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1 AMENDMENT TO SENATE BILL 1013

2 AMENDMENT NO. _____. Amend Senate Bill 1013 by replacing
3 everything after the enacting clause with the following:

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

1 June 23, 2005 (the effective date of Public Act 94-71) or
2 with respect to offense listed in clause (vi) committed on
3 or after June 1, 2008 (the effective date of Public Act
4 95-625) or with respect to the offense of being an armed
5 habitual criminal committed on or after August 2, 2005 (the
6 effective date of Public Act 94-398) or with respect to the
7 offenses listed in clause (v) of this paragraph (2)
8 committed on or after August 13, 2007 (the effective date
9 of Public Act 95-134), the following:

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

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

26 (iii) that a prisoner serving a sentence for home

1 invasion, armed robbery, aggravated vehicular
2 hijacking, aggravated discharge of a firearm, or armed
3 violence with a category I weapon or category II
4 weapon, when the court has made and entered a finding,
5 pursuant to subsection (c-1) of Section 5-4-1 of this
6 Code, that the conduct leading to conviction for the
7 enumerated offense resulted in great bodily harm to a
8 victim, 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 (iv) that a prisoner serving a sentence for
12 aggravated discharge of a firearm, whether or not the
13 conduct leading to conviction for the offense resulted
14 in great bodily harm to the victim, shall receive no
15 more than 4.5 days of good conduct credit for each
16 month of his or her sentence of imprisonment;

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

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

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

17 (2.1) For all offenses, other than those enumerated in
18 subdivision (a)(2)(i), (ii), or (iii) committed on or after
19 June 19, 1998 or subdivision (a)(2)(iv) committed on or
20 after June 23, 2005 (the effective date of Public Act
21 94-71) or subdivision (a)(2)(v) committed on or after
22 August 13, 2007 (the effective date of Public Act 95-134)
23 or subdivision (a)(2)(vi) committed on or after June 1,
24 2008 (the effective date of Public Act 95-625), and other
25 than the offense of reckless homicide as defined in
26 subsection (e) of Section 9-3 of the Criminal Code of 1961

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

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

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

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

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

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

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof as defined in subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of the
5 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
6 predatory criminal sexual assault of a child, aggravated
7 criminal sexual assault, criminal sexual assault, deviate
8 sexual assault, aggravated criminal sexual abuse,
9 aggravated indecent liberties with a child, indecent
10 liberties with a child, child pornography, heinous
11 battery, aggravated battery of a spouse, aggravated
12 battery of a spouse with a firearm, stalking, aggravated
13 stalking, aggravated battery of a child, endangering the
14 life or health of a child, or cruelty to a child.
15 Notwithstanding the foregoing, good conduct credit for
16 meritorious service shall not be awarded on a sentence of
17 imprisonment imposed for conviction of: (i) one of the
18 offenses enumerated in subdivision (a)(2)(i), (ii), or
19 (iii) when the offense is committed on or after June 19,
20 1998 or subdivision (a)(2)(iv) when the offense is
21 committed on or after June 23, 2005 (the effective date of
22 Public Act 94-71) or subdivision (a)(2)(v) when the offense
23 is committed on or after August 13, 2007 (the effective
24 date of Public Act 95-134) or subdivision (a)(2)(vi) when
25 the offense is committed on or after June 1, 2008 (the
26 effective date of Public Act 95-625), (ii) reckless

1 homicide as defined in subsection (e) of Section 9-3 of the
2 Criminal Code of 1961 when the offense is committed on or
3 after January 1, 1999, or aggravated driving under the
4 influence of alcohol, other drug or drugs, or intoxicating
5 compound or compounds, or any combination thereof as
6 defined in subparagraph (F) of paragraph (1) of subsection
7 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
8 one of the offenses enumerated in subdivision (a)(2.4) when
9 the offense is committed on or after July 15, 1999 (the
10 effective date of Public Act 91-121), or (iv) aggravated
11 arson when the offense is committed on or after July 27,
12 2001 (the effective date of Public Act 92-176).

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

21 (A) is eligible for good conduct credit for
22 meritorious service;

23 (B) has served a minimum of 60 days, or as close to
24 60 days as the sentence will allow; and

25 (C) has met the eligibility criteria established
26 by rule.

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

3 (4) The rules and regulations shall also provide that
4 the good conduct credit accumulated and retained under
5 paragraph (2.1) of subsection (a) of this Section by any
6 inmate during specific periods of time in which such inmate
7 is engaged full-time in substance abuse programs,
8 correctional industry assignments, or educational programs
9 provided by the Department under this paragraph (4) and
10 satisfactorily completes the assigned program as
11 determined by the standards of the Department, shall be
12 multiplied by a factor of 1.25 for program participation
13 before August 11, 1993 and 1.50 for program participation
14 on or after that date. However, no inmate shall be eligible
15 for the additional good conduct credit under this paragraph
16 (4) or (4.1) of this subsection (a) while assigned to a
17 boot camp or electronic detention, or if convicted of an
18 offense enumerated in subdivision (a)(2)(i), (ii), or
19 (iii) of this Section that is committed on or after June
20 19, 1998 or subdivision (a)(2)(iv) of this Section that is
21 committed on or after June 23, 2005 (the effective date of
22 Public Act 94-71) or subdivision (a)(2)(v) of this Section
23 that is committed on or after August 13, 2007 (the
24 effective date of Public Act 95-134) or subdivision
25 (a)(2)(vi) when the offense is committed on or after June
26 1, 2008 (the effective date of Public Act 95-625), or if

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

24 Educational, vocational, substance abuse and
25 correctional industry programs under which good conduct
26 credit may be increased under this paragraph (4) and

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

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

19 (4.1) The rules and regulations shall also provide that
20 an additional 60 days of good conduct credit shall be
21 awarded to any prisoner who passes the high school level
22 Test of General Educational Development (GED) while the
23 prisoner is incarcerated. The good conduct credit awarded
24 under this paragraph (4.1) shall be in addition to, and
25 shall not affect, the award of good conduct under any other
26 paragraph of this Section, but shall also be pursuant to

1 the guidelines and restrictions set forth in paragraph (4)
2 of subsection (a) of this Section. The good conduct credit
3 provided for in this paragraph shall be available only to
4 those prisoners who have not previously earned a high
5 school diploma or a GED. If, after an award of the GED good
6 conduct credit has been made and the Department determines
7 that the prisoner was not eligible, then the award shall be
8 revoked.

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

1 prisoner shall be placed on a waiting list under criteria
2 established by the Department. The Director may allow a
3 prisoner placed on a waiting list to participate in and
4 complete a substance abuse education class or attend
5 substance abuse self-help meetings in lieu of a substance
6 abuse treatment program. A prisoner on a waiting list who
7 is not placed in a substance abuse program prior to release
8 may be eligible for a waiver and receive good conduct
9 credit under clause (3) of this subsection (a) at the
10 discretion of the Director.

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

23 (5) Whenever the Department is to release any inmate
24 earlier than it otherwise would because of a grant of good
25 conduct credit for meritorious service given at any time
26 during the term, the Department shall give reasonable

1 ~~advance~~ notice of the impending release not less than 14
2 days prior to the date of the release to the State's
3 Attorney of the county where the prosecution of the inmate
4 took place, and if applicable, the State's Attorney of the
5 County into which the inmate will be released.

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

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

16 When the Department seeks to revoke, suspend or reduce the
17 rate of accumulation of any good conduct credits for an alleged
18 infraction of its rules, it shall bring charges therefor
19 against the prisoner sought to be so deprived of good conduct
20 credits before the Prisoner Review Board as provided in
21 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
22 amount of credit at issue exceeds 30 days or when during any 12
23 month period, the cumulative amount of credit revoked exceeds
24 30 days except where the infraction is committed or discovered
25 within 60 days of scheduled release. In those cases, the
26 Department of Corrections may revoke up to 30 days of good

1 conduct credit. The Board may subsequently approve the
2 revocation of additional good conduct credit, if the Department
3 seeks to revoke good conduct credit in excess of 30 days.
4 However, the Board shall not be empowered to review the
5 Department's decision with respect to the loss of 30 days of
6 good conduct credit within any calendar year for any prisoner
7 or to increase any penalty beyond the length requested by the
8 Department.

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

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of good conduct credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of Corrections,
23 or the Prisoner Review Board, or against any of their officers
24 or employees, and the court makes a specific finding that a
25 pleading, motion, or other paper filed by the prisoner is
26 frivolous, the Department of Corrections shall conduct a

1 hearing to revoke up to 180 days of good conduct credit by
2 bringing charges against the prisoner sought to be deprived of
3 the good conduct credits before the Prisoner Review Board as
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
5 If the prisoner has not accumulated 180 days of good conduct
6 credit at the time of the finding, then the Prisoner Review
7 Board may revoke all good conduct credit accumulated by the
8 prisoner.

9 For purposes of this subsection (d):

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

14 (A) it lacks an arguable basis either in law or in
15 fact;

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

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

24 (D) the allegations and other factual contentions
25 do not have evidentiary support or, if specifically so
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further
2 investigation or discovery; or

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

7 (2) "Lawsuit" means a motion pursuant to Section 116-3
8 of the Code of Criminal Procedure of 1963, a habeas corpus
9 action under Article X of the Code of Civil Procedure or
10 under federal law (28 U.S.C. 2254), a petition for claim
11 under the Court of Claims Act, an action under the federal
12 Civil Rights Act (42 U.S.C. 1983), or a second or
13 subsequent petition for post-conviction relief under
14 Article 122 of the Code of Criminal Procedure of 1963
15 whether filed with or without leave of court or a second or
16 subsequent petition for relief from judgment under Section
17 2-1401 of the Code of Civil Procedure.

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

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

1 Code.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".