

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 offense listed in clause (vi) committed on
19 or after June 1, 2008 (the effective date of Public Act
20 95-625) or with respect to the offense of being an armed
21 habitual criminal committed on or after August 2, 2005 (the
22 effective date of Public Act 94-398) or with respect to the
23 offenses listed in clause (v) of this paragraph (2)

1 committed on or after August 13, 2007 (the effective date
2 of Public Act 95-134), the following:

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

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

19 (iii) that a prisoner serving a sentence for home
20 invasion, armed robbery, aggravated vehicular
21 hijacking, aggravated discharge of a firearm, or armed
22 violence with a category I weapon or category II
23 weapon, when the court has made and entered a finding,
24 pursuant to subsection (c-1) of Section 5-4-1 of this
25 Code, that the conduct leading to conviction for the
26 enumerated offense resulted in great bodily harm to a

1 victim, shall receive no more than 4.5 days of good
2 conduct credit for each month of his or her sentence of
3 imprisonment;

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

10 (v) that a person serving a sentence for
11 gunrunning, narcotics racketeering, controlled
12 substance trafficking, methamphetamine trafficking,
13 drug-induced homicide, aggravated
14 methamphetamine-related child endangerment, money
15 laundering pursuant to clause (c) (4) or (5) of Section
16 29B-1 of the Criminal Code of 1961, or a Class X felony
17 conviction for delivery of a controlled substance,
18 possession of a controlled substance with intent to
19 manufacture or deliver, calculated criminal drug
20 conspiracy, criminal drug conspiracy, street gang
21 criminal drug conspiracy, participation in
22 methamphetamine manufacturing, aggravated
23 participation in methamphetamine manufacturing,
24 delivery of methamphetamine, possession with intent to
25 deliver methamphetamine, aggravated delivery of
26 methamphetamine, aggravated possession with intent to

1 deliver methamphetamine, methamphetamine conspiracy
2 when the substance containing the controlled substance
3 or methamphetamine is 100 grams or more shall receive
4 no more than 7.5 days good conduct credit for each
5 month of his or her sentence of imprisonment; and

6 (vi) that a prisoner serving a sentence for a
7 second or subsequent offense of luring a minor shall
8 receive no more than 4.5 days of good conduct credit
9 for each month of his or her sentence of imprisonment.

10 (2.1) For all offenses, other than those enumerated in
11 subdivision (a)(2)(i), (ii), or (iii) committed on or after
12 June 19, 1998 or subdivision (a)(2)(iv) committed on or
13 after June 23, 2005 (the effective date of Public Act
14 94-71) or subdivision (a)(2)(v) committed on or after
15 August 13, 2007 (the effective date of Public Act 95-134)
16 or subdivision (a)(2)(vi) committed on or after June 1,
17 2008 (the effective date of Public Act 95-625), and other
18 than the offense of reckless homicide as defined in
19 subsection (e) of Section 9-3 of the Criminal Code of 1961
20 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, the rules and regulations shall
26 provide that a prisoner who is serving a term of

1 imprisonment shall receive one day of good conduct credit
2 for each day of his or her sentence of imprisonment or
3 recommitment under Section 3-3-9. Each day of good conduct
4 credit shall reduce by one day the prisoner's period of
5 imprisonment or recommitment under Section 3-3-9.

6 (2.2) A prisoner serving a term of natural life
7 imprisonment or a prisoner who has been sentenced to death
8 shall receive no good conduct credit.

9 (2.3) The rules and regulations on early release shall
10 provide that a prisoner who is serving a sentence for
11 reckless homicide as defined in subsection (e) of Section
12 9-3 of the Criminal Code of 1961 committed on or after
13 January 1, 1999, or aggravated driving under the influence
14 of alcohol, other drug or drugs, or intoxicating compound
15 or compounds, or any combination thereof as defined in
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code, shall receive
18 no more than 4.5 days of good conduct credit for each month
19 of his or her sentence of imprisonment.

20 (2.4) The rules and regulations on early release shall
21 provide with respect to the offenses of aggravated battery
22 with a machine gun or a firearm equipped with any device or
23 attachment designed or used for silencing the report of a
24 firearm or aggravated discharge of a machine gun or a
25 firearm equipped with any device or attachment designed or
26 used for silencing the report of a firearm, committed on or

1 after July 15, 1999 (the effective date of Public Act
2 91-121), that a prisoner serving a sentence for any of
3 these offenses shall receive no more than 4.5 days of good
4 conduct credit for each month of his or her sentence of
5 imprisonment.

6 (2.5) The rules and regulations on early release shall
7 provide that a prisoner who is serving a sentence for
8 aggravated arson committed on or after July 27, 2001 (the
9 effective date of Public Act 92-176) shall receive no more
10 than 4.5 days of good conduct credit for each month of his
11 or her sentence of imprisonment.

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

1 sexual assault, aggravated criminal sexual abuse,
2 aggravated indecent liberties with a child, indecent
3 liberties with a child, child pornography, heinous
4 battery, aggravated battery of a spouse, aggravated
5 battery of a spouse with a firearm, stalking, aggravated
6 stalking, aggravated battery of a child, endangering the
7 life or health of a child, or cruelty to a child.
8 Notwithstanding the foregoing, good conduct credit for
9 meritorious service shall not be awarded on a sentence of
10 imprisonment imposed for conviction of: (i) one of the
11 offenses enumerated in subdivision (a)(2)(i), (ii), or
12 (iii) when the offense is committed on or after June 19,
13 1998 or subdivision (a)(2)(iv) when the offense is
14 committed on or after June 23, 2005 (the effective date of
15 Public Act 94-71) or subdivision (a)(2)(v) when the offense
16 is committed on or after August 13, 2007 (the effective
17 date of Public Act 95-134) or subdivision (a)(2)(vi) when
18 the offense is committed on or after June 1, 2008 (the
19 effective date of Public Act 95-625), (ii) reckless
20 homicide as defined in subsection (e) of Section 9-3 of the
21 Criminal Code of 1961 when 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, (iii)

1 one of the offenses enumerated in subdivision (a) (2.4) when
2 the offense is committed on or after July 15, 1999 (the
3 effective date of Public Act 91-121), or (iv) aggravated
4 arson when the offense is committed on or after July 27,
5 2001 (the effective date of Public Act 92-176).

6 The Director shall not award good conduct credit for
7 meritorious service under this paragraph (3) to an inmate
8 unless the inmate has served a minimum of 60 days of the
9 sentence; except nothing in this paragraph shall be
10 construed to permit the Director to extend an inmate's
11 sentence beyond that which was imposed by the court. Prior
12 to awarding credit under this paragraph (3), the Director
13 shall make a written determination that the inmate:

14 (A) is eligible for good conduct credit for
15 meritorious service;

16 (B) has served a minimum of 60 days, or as close to
17 60 days as the sentence will allow; and

18 (C) has met the eligibility criteria established
19 by rule.

20 The Director shall determine the form and content of
21 the written determination required in this subsection.

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 August 13, 2007 (the
17 effective date of Public Act 95-134) or subdivision
18 (a)(2)(vi) when the offense is committed on or after June
19 1, 2008 (the effective date of Public Act 95-625), or if
20 convicted of reckless homicide as defined in subsection (e)
21 of Section 9-3 of the Criminal Code of 1961 if the offense
22 is committed on or after January 1, 1999, or aggravated
23 driving under the influence of alcohol, other drug or
24 drugs, or intoxicating compound or compounds, or any
25 combination thereof as defined in subparagraph (F) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

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

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

26 Availability of these programs shall be subject to the

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

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

1 revoked.

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

1 may be eligible for a waiver and receive good conduct
2 credit under clause (3) of this subsection (a) at the
3 discretion of the Director.

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

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 not less than 14
21 days prior to the date of the release to the State's
22 Attorney of the county where the prosecution of the inmate
23 took place, and if applicable, the State's Attorney of the
24 county into which the inmate will be released.

25 (b) Whenever a person is or has been committed under
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and
2 forfeiting of good time.

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

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

1 Department.

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

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

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

1 prisoner.

2 For purposes of this subsection (d):

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

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

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

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

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

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

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

1 of the Code of Criminal Procedure of 1963, a habeas corpus
2 action under Article X of the Code of Civil Procedure or
3 under federal law (28 U.S.C. 2254), a petition for claim
4 under the Court of Claims Act, an action under the federal
5 Civil Rights Act (42 U.S.C. 1983), or a second or
6 subsequent petition for post-conviction relief under
7 Article 122 of the Code of Criminal Procedure of 1963
8 whether filed with or without leave of court or a second or
9 subsequent petition for relief from judgment under Section
10 2-1401 of the Code of Civil Procedure.

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

13 (f) Whenever the Department is to release any inmate who
14 has been convicted of a violation of an order of protection
15 under Section 12-30 of the Criminal Code of 1961, earlier than
16 it otherwise would because of a grant of good conduct credit,
17 the Department, as a condition of such early release, shall
18 require that the person, upon release, be placed under
19 electronic surveillance as provided in Section 5-8A-7 of this
20 Code.

21 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,
22 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,
23 eff. 5-8-06; 95-134, eff. 8-13-07; 95-585, eff. 6-1-08; 95-625,
24 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
25 eff. 8-21-08.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.