1 after June 23, 2005 (the effective date of Public Act
2 94-71) ~~this amendatory Act of the 94th General Assembly,~~
3 and other than the offense of reckless homicide as defined
4 in subsection (e) of Section 9-3 of the Criminal Code of
5 1961 committed on or after January 1, 1999, or aggravated
6 driving under the influence of alcohol, other drug or
7 drugs, or intoxicating compound or compounds, or any
8 combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, the rules and regulations shall
11 provide that a prisoner who is serving a term of
12 imprisonment shall receive one day of good conduct credit
13 for each day of his or her sentence of imprisonment or
14 recommitment under Section 3-3-9. Each day of good conduct
15 credit shall reduce by one day the prisoner's period of
16 imprisonment or recommitment under Section 3-3-9.

17 (2.2) A prisoner serving a term of natural life
18 imprisonment or a prisoner who has been sentenced to death
19 shall receive no good conduct credit.

20 (2.3) The rules and regulations on early release shall
21 provide that a prisoner who is serving a sentence for
22 reckless homicide as defined in subsection (e) of Section
23 9-3 of the Criminal Code of 1961 committed on or after
24 January 1, 1999, or aggravated driving under the influence
25 of alcohol, other drug or drugs, or intoxicating compound
26 or compounds, or any combination thereof as defined in
27 subparagraph (F) of paragraph (1) of subsection (d) of
28 Section 11-501 of the Illinois Vehicle Code, shall receive
29 no more than 4.5 days of good conduct credit for each month
30 of his or her sentence of imprisonment.

31 (2.4) The rules and regulations on early release shall
32 provide with respect to the offenses of aggravated battery
33 with a machine gun or a firearm equipped with any device or
34 attachment designed or used for silencing the report of a

1 firearm or aggravated discharge of a machine gun or a
2 firearm equipped with any device or attachment designed or
3 used for silencing the report of a firearm, committed on or
4 after July 15, 1999 (the effective date of Public Act
5 91-121), that a prisoner serving a sentence for any of
6 these offenses 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 (2.5) The rules and regulations on early release shall
10 provide that a prisoner who is serving a sentence for
11 aggravated arson committed on or after July 27, 2001 (the
12 effective date of Public Act 92-176) shall receive no more
13 than 4.5 days of good conduct credit for each month of his
14 or her sentence of imprisonment.

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

1 stalking, aggravated battery of a child, endangering the
2 life or health of a child, cruelty to a child, or narcotic
3 racketeering. Notwithstanding the foregoing, good conduct
4 credit for meritorious service shall not be awarded on a
5 sentence of imprisonment imposed for conviction of: (i) one
6 of the offenses enumerated in subdivision (a)(2)(i), (ii),
7 or (iii) when the offense is committed on or after June 19,
8 1998 or subdivision (a)(2)(iv) when the offense is
9 committed on or after June 23, 2005 (the effective date of
10 Public Act 94-71) ~~this amendatory Act of the 94th General~~
11 ~~Assembly~~, (ii) reckless homicide as defined in subsection
12 (e) of Section 9-3 of the Criminal Code of 1961 when the
13 offense is committed on or after January 1, 1999, or
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or
16 any combination thereof as defined in subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, (iii) one of the offenses enumerated
19 in subdivision (a)(2.4) when the offense is committed on or
20 after July 15, 1999 (the effective date of Public Act
21 91-121), or (iv) aggravated arson when the offense is
22 committed on or after July 27, 2001 (the effective date of
23 Public Act 92-176).

24 (4) The rules and regulations shall also provide that
25 the good conduct credit accumulated and retained under
26 paragraph (2.1) of subsection (a) of this Section by any
27 inmate during specific periods of time in which such inmate
28 is engaged full-time in substance abuse programs,
29 correctional industry assignments, or educational programs
30 provided by the Department under this paragraph (4) and
31 satisfactorily completes the assigned program as
32 determined by the standards of the Department, shall be
33 multiplied by a factor of 1.25 for program participation
34 before August 11, 1993 and 1.50 for program participation

1 on or after that date. However, no inmate shall be eligible
2 for the additional good conduct credit under this paragraph
3 (4) or (4.1) of this subsection (a) while assigned to a
4 boot camp, or electronic detention, or if convicted of an
5 offense enumerated in subdivision (a)(2)(i), (ii), or
6 (iii) of this Section that is committed on or after June
7 19, 1998 or subdivision (a)(2)(iv) of this Section that is
8 committed on or after June 23, 2005 (the effective date of
9 Public Act 94-71) ~~this amendatory Act of the 94th General~~
10 ~~Assembly~~, or if convicted of reckless homicide as defined
11 in subsection (e) of Section 9-3 of the Criminal Code of
12 1961 if the offense is committed on or after January 1,
13 1999, or aggravated driving under the influence of alcohol,
14 other drug or drugs, or intoxicating compound or compounds,
15 or any combination thereof as defined in subparagraph (F)
16 of paragraph (1) of subsection (d) of Section 11-501 of the
17 Illinois Vehicle Code, or if convicted of an offense
18 enumerated in paragraph (a)(2.4) of this Section that is
19 committed on or after July 15, 1999 (the effective date of
20 Public Act 91-121), or first degree murder, a Class X
21 felony, criminal sexual assault, felony criminal sexual
22 abuse, aggravated criminal sexual abuse, aggravated
23 battery with a firearm, or any predecessor or successor
24 offenses with the same or substantially the same elements,
25 or any inchoate offenses relating to the foregoing
26 offenses. No inmate shall be eligible for the additional
27 good conduct credit under this paragraph (4) who (i) has
28 previously received increased good conduct credit under
29 this paragraph (4) and has subsequently been convicted of a
30 felony, or (ii) has previously served more than one prior
31 sentence of imprisonment for a felony in an adult
32 correctional facility.

33 Educational, vocational, substance abuse and
34 correctional industry programs under which good conduct

1 credit may be increased under this paragraph (4) and
2 paragraph (4.1) of this subsection (a) shall be evaluated
3 by the Department on the basis of documented standards. The
4 Department shall report the results of these evaluations to
5 the Governor and the General Assembly by September 30th of
6 each year. The reports shall include data relating to the
7 recidivism rate among program participants.

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

20 (4.1) The rules and regulations shall also provide that
21 an additional 60 days of good conduct credit shall be
22 awarded to any prisoner who passes the high school level
23 Test of General Educational Development (GED) ~~and receives~~
24 ~~a GED certificate~~ while the prisoner is incarcerated. The
25 good conduct credit awarded under this paragraph (4.1)
26 shall be in addition to, and shall not affect, the award of
27 good conduct under any other paragraph of this Section, but
28 shall also be pursuant to the guidelines and restrictions
29 set forth in paragraph (4) of subsection (a) of this
30 Section. The good conduct credit provided for in this
31 paragraph shall be available only to those prisoners who
32 have not previously earned a high school diploma or a GED.
33 If, after an award of the GED good conduct credit has been
34 made and the Department determines that the prisoner was

1 not eligible, then the award shall be revoked.

2 (4.5) The rules and regulations on early release shall
3 also provide that when the court's sentencing order
4 recommends a prisoner for substance abuse treatment and the
5 crime was committed on or after September 1, 2003 (the
6 effective date of Public Act 93-354), the prisoner shall
7 receive no good conduct credit awarded under clause (3) of
8 this subsection (a) unless he or she participates in and
9 completes a substance abuse treatment program. The
10 Director may waive the requirement to participate in or
11 complete a substance abuse treatment program and award the
12 good conduct credit in specific instances if the prisoner
13 is not a good candidate for a substance abuse treatment
14 program for medical, programming, or operational reasons.
15 Availability of substance abuse treatment shall be subject
16 to the limits of fiscal resources appropriated by the
17 General Assembly for these purposes. If treatment is not
18 available and the requirement to participate and complete
19 the treatment has not been waived by the Director, the
20 prisoner shall be placed on a waiting list under criteria
21 established by the Department. The Director may allow a
22 prisoner placed on a waiting list to participate in and
23 complete a substance abuse education class or attend
24 substance abuse self-help meetings in lieu of a substance
25 abuse treatment program. A prisoner on a waiting list who
26 is not placed in a substance abuse program prior to release
27 may be eligible for a waiver and receive good conduct
28 credit under clause (3) of this subsection (a) at the
29 discretion of the Director.

30 (5) Whenever the Department is to release any inmate
31 earlier than it otherwise would because of a grant of good
32 conduct credit for meritorious service given at any time
33 during the term, the Department shall give reasonable
34 advance notice of the impending release to the State's

1 Attorney of the county where the prosecution of the inmate
2 took place.

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

7 (c) The Department shall prescribe rules and regulations
8 for revoking good conduct credit, or suspending or reducing the
9 rate of accumulation of good conduct credit for specific rule
10 violations, during imprisonment. These rules and regulations
11 shall provide that no inmate may be penalized more than one
12 year of good conduct credit for any one infraction.

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

32 The Director of the Department of Corrections, in
33 appropriate cases, may restore up to 30 days good conduct
34 credits which have been revoked, suspended or reduced. Any

1 restoration of good conduct credits in excess of 30 days shall
2 be subject to review by the Prisoner Review Board. However, the
3 Board may not restore good conduct credit in excess of the
4 amount requested by the Director.

5 Nothing contained in this Section shall prohibit the
6 Prisoner Review Board from ordering, pursuant to Section
7 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
8 sentence imposed by the court that was not served due to the
9 accumulation of good conduct credit.

10 (d) If a lawsuit is filed by a prisoner in an Illinois or
11 federal court against the State, the Department of Corrections,
12 or the Prisoner Review Board, or against any of their officers
13 or employees, and the court makes a specific finding that a
14 pleading, motion, or other paper filed by the prisoner is
15 frivolous, the Department of Corrections shall conduct a
16 hearing to revoke up to 180 days of good conduct credit by
17 bringing charges against the prisoner sought to be deprived of
18 the good conduct credits before the Prisoner Review Board as
19 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
20 If the prisoner has not accumulated 180 days of good conduct
21 credit at the time of the finding, then the Prisoner Review
22 Board may revoke all good conduct credit accumulated by the
23 prisoner.

24 For purposes of this subsection (d):

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

29 (A) it lacks an arguable basis either in law or in
30 fact;

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

34 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law
2 or by a nonfrivolous argument for the extension,
3 modification, or reversal of existing law or the
4 establishment of new law;

5 (D) the allegations and other factual contentions
6 do not have evidentiary support or, if specifically so
7 identified, are not likely to have evidentiary support
8 after a reasonable opportunity for further
9 investigation or discovery; or

10 (E) the denials of factual contentions are not
11 warranted on the evidence, or if specifically so
12 identified, are not reasonably based on a lack of
13 information or belief.

14 (2) "Lawsuit" means a petition for post-conviction
15 relief under Article 122 of the Code of Criminal Procedure
16 of 1963, a motion pursuant to Section 116-3 of the Code of
17 Criminal Procedure of 1963, a habeas corpus action under
18 Article X of the Code of Civil Procedure or under federal
19 law (28 U.S.C. 2254), a petition for claim under the Court
20 of Claims Act or an action under the federal Civil Rights
21 Act (42 U.S.C. 1983).

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

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

27 (730 ILCS 5/3-6-8)

28 Sec. 3-6-8. General Educational Development (GED)
29 programs. The Department of Corrections shall develop and
30 establish a program in the Adult Division designed to increase
31 the number of committed persons enrolled in programs for the
32 high school level Test of General Educational Development (GED)
33 and pursuing GED certificates by at least 100% over the 4-year

1 period following the effective date of this amendatory Act of
2 the 94th General Assembly. Pursuant to the program, each adult
3 institution and facility shall report annually to the Director
4 of Corrections on the number of committed persons enrolled in
5 GED programs and those who pass the high school level Test of
6 General Educational Development (GED) ~~and receive GED~~
7 ~~certificates~~, and the number of committed persons in the Adult
8 Division who are on waiting lists for participation in the GED
9 programs.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."