



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1557

Introduced 2/22/2007, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for gunrunning, narcotics racketeering, delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, controlled substance trafficking, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, certain other specified violations of the Illinois Controlled Substances Act, participation in methamphetamine manufacturing, methamphetamine-related child endangerment, methamphetamine delivery, possession of methamphetamine with intent to deliver, methamphetamine trafficking, methamphetamine conspiracy, cannabis trafficking, delivery of cannabis on school grounds, calculated criminal cannabis conspiracy, certain other specified violations of the Cannabis Control Act, a Class 2 or greater felony conviction for money laundering, or drug induced homicide shall receive no more than 7.5 days good conduct credit for each month of his or her sentence of imprisonment. Effective immediately.

LRB095 06782 RLC 31406 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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
9 gunrunning, narcotics racketeering, delivery of a
10 controlled substance, possession of a controlled
11 substance with intent to manufacture or deliver,
12 controlled substance trafficking, calculated criminal
13 drug conspiracy, criminal drug conspiracy, street gang
14 criminal drug conspiracy, Sections 407, 407.1, or
15 407.2 of the Illinois Controlled Substances Act,
16 participation in methamphetamine manufacturing,
17 methamphetamine-related child endangerment,
18 methamphetamine delivery, possession of
19 methamphetamine with intent to deliver,
20 methamphetamine trafficking, methamphetamine
21 conspiracy, Sections 5(e), 5(f), or 5(g) of the
22 Cannabis Control Act, cannabis trafficking, delivery
23 of cannabis on school grounds, calculated criminal
24 cannabis conspiracy, a Class 2 or greater felony
25 conviction for money laundering, or drug induced
26 homicide shall receive no more than 7.5 days good

1 conduct credit for each month of his or her sentence of
2 imprisonment.

3 (2.1) For all offenses, other than those enumerated in
4 subdivision (a)(2)(i), (ii), or (iii) committed on or after
5 June 19, 1998 or subdivision (a)(2)(iv) committed on or
6 after June 23, 2005 (the effective date of Public Act
7 94-71) or subdivision (a)(2)(v) committed on or after the
8 effective date of this amendatory Act of the 95th General
9 Assembly, and other than the offense of reckless homicide
10 as defined in subsection (e) of Section 9-3 of the Criminal
11 Code of 1961 committed on or after January 1, 1999, or
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, the rules and regulations shall
17 provide that a prisoner who is serving a term of
18 imprisonment shall receive one day of good conduct credit
19 for each day of his or her sentence of imprisonment or
20 recommitment under Section 3-3-9. Each day of good conduct
21 credit shall reduce by one day the prisoner's period of
22 imprisonment or recommitment under Section 3-3-9.

23 (2.2) A prisoner serving a term of natural life
24 imprisonment or a prisoner who has been sentenced to death
25 shall receive no good conduct credit.

26 (2.3) The rules and regulations on early release shall

1 provide that a prisoner who is serving a sentence for
2 reckless homicide as defined in subsection (e) of Section
3 9-3 of the Criminal Code of 1961 committed on or after
4 January 1, 1999, or aggravated driving under the influence
5 of alcohol, other drug or drugs, or intoxicating compound
6 or compounds, or any combination thereof as defined in
7 subparagraph (F) of paragraph (1) of subsection (d) of
8 Section 11-501 of the Illinois Vehicle Code, shall receive
9 no more than 4.5 days of good conduct credit for each month
10 of his or her sentence of imprisonment.

11 (2.4) The rules and regulations on early release shall
12 provide with respect to the offenses of aggravated battery
13 with a machine gun or a firearm equipped with any device or
14 attachment designed or used for silencing the report of a
15 firearm or aggravated discharge of a machine gun or a
16 firearm equipped with any device or attachment designed or
17 used for silencing the report of a firearm, committed on or
18 after July 15, 1999 (the effective date of Public Act
19 91-121), that a prisoner serving a sentence for any of
20 these offenses shall receive no more than 4.5 days of good
21 conduct credit for each month of his or her sentence of
22 imprisonment.

23 (2.5) The rules and regulations on early release shall
24 provide that a prisoner who is serving a sentence for
25 aggravated arson committed on or after July 27, 2001 (the
26 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, or cruelty to a child,~~or~~
25 ~~narcotic racketeering~~. Notwithstanding the foregoing, good
26 conduct credit for meritorious service shall not be awarded

1 on a sentence of imprisonment imposed for conviction of:
2 (i) one of the offenses enumerated in subdivision
3 (a)(2)(i), (ii), or (iii) when the offense is committed on
4 or after June 19, 1998 or subdivision (a)(2)(iv) when the
5 offense is committed on or after June 23, 2005 (the
6 effective date of Public Act 94-71) or subdivision
7 (a)(2)(v) when the offense is committed on or after the
8 effective date of this amendatory Act of the 95th General
9 Assembly, (ii) reckless homicide as defined in subsection
10 (e) of Section 9-3 of the Criminal Code of 1961 when the
11 offense is committed on or after January 1, 1999, or
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, (iii) one of the offenses enumerated
17 in subdivision (a)(2.4) when the offense is committed on or
18 after July 15, 1999 (the effective date of Public Act
19 91-121), or (iv) aggravated arson when the offense is
20 committed on or after July 27, 2001 (the effective date of
21 Public Act 92-176).

22 (4) The rules and regulations shall also provide that
23 the good conduct credit accumulated and retained under
24 paragraph (2.1) of subsection (a) of this Section by any
25 inmate during specific periods of time in which such inmate
26 is engaged full-time in substance abuse programs,

1 correctional industry assignments, or educational programs
2 provided by the Department under this paragraph (4) and
3 satisfactorily completes the assigned program as
4 determined by the standards of the Department, shall be
5 multiplied by a factor of 1.25 for program participation
6 before August 11, 1993 and 1.50 for program participation
7 on or after that date. However, no inmate shall be eligible
8 for the additional good conduct credit under this paragraph
9 (4) or (4.1) of this subsection (a) while assigned to a
10 boot camp or electronic detention, or if convicted of an
11 offense enumerated in subdivision (a)(2)(i), (ii), or
12 (iii) of this Section that is committed on or after June
13 19, 1998 or subdivision (a)(2)(iv) of this Section that is
14 committed on or after June 23, 2005 (the effective date of
15 Public Act 94-71) or subdivision (a)(2)(v) of this Section
16 that is committed on or after the effective date of this
17 amendatory Act of the 95th General Assembly, or if
18 convicted of reckless homicide as defined in subsection (e)
19 of Section 9-3 of the Criminal Code of 1961 if the offense
20 is committed on or after January 1, 1999, or aggravated
21 driving under the influence of alcohol, other drug or
22 drugs, or intoxicating compound or compounds, or any
23 combination thereof as defined in subparagraph (F) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code, or if convicted of an offense
26 enumerated in paragraph (a)(2.4) of this Section that is

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

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

24 Availability of these programs shall be subject to the
25 limits of fiscal resources appropriated by the General
26 Assembly for these purposes. Eligible inmates who are

1 denied immediate admission shall be placed on a waiting
2 list under criteria established by the Department. The
3 inability of any inmate to become engaged in any such
4 programs by reason of insufficient program resources or for
5 any other reason established under the rules and
6 regulations of the Department shall not be deemed a cause
7 of action under which the Department or any employee or
8 agent of the Department shall be liable for damages to the
9 inmate.

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

26 (4.5) The rules and regulations on early release shall

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

1 discretion of the Director.

2 (5) Whenever the Department is to release any inmate
3 earlier than it otherwise would because of a grant of good
4 conduct credit for meritorious service given at any time
5 during the term, the Department shall give reasonable
6 advance notice of the impending release to the State's
7 Attorney of the county where the prosecution of the inmate
8 took place.

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

13 (c) The Department shall prescribe rules and regulations
14 for revoking good conduct credit, or suspending or reducing the
15 rate of accumulation of good conduct credit for specific rule
16 violations, during imprisonment. These rules and regulations
17 shall provide that no inmate may be penalized more than one
18 year of good conduct credit for any one infraction.

19 When the Department seeks to revoke, suspend or reduce the
20 rate of accumulation of any good conduct credits for an alleged
21 infraction of its rules, it shall bring charges therefor
22 against the prisoner sought to be so deprived of good conduct
23 credits before the Prisoner Review Board as provided in
24 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
25 amount of credit at issue exceeds 30 days or when during any 12
26 month period, the cumulative amount of credit revoked exceeds

1 30 days except where the infraction is committed or discovered
2 within 60 days of scheduled release. In those cases, the
3 Department of Corrections may revoke up to 30 days of good
4 conduct credit. The Board may subsequently approve the
5 revocation of additional good conduct credit, if the Department
6 seeks to revoke good conduct credit in excess of 30 days.
7 However, the Board shall not be empowered to review the
8 Department's decision with respect to the loss of 30 days of
9 good conduct credit within any calendar year for any prisoner
10 or to increase any penalty beyond the length requested by the
11 Department.

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

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

24 (d) If a lawsuit is filed by a prisoner in an Illinois or
25 federal court against the State, the Department of Corrections,
26 or the Prisoner Review Board, or against any of their officers

1 or employees, and the court makes a specific finding that a
2 pleading, motion, or other paper filed by the prisoner is
3 frivolous, the Department of Corrections shall conduct a
4 hearing to revoke up to 180 days of good conduct credit by
5 bringing charges against the prisoner sought to be deprived of
6 the good conduct credits before the Prisoner Review Board as
7 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
8 If the prisoner has not accumulated 180 days of good conduct
9 credit at the time of the finding, then the Prisoner Review
10 Board may revoke all good conduct credit accumulated by the
11 prisoner.

12 For purposes of this subsection (d):

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

17 (A) it lacks an arguable basis either in law or in
18 fact;

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

22 (C) the claims, defenses, and other legal
23 contentions therein are not warranted by existing law
24 or by a nonfrivolous argument for the extension,
25 modification, or reversal of existing law or the
26 establishment of new law;

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

6 (E) the denials of factual contentions are not
7 warranted on the evidence, or if specifically so
8 identified, are not reasonably based on a lack of
9 information or belief.

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

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.