



Sen. Michael Bond

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LRB095 05888 RLC 48722 a

1 AMENDMENT TO SENATE BILL 2716

2 AMENDMENT NO. _____. Amend Senate Bill 2716 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding
5 Sections 11-25 and 11-26 as follows:

6 (720 ILCS 5/11-25 new)

7 Sec. 11-25. Continuous sexual abuse of a young child.

8 (a) A person commits the offense of continuous sexual abuse
9 of a young child if:

10 (1) during a period that is 30 or more days in duration
11 the person commits 2 or more acts of sexual abuse,
12 regardless of whether the acts of sexual abuse are
13 committed against one or more victims; and

14 (2) at the time of the commission of each of the acts
15 of sexual abuse, the defendant is 17 years of age or older
16 and the victim is a child under 14 years of age.

1 (b) Sentence. Continuous sexual abuse of a young child is a
2 Class X felony for which the defendant shall be sentenced to a
3 term of imprisonment of not less than 25 years and not more
4 than 99 years.

5 (c) In this Section and Section 11-26 of this Code, "sexual
6 abuse" means the commission of any of the following offenses:

7 (1) criminal sexual assault;

8 (2) aggravated criminal sexual assault;

9 (3) predatory criminal sexual assault of a child;

10 (4) aggravated kidnapping with the intent to commit an
11 act of sexual penetration or sexual conduct with the victim
12 as defined in Section 12-12 of this Code, other than the
13 touching or fondling of the breasts of the victim;

14 (5) residential burglary with the intent to commit an
15 offense described in Article 11 or Sections 12-13 through
16 12-16.2 of this Code; or

17 (6) sexual exploitation of a child.

18 (720 ILCS 5/11-26 new)

19 Sec. 11-26. Aggravated continuous sexual abuse of a young
20 child.

21 (a) A person commits the offense of aggravated continuous
22 sexual abuse of a young child if the person commits the offense
23 of continuous sexual abuse of a young child and either:

24 (1) the victim of the offense is under 6 years of age
25 at the time of the offense; or

1 (2) the victim of the offense is under 14 years of age
2 at the time of the offense and the defendant causes great
3 bodily harm or permanent disability or disfigurement to the
4 victim or threatens death to the victim or uses or exhibits
5 a deadly weapon during the commission of the offense.

6 (b) Sentence. Aggravated continuous sexual abuse of a young
7 child is a Class X felony for which the defendant shall be
8 sentenced to a term of imprisonment of not less than 25 years
9 and not more than 99 years.

10 Section 10. The Unified Code of Corrections is amended by
11 changing Section 3-6-3 as follows:

12 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

13 (Text of Section before amendment by P.A. 95-585, 95-625,
14 and 95-640)

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

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

20 (2) The rules and regulations on early release shall
21 provide, with respect to offenses listed in clause (i),
22 (ii), or (iii) of this paragraph (2) committed on or after
23 June 19, 1998 or with respect to the offense listed in
24 clause (iv) of this paragraph (2) committed on or after

1 June 23, 2005 (the effective date of Public Act 94-71) or
2 with respect to the offense of being an armed habitual
3 criminal committed on or after August 2, 2005 (the
4 effective date of Public Act 94-398) or with respect to the
5 offenses listed in clause (v) of this paragraph (2)
6 committed on or after August 13, 2007 (the effective date
7 of Public Act 95-134) or with respect to the offenses of
8 continuous sexual abuse of a young child and aggravated
9 continuous sexual abuse of a young child ~~this amendatory~~
10 ~~Act of the 95th General Assembly~~, the following:

11 (i) that a prisoner who is serving a term of
12 imprisonment for first degree murder, continuous
13 sexual abuse of a young child, aggravated continuous
14 sexual abuse of a young child, or for the offense of
15 terrorism shall receive no good conduct credit and
16 shall serve the entire sentence imposed by the court;

17 (ii) that a prisoner serving a sentence for attempt
18 to commit first degree murder, solicitation of murder,
19 solicitation of murder for hire, intentional homicide
20 of an unborn child, predatory criminal sexual assault
21 of a child, aggravated criminal sexual assault,
22 criminal sexual assault, aggravated kidnapping,
23 aggravated battery with a firearm, heinous battery,
24 being an armed habitual criminal, aggravated battery
25 of a senior citizen, or aggravated battery of a child
26 shall receive no more than 4.5 days of good conduct

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

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

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

20 (v) that a person serving a sentence for
21 gunrunning, narcotics racketeering, controlled
22 substance trafficking, methamphetamine trafficking,
23 drug-induced homicide, aggravated
24 methamphetamine-related child endangerment, money
25 laundering pursuant to clause (c) (4) or (5) of Section
26 29B-1 of the Criminal Code of 1961, or a Class X felony

1 conviction for delivery of a controlled substance,
2 possession of a controlled substance with intent to
3 manufacture or deliver, calculated criminal drug
4 conspiracy, criminal drug conspiracy, street gang
5 criminal drug conspiracy, participation in
6 methamphetamine manufacturing, aggravated
7 participation in methamphetamine manufacturing,
8 delivery of methamphetamine, possession with intent to
9 deliver methamphetamine, aggravated delivery of
10 methamphetamine, aggravated possession with intent to
11 deliver methamphetamine, methamphetamine conspiracy
12 when the substance containing the controlled substance
13 or methamphetamine is 100 grams or more shall receive
14 no more than 7.5 days good conduct credit for each
15 month of his or her sentence of imprisonment.

16 (2.1) For all offenses, other than those enumerated in
17 subdivision (a) (2) (i), (ii), or (iii) committed on or after
18 June 19, 1998 or subdivision (a) (2) (iv) committed on or
19 after June 23, 2005 (the effective date of Public Act
20 94-71) or subdivision (a) (2) (v) committed on or after
21 August 13, 2007 (the effective date of Public Act 95-134)
22 ~~the effective date of this amendatory Act of the 95th~~
23 ~~General Assembly~~, and other than the offense of reckless
24 homicide as defined in subsection (e) of Section 9-3 of the
25 Criminal Code of 1961 committed on or after January 1,
26 1999, or aggravated driving under the influence of alcohol,

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

11 (2.2) A prisoner serving a term of natural life
12 imprisonment or a prisoner who has been sentenced to death
13 shall receive no good conduct credit.

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

25 (2.4) The rules and regulations on early release shall
26 provide with respect to the offenses of aggravated battery

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

11 (2.5) The rules and regulations on early release shall
12 provide that a prisoner who is serving a sentence for
13 aggravated arson committed on or after July 27, 2001 (the
14 effective date of Public Act 92-176) shall receive no more
15 than 4.5 days of good conduct credit for each month of his
16 or her sentence of imprisonment.

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

1 any combination thereof as defined in subparagraph (F) of
2 paragraph (1) of subsection (d) of Section 11-501 of the
3 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
4 predatory criminal sexual assault of a child, aggravated
5 criminal sexual assault, criminal sexual assault, deviate
6 sexual assault, aggravated criminal sexual abuse,
7 aggravated indecent liberties with a child, indecent
8 liberties with a child, child pornography, heinous
9 battery, aggravated battery of a spouse, aggravated
10 battery of a spouse with a firearm, stalking, aggravated
11 stalking, aggravated battery of a child, endangering the
12 life or health of a child, or cruelty to a child.
13 Notwithstanding the foregoing, good conduct credit for
14 meritorious service shall not be awarded on a sentence of
15 imprisonment imposed for conviction of: (i) one of the
16 offenses enumerated in subdivision (a)(2)(i), (ii), or
17 (iii) when the offense is committed on or after June 19,
18 1998 or subdivision (a)(2)(iv) when the offense is
19 committed on or after June 23, 2005 (the effective date of
20 Public Act 94-71) or subdivision (a)(2)(v) when the offense
21 is committed on or after August 13, 2007 (the effective
22 date of Public Act 95-134) ~~the effective date of this~~
23 ~~amendatory Act of the 95th General Assembly~~, (ii) reckless
24 homicide as defined in subsection (e) of Section 9-3 of the
25 Criminal Code of 1961 when the offense is committed on or
26 after January 1, 1999, or aggravated driving under the

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

1 19, 1998 or subdivision (a)(2)(iv) of this Section that is
2 committed on or after June 23, 2005 (the effective date of
3 Public Act 94-71) or subdivision (a)(2)(v) of this Section
4 that is committed on or after August 13, 2007 (the
5 effective date of Public Act 95-134) ~~this amendatory Act of~~
6 ~~the 95th General Assembly~~, or if convicted of reckless
7 homicide as defined in subsection (e) of Section 9-3 of the
8 Criminal Code of 1961 if the offense is committed on or
9 after January 1, 1999, or aggravated driving under the
10 influence of alcohol, other drug or drugs, or intoxicating
11 compound or compounds, or any combination thereof as
12 defined in subparagraph (F) of paragraph (1) of subsection
13 (d) of Section 11-501 of the Illinois Vehicle Code, or if
14 convicted of an offense enumerated in paragraph (a)(2.4) of
15 this Section that is committed on or after July 15, 1999
16 (the effective date of Public Act 91-121), or first degree
17 murder, a Class X felony, criminal sexual assault, felony
18 criminal sexual abuse, aggravated criminal sexual abuse,
19 aggravated battery with a firearm, or any predecessor or
20 successor offenses with the same or substantially the same
21 elements, or any inchoate offenses relating to the
22 foregoing offenses. No inmate shall be eligible for the
23 additional good conduct credit under this paragraph (4) who
24 (i) has previously received increased good conduct credit
25 under this paragraph (4) and has subsequently been
26 convicted of a felony, or (ii) has previously served more

1 than one prior sentence of imprisonment for a felony in an
2 adult correctional facility.

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

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

24 (4.1) The rules and regulations shall also provide that
25 an additional 60 days of good conduct credit shall be
26 awarded to any prisoner who passes the high school level

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

14 (4.5) The rules and regulations on early release shall
15 also provide that when the court's sentencing order
16 recommends a prisoner for substance abuse treatment and the
17 crime was committed on or after September 1, 2003 (the
18 effective date of Public Act 93-354), the prisoner shall
19 receive no good conduct credit awarded under clause (3) of
20 this subsection (a) unless he or she participates in and
21 completes a substance abuse treatment program. The
22 Director may waive the requirement to participate in or
23 complete a substance abuse treatment program and award the
24 good conduct credit in specific instances if the prisoner
25 is not a good candidate for a substance abuse treatment
26 program for medical, programming, or operational reasons.

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

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

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

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

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

26 The Director of the Department of Corrections, in

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

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

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

26 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

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

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

8 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,
9 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,
10 eff. 5-8-06; 95-134, eff. 8-13-07.)

11 (Text of Section after amendment by P.A. 95-585, 95-625,
12 and 95-640)

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

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

18 (2) The rules and regulations on early release shall
19 provide, with respect to offenses listed in clause (i),
20 (ii), or (iii) of this paragraph (2) committed on or after
21 June 19, 1998 or with respect to the offense listed in
22 clause (iv) of this paragraph (2) committed on or after
23 June 23, 2005 (the effective date of Public Act 94-71) or
24 with respect to offense listed in clause (vi) ~~(v)~~ committed
25 on or after June 1, 2008 (the effective date of Public Act

1 95-625) ~~this amendatory Act of the 95th General Assembly~~ or
2 with respect to the offense of being an armed habitual
3 criminal committed on or after August 2, 2005 (the
4 effective date of Public Act 94-398) or with respect to the
5 offenses listed in clause (v) of this paragraph (2)
6 committed on or after August 13, 2007 (the effective date
7 of Public Act 95-134) or with respect to the offenses of
8 continuous sexual abuse of a young child and aggravated
9 continuous sexual abuse of a young child ~~this amendatory~~
10 ~~Act of the 95th General Assembly~~, the following:

11 (i) that a prisoner who is serving a term of
12 imprisonment for first degree murder, continuous
13 sexual abuse of a young child, aggravated continuous
14 sexual abuse of a young child, or for the offense of
15 terrorism shall receive no good conduct credit and
16 shall serve the entire sentence imposed by the court;

17 (ii) that a prisoner serving a sentence for attempt
18 to commit first degree murder, solicitation of murder,
19 solicitation of murder for hire, intentional homicide
20 of an unborn child, predatory criminal sexual assault
21 of a child, aggravated criminal sexual assault,
22 criminal sexual assault, aggravated kidnapping,
23 aggravated battery with a firearm, heinous battery,
24 being an armed habitual criminal, aggravated battery
25 of a senior citizen, or aggravated battery of a child
26 shall receive no more than 4.5 days of good conduct

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

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

14 (iv) that a prisoner serving a sentence for
15 aggravated discharge of a firearm, whether or not the
16 conduct leading to conviction for the offense resulted
17 in great bodily harm to the victim, shall receive no
18 more than 4.5 days of good conduct credit for each
19 month of his or her sentence of imprisonment; ~~and~~

20 (v) that a person serving a sentence for
21 gunrunning, narcotics racketeering, controlled
22 substance trafficking, methamphetamine trafficking,
23 drug-induced homicide, aggravated
24 methamphetamine-related child endangerment, money
25 laundering pursuant to clause (c) (4) or (5) of Section
26 29B-1 of the Criminal Code of 1961, or a Class X felony

1 conviction for delivery of a controlled substance,
2 possession of a controlled substance with intent to
3 manufacture or deliver, calculated criminal drug
4 conspiracy, criminal drug conspiracy, street gang
5 criminal drug conspiracy, participation in
6 methamphetamine manufacturing, aggravated
7 participation in methamphetamine manufacturing,
8 delivery of methamphetamine, possession with intent to
9 deliver methamphetamine, aggravated delivery of
10 methamphetamine, aggravated possession with intent to
11 deliver methamphetamine, methamphetamine conspiracy
12 when the substance containing the controlled substance
13 or methamphetamine is 100 grams or more shall receive
14 no more than 7.5 days good conduct credit for each
15 month of his or her sentence of imprisonment; and.

16 (vi) ~~(v)~~ that a prisoner serving a sentence for a
17 second or subsequent offense of luring a minor shall
18 receive no more than 4.5 days of good conduct credit
19 for each month of his or her sentence of imprisonment.

20 (2.1) For all offenses, other than those enumerated in
21 subdivision (a)(2)(i), (ii), or (iii) committed on or after
22 June 19, 1998 or subdivision (a)(2)(iv) committed on or
23 after June 23, 2005 (the effective date of Public Act
24 94-71) or subdivision (a)(2)(v) committed on or after
25 August 13, 2007 (the effective date of Public Act 95-134)
26 ~~this amendatory Act of the 95th General Assembly~~ or

1 subdivision (a) (2) (vi) ~~(v)~~ committed on or after June 1,
2 2008 (the effective date of Public Act 95-625) ~~this~~
3 ~~amendatory Act of the 95th General Assembly~~, and other than
4 the offense of reckless homicide as defined in subsection
5 (e) of Section 9-3 of the Criminal Code of 1961 committed
6 on or after January 1, 1999, or aggravated driving under
7 the influence of alcohol, other drug or drugs, or
8 intoxicating compound or compounds, or any combination
9 thereof as defined in subparagraph (F) of paragraph (1) of
10 subsection (d) of Section 11-501 of the Illinois Vehicle
11 Code, the rules and regulations shall provide that a
12 prisoner who is serving a term of imprisonment shall
13 receive one day of good conduct credit for each day of his
14 or her sentence of imprisonment or recommitment under
15 Section 3-3-9. Each day of good conduct credit shall reduce
16 by one day the prisoner's period of imprisonment or
17 recommitment under Section 3-3-9.

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

21 (2.3) The rules and regulations on early release shall
22 provide that a prisoner who is serving a sentence for
23 reckless homicide as defined in subsection (e) of Section
24 9-3 of the Criminal Code of 1961 committed on or after
25 January 1, 1999, or aggravated driving under the influence
26 of alcohol, other drug or drugs, or intoxicating compound

1 or compounds, or any combination thereof as defined in
2 subparagraph (F) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code, shall receive
4 no more than 4.5 days of good conduct credit for each month
5 of his or her sentence of imprisonment.

6 (2.4) The rules and regulations on early release shall
7 provide with respect to the offenses of aggravated battery
8 with a machine gun or a firearm equipped with any device or
9 attachment designed or used for silencing the report of a
10 firearm or aggravated discharge of a machine gun or a
11 firearm equipped with any device or attachment designed or
12 used for silencing the report of a firearm, committed on or
13 after July 15, 1999 (the effective date of Public Act
14 91-121), that a prisoner serving a sentence for any of
15 these offenses shall receive no more than 4.5 days of good
16 conduct credit for each month of his or her sentence of
17 imprisonment.

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

24 (3) The rules and regulations shall also provide that
25 the Director may award up to 180 days additional good
26 conduct credit for meritorious service in specific

1 instances as the Director deems proper; except that no more
2 than 90 days of good conduct credit for meritorious service
3 shall be awarded to any prisoner who is serving a sentence
4 for conviction of first degree murder, reckless homicide
5 while under the influence of alcohol or any other drug, or
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
11 predatory criminal sexual assault of a child, aggravated
12 criminal sexual assault, criminal sexual assault, deviate
13 sexual assault, aggravated criminal sexual abuse,
14 aggravated indecent liberties with a child, indecent
15 liberties with a child, child pornography, heinous
16 battery, aggravated battery of a spouse, aggravated
17 battery of a spouse with a firearm, stalking, aggravated
18 stalking, aggravated battery of a child, endangering the
19 life or health of a child, or cruelty to a child.
20 Notwithstanding the foregoing, good conduct credit for
21 meritorious service shall not be awarded on a sentence of
22 imprisonment imposed for conviction of: (i) one of the
23 offenses enumerated in subdivision (a)(2)(i), (ii), or
24 (iii) when the offense is committed on or after June 19,
25 1998 or subdivision (a)(2)(iv) when the offense is
26 committed on or after June 23, 2005 (the effective date of

1 Public Act 94-71) or subdivision (a) (2) (v) when the offense
2 is committed on or after August 13, 2007 (the effective
3 date of Public Act 95-134) ~~this amendatory Act of the 95th~~
4 ~~General Assembly~~ or subdivision (a) (2) (vi) ~~(v)~~ when the
5 offense is committed on or after June 1, 2008 (the
6 effective date of Public Act 95-625) ~~this amendatory Act of~~
7 ~~the 95th General Assembly~~, (ii) reckless homicide as
8 defined in subsection (e) of Section 9-3 of the Criminal
9 Code of 1961 when the offense is committed on or after
10 January 1, 1999, or aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound
12 or compounds, or any combination thereof as defined in
13 subparagraph (F) of paragraph (1) of subsection (d) of
14 Section 11-501 of the Illinois Vehicle Code, (iii) one of
15 the offenses enumerated in subdivision (a) (2.4) when the
16 offense is committed on or after July 15, 1999 (the
17 effective date of Public Act 91-121), or (iv) aggravated
18 arson when the offense is committed on or after July 27,
19 2001 (the effective date of Public Act 92-176).

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

1 satisfactorily completes the assigned program as
2 determined by the standards of the Department, shall be
3 multiplied by a factor of 1.25 for program participation
4 before August 11, 1993 and 1.50 for program participation
5 on or after that date. However, no inmate shall be eligible
6 for the additional good conduct credit under this paragraph
7 (4) or (4.1) of this subsection (a) while assigned to a
8 boot camp or electronic detention, or if convicted of an
9 offense enumerated in subdivision (a)(2)(i), (ii), or
10 (iii) of this Section that is committed on or after June
11 19, 1998 or subdivision (a)(2)(iv) of this Section that is
12 committed on or after June 23, 2005 (the effective date of
13 Public Act 94-71) or subdivision (a)(2)(v) of this Section
14 that is committed on or after August 13, 2007 (the
15 effective date of Public Act 95-134) ~~this amendatory Act of~~
16 ~~the 95th General Assembly~~ or subdivision (a)(2)(vi)(~~v~~)
17 when the offense is committed on or after June 1, 2008 (the
18 effective date of Public Act 95-625) ~~this amendatory Act of~~
19 ~~the 95th General Assembly~~, or if convicted of reckless
20 homicide as defined in subsection (e) of Section 9-3 of the
21 Criminal Code of 1961 if the offense is committed on or
22 after January 1, 1999, or aggravated driving under the
23 influence of alcohol, other drug or drugs, or intoxicating
24 compound or compounds, or any combination thereof as
25 defined in subparagraph (F) of paragraph (1) of subsection
26 (d) of Section 11-501 of the Illinois Vehicle Code, or if

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

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

25 Availability of these programs shall be subject to the
26 limits of fiscal resources appropriated by the General

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

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

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

1 credit under clause (3) of this subsection (a) at the
2 discretion of the Director.

3 (4.6) The rules and regulations on early release shall
4 also provide that a prisoner who has been convicted of a
5 sex offense as defined in Section 2 of the Sex Offender
6 Registration Act shall receive no good conduct credit
7 unless he or she either has successfully completed or is
8 participating in sex offender treatment as defined by the
9 Sex Offender Management Board. However, prisoners who are
10 waiting to receive such treatment, but who are unable to do
11 so due solely to the lack of resources on the part of the
12 Department, may, at the Director's sole discretion, be
13 awarded good conduct credit at such rate as the Director
14 shall determine.

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

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

26 (c) The Department shall prescribe rules and regulations

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

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

25 The Director of the Department of Corrections, in
26 appropriate cases, may restore up to 30 days good conduct

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

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

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

25 For purposes of this subsection (d):

26 (1) "Frivolous" means that a pleading, motion, or other

1 filing which purports to be a legal document filed by a
2 prisoner in his or her lawsuit meets any or all of the
3 following criteria:

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

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

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

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

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

23 (2) "Lawsuit" means a motion pursuant to Section 116-3
24 of the Code of Criminal Procedure of 1963, a habeas corpus
25 action under Article X of the Code of Civil Procedure or
26 under federal law (28 U.S.C. 2254), a petition for claim

1 under the Court of Claims Act, an action under the federal
2 Civil Rights Act (42 U.S.C. 1983), or a second or
3 subsequent petition for post-conviction relief under
4 Article 122 of the Code of Criminal Procedure of 1963
5 whether filed with or without leave of court or a second or
6 subsequent petition for relief from judgment under Section
7 2-1401 of the Code of Civil Procedure.

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

10 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,
11 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,
12 eff. 5-8-06; 95-134, eff. 8-13-07; 95-585, eff. 6-1-08; 95-625,
13 eff. 6-1-08; 95-640, eff. 6-1-08; revised 11-19-07.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."