



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0199

Introduced 1/19/2007, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that that a prisoner serving a sentence for a gang-related felony that did not involve the use of a firearm and was committed against a peace officer, fire fighter, emergency medical technician, paramedic, ambulance driver, or other medical assistance or first aid personnel shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

LRB095 04093 RLC 24131 b

CORRECTIONAL
BUDGET AND
IMPACT 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 Section 3-6-3 as follows:

6 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

7 Sec. 3-6-3. Rules and Regulations for Early Release.

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

12 (2) The rules and regulations on early release shall
13 provide, with respect to offenses 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) or
18 with respect to the offense of being an armed habitual
19 criminal committed on or after August 2, 2005 (the
20 effective date of Public Act 94-398) or with respect to the
21 offenses listed in clause (v) of this paragraph (2)
22 committed on or after the effective date of this amendatory
23 Act of the 95th General Assembly, the following:

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

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

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

1 imprisonment; ~~and~~

2 (iv) that a prisoner serving a sentence for
3 aggravated discharge of a firearm, whether or not the
4 conduct leading to conviction for the offense resulted
5 in great bodily harm to the victim, shall receive no
6 more than 4.5 days of good conduct credit for each
7 month of his or her sentence of imprisonment; ~~and-~~

8 (v) that a prisoner serving a sentence for a
9 gang-related felony that did not involve the use of a
10 firearm and was committed against a peace officer, fire
11 fighter, emergency medical technician, paramedic,
12 ambulance driver, or other medical assistance or first
13 aid personnel shall receive no more than 4.5 days of
14 good conduct credit for each month of his or her
15 sentence of imprisonment. For purposes of this
16 subdivision (a)(2)(v), "gang-related" has the meaning
17 ascribed to it in Section 10 of the Illinois Streetgang
18 Terrorism Omnibus Prevention Act.

19 (2.1) For all offenses, other than those enumerated in
20 subdivision (a)(2)(i), (ii), or (iii) committed on or after
21 June 19, 1998 or subdivision (a)(2)(iv) committed on or
22 after June 23, 2005 (the effective date of Public Act
23 94-71) or subdivision (a)(2)(v) committed on or after the
24 effective date of this amendatory Act of the 95th General
25 Assembly, and other than the offense of reckless homicide
26 as defined in subsection (e) of Section 9-3 of the Criminal

1 Code of 1961 committed on or after January 1, 1999, or
2 aggravated driving under the influence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds, or
4 any combination thereof as defined in subparagraph (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code, the rules and regulations shall
7 provide that a prisoner who is serving a term of
8 imprisonment shall receive one day of good conduct credit
9 for each day of his or her sentence of imprisonment or
10 recommitment under Section 3-3-9. Each day of good conduct
11 credit shall reduce by one day the prisoner's period of
12 imprisonment or recommitment under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life
14 imprisonment or a prisoner who has been sentenced to death
15 shall receive no good conduct credit.

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

1 (2.4) The rules and regulations on early release shall
2 provide with respect to the offenses of aggravated battery
3 with a machine gun or a firearm equipped with any device or
4 attachment designed or used for silencing the report of a
5 firearm or aggravated discharge of a machine gun or a
6 firearm equipped with any device or attachment designed or
7 used for silencing the report of a firearm, committed on or
8 after July 15, 1999 (the effective date of Public Act
9 91-121), that a prisoner serving a sentence for any of
10 these offenses shall receive no more than 4.5 days of good
11 conduct credit for each month of his or her sentence of
12 imprisonment.

13 (2.5) The rules and regulations on early release shall
14 provide that a prisoner who is serving a sentence for
15 aggravated arson committed on or after July 27, 2001 (the
16 effective date of Public Act 92-176) shall receive no more
17 than 4.5 days of good conduct credit for each month of his
18 or her sentence of imprisonment.

19 (3) The rules and regulations shall also provide that
20 the Director may award up to 180 days additional good
21 conduct credit for meritorious service in specific
22 instances as the Director deems proper; except that no more
23 than 90 days of good conduct credit for meritorious service
24 shall be awarded to any prisoner who is serving a sentence
25 for conviction of first degree murder, reckless homicide
26 while under the influence of alcohol or any other drug, or

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof as defined in subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of the
5 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
6 predatory criminal sexual assault of a child, aggravated
7 criminal sexual assault, criminal sexual assault, deviate
8 sexual assault, aggravated criminal sexual abuse,
9 aggravated indecent liberties with a child, indecent
10 liberties with a child, child pornography, heinous
11 battery, aggravated battery of a spouse, aggravated
12 battery of a spouse with a firearm, stalking, aggravated
13 stalking, aggravated battery of a child, endangering the
14 life or health of a child, cruelty to a child, or narcotic
15 racketeering. Notwithstanding the foregoing, good conduct
16 credit for meritorious service shall not be awarded on a
17 sentence of imprisonment imposed for conviction of: (i) one
18 of the offenses enumerated in subdivision (a)(2)(i), (ii),
19 or (iii) when the offense is committed on or after June 19,
20 1998 or subdivision (a)(2)(iv) when the offense is
21 committed on or after June 23, 2005 (the effective date of
22 Public Act 94-71), or subdivision (a)(2)(v) when the
23 offense is committed on or after the effective date of this
24 amendatory Act of the 95th General Assembly, (ii) reckless
25 homicide as defined in subsection (e) of Section 9-3 of the
26 Criminal Code of 1961 when the offense is committed on or

1 after January 1, 1999, or aggravated driving under the
2 influence of alcohol, other drug or drugs, or intoxicating
3 compound or compounds, or any combination thereof as
4 defined in subparagraph (F) of paragraph (1) of subsection
5 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
6 one of the offenses enumerated in subdivision (a)(2.4) when
7 the offense is committed on or after July 15, 1999 (the
8 effective date of Public Act 91-121), or (iv) aggravated
9 arson when the offense is committed on or after July 27,
10 2001 (the effective date of Public Act 92-176).

11 (4) The rules and regulations shall also provide that
12 the good conduct credit accumulated and retained under
13 paragraph (2.1) of subsection (a) of this Section by any
14 inmate during specific periods of time in which such inmate
15 is engaged full-time in substance abuse programs,
16 correctional industry assignments, or educational programs
17 provided by the Department under this paragraph (4) and
18 satisfactorily completes the assigned program as
19 determined by the standards of the Department, shall be
20 multiplied by a factor of 1.25 for program participation
21 before August 11, 1993 and 1.50 for program participation
22 on or after that date. However, no inmate shall be eligible
23 for the additional good conduct credit under this paragraph
24 (4) or (4.1) of this subsection (a) while assigned to a
25 boot camp or electronic detention, or if convicted of an
26 offense enumerated in subdivision (a)(2)(i), (ii), or

1 (iii) of this Section that is committed on or after June
2 19, 1998 or subdivision (a)(2)(iv) of this Section that is
3 committed on or after June 23, 2005 (the effective date of
4 Public Act 94-71), or if convicted of an offense enumerated
5 in subdivision (a)(2)(v) committed on or after the
6 effective date of this amendatory Act of the 95th General
7 Assembly, or if convicted of reckless homicide as defined
8 in subsection (e) of Section 9-3 of the Criminal Code of
9 1961 if the offense is committed on or after January 1,
10 1999, or aggravated driving under the influence of alcohol,
11 other drug or drugs, or intoxicating compound or compounds,
12 or any combination thereof as defined in subparagraph (F)
13 of paragraph (1) of subsection (d) of Section 11-501 of the
14 Illinois Vehicle Code, or if convicted of an offense
15 enumerated in paragraph (a)(2.4) of this Section that is
16 committed on or after July 15, 1999 (the effective date of
17 Public Act 91-121), or first degree murder, a Class X
18 felony, criminal sexual assault, felony criminal sexual
19 abuse, aggravated criminal sexual abuse, aggravated
20 battery with a firearm, or any predecessor or successor
21 offenses with the same or substantially the same elements,
22 or any inchoate offenses relating to the foregoing
23 offenses. No inmate shall be eligible for the additional
24 good conduct credit under this paragraph (4) who (i) has
25 previously received increased good conduct credit under
26 this paragraph (4) and has subsequently been convicted of a

1 felony, or (ii) has previously served more than one prior
2 sentence of imprisonment for a felony in an adult
3 correctional facility.

4 Educational, vocational, substance abuse and
5 correctional industry programs under which good conduct
6 credit may be increased under this paragraph (4) and
7 paragraph (4.1) of this subsection (a) shall be evaluated
8 by the Department on the basis of documented standards. The
9 Department shall report the results of these evaluations to
10 the Governor and the General Assembly by September 30th of
11 each year. The reports shall include data relating to the
12 recidivism rate among program participants.

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

25 (4.1) The rules and regulations shall also provide that
26 an additional 60 days of good conduct credit shall be

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

15 (4.5) The rules and regulations on early release shall
16 also provide that when the court's sentencing order
17 recommends a prisoner for substance abuse treatment and the
18 crime was committed on or after September 1, 2003 (the
19 effective date of Public Act 93-354), the prisoner shall
20 receive no good conduct credit awarded under clause (3) of
21 this subsection (a) unless he or she participates in and
22 completes a substance abuse treatment program. The
23 Director may waive the requirement to participate in or
24 complete a substance abuse treatment program and award the
25 good conduct credit in specific instances if the prisoner
26 is not a good candidate for a substance abuse treatment

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

17 (5) Whenever the Department is to release any inmate
18 earlier than it otherwise would because of a grant of good
19 conduct credit for meritorious service given at any time
20 during the term, the Department shall give reasonable
21 advance notice of the impending release to the State's
22 Attorney of the county where the prosecution of the inmate
23 took place.

24 (b) Whenever a person is or has been committed under
25 several convictions, with separate sentences, the sentences
26 shall be construed under Section 5-8-4 in granting and

1 forfeiting of good time.

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

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

1 The Director of the Department of Corrections, in
2 appropriate cases, may restore up to 30 days good conduct
3 credits which have been revoked, suspended or reduced. Any
4 restoration of good conduct credits in excess of 30 days shall
5 be subject to review by the Prisoner Review Board. However, the
6 Board may not restore good conduct credit in excess of the
7 amount requested by the Director.

8 Nothing contained in this Section shall prohibit the
9 Prisoner Review Board from ordering, pursuant to Section
10 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
11 sentence imposed by the court that was not served due to the
12 accumulation of good conduct credit.

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

1 For purposes of this subsection (d):

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

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

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

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

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

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

25 (2) "Lawsuit" means a petition for post-conviction
26 relief under Article 122 of the Code of Criminal Procedure

1 of 1963, a motion pursuant to Section 116-3 of the Code of
2 Criminal Procedure of 1963, a habeas corpus action under
3 Article X of the Code of Civil Procedure or under federal
4 law (28 U.S.C. 2254), a petition for claim under the Court
5 of Claims Act or an action under the federal Civil Rights
6 Act (42 U.S.C. 1983).

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

9 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
10 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
11 eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)